

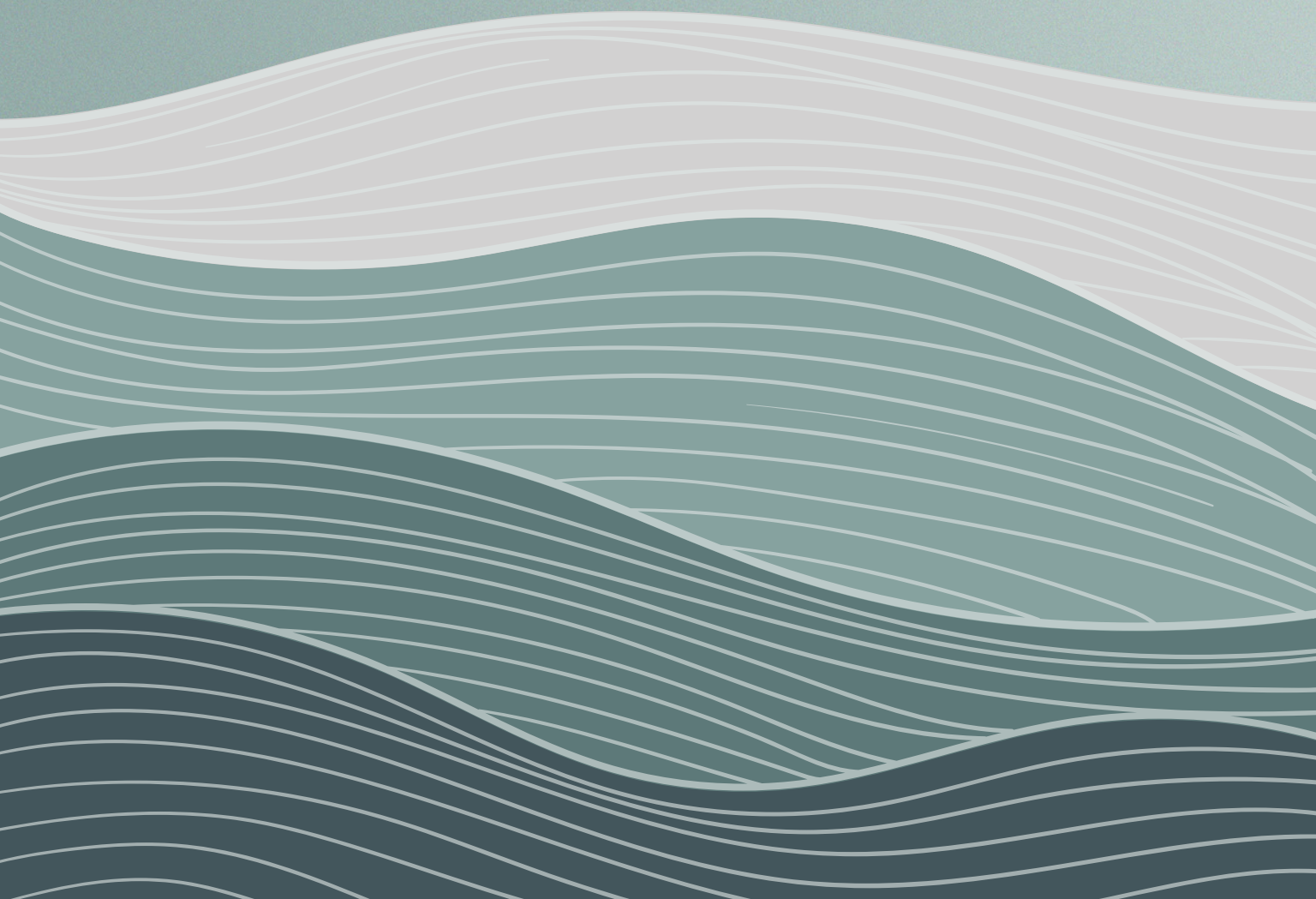
The Joint Federal/Provincial  
Commission into the April 2020  
Nova Scotia Mass Casualty

**MASS  
CASUALTY  
COMMISSION**

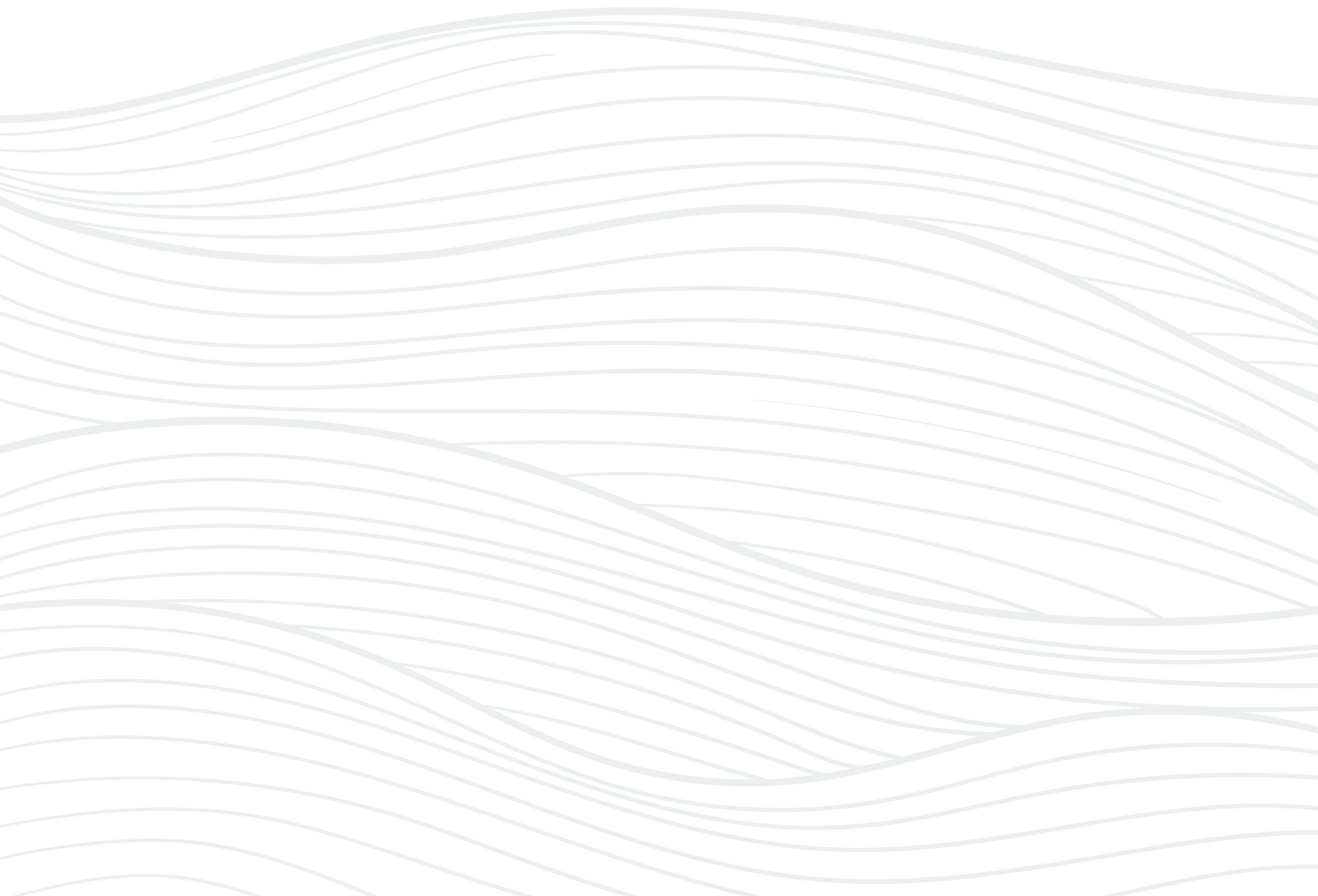
# Turning the Tide Together

**FINAL REPORT OF THE  
MASS CASUALTY COMMISSION**

**Annex B**  
Reports



# Turning the Tide Together







The Joint Federal/Provincial  
Commission into the April 2020  
Nova Scotia Mass Casualty

**MASS  
CASUALTY  
COMMISSION**

# Turning the Tide Together

**FINAL REPORT OF THE  
MASS CASUALTY COMMISSION**

March 2023

**Annex B**  
Reports

**THE JOINT FEDERAL / PROVINCIAL COMMISSION  
INTO THE APRIL 2020 NOVA SCOTIA MASS CASUALTY**

**Honourable J. Michael MacDonald**  
Commissioner, Chair

**Leanne J. Fitch (Ret. Police Chief, M.O.M.)**  
Commissioner

**Dr. Kim Stanton**  
Commissioner

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The Joint Federal / Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty

*Turning the Tide Together:*  
*Final Report of the Mass Casualty Commission*  
Annex B: Reports.

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This is Annex B of *Turning the Tide Together: Final Report of the Mass Casualty Commission*.

The full report is available in [English](https://MassCasualtyCommission.ca) (<https://MassCasualtyCommission.ca>) and [French](https://commissiondespertesmassives.ca) (<https://commissiondespertesmassives.ca>) along with transcripts, exhibits, webcasts, and reports prepared by or for the Commission.



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# Purpose and Approach



## Purpose and Approach

This volume is a compilation of the reports prepared for the Commission by both outside authors and the Commission itself. Most of these reports provided the Participants, the Commissioners, and the general public with research-based information on matters relevant to the Commission's mandate and were shared during the public proceedings. This volume also includes reports on public engagement and community-based initiatives undertaken by, or with the support of, the Commission. Several of the reports that appear in this volume were completed following the close of public proceedings.

Parts A and B of this volume are made up of expert and technical reports. Research-based expert reports that were commissioned met or exceeded the standards of Canadian law with respect to expert evidence, including in relation to the independence of the report writer and the reliability of the research methodologies used. These reports have not been edited or formatted to conform with the style of the Commission's Final Report.

Part C contains the environmental scan of prior recommendations and four separate summaries of international reports prepared by the Commission.

The environmental scan brings together recommendations from 65 previous reviews in Canada relating to the matters identified in the Commission's mandate. The scope of the scan included reports of commissions of inquiry; reports of government standing committees, law reform commissions, and government-commissioned evaluations and reviews; reports of the Civilian Review and Complaints Commission for the RCMP; and reports of coroner's inquests. The reviews are grouped thematically and, within each group, are listed in chronological order. The Commission also prepared a summary and analysis of the recommendations generated in response to the March 2019 terrorist attack on Christchurch Masjidain in New Zealand, the 2011 Oslo and Utøya mass casualty in Norway, three mass casualties in the United Kingdom (1987 Hungerford shooting, 1996 Dunblane shooting, and 2010 Cumbria shootings), and the 2016 Orlando Pulse Nightclub shooting in the United States.



In addition, the expert report by Jude McCulloch and JaneMaree Maher, in Part A, provides an extensive discussion of the reports prepared after the 2014 Sydney hostage crisis, also known as the Lindt Café siege, in Australia.

Part D contains reports on four initiatives designed or supported by the Commission to gather information and perspectives from members of a range of communities. The first of these reports is “Share Your Experience.” In early 2022, the Commission invited people from the communities where the mass casualty took place, from across Nova Scotia, and from the rest of Canada and beyond to contribute by sharing how the mass casualty affected or continued to affect them. We named this project “Share Your Experience.” The more than 900 responses received helped us to understand the broader effects of the mass casualty. “Share Your Experience: Summary of Responses” summarizes and analyzes these responses.

During its final phase of work, the Commission hosted a number of safety-related conversations in communities most affected by the mass casualty along with a series of consultations with representatives from stakeholder organizations. The community conversations recognized that individual community members are subject-matter experts on how to assure community safety. Through these facilitated conversations, we learned more about how the mass casualty affected feelings of safety, day-to-day, and heard perspectives on how to keep communities safer in the future. Stakeholder consultations acknowledged the role played by a wide range of governmental and non-governmental organizations in community safety and well-being. The Commission convened consultations with stakeholders on five topics: gender-based and intimate partner violence; early childhood education and youth education on community safety; support services in rural communities; safety in rural communities; and safety in Indigenous communities. Reports on these two initiatives are included in Part D.

Part D also includes a report prepared by the Halifax-based Avalon Sexual Assault Centre on its community engagement work with marginalized communities targeted by the perpetrator. Avalon is a community-based organization and was a Participant at the Commission (in coalition with Women’s Legal Education and Action Fund (LEAF) and Wellness Within). Avalon designed and implemented a process to create culturally responsive safe spaces in which members of these communities could share information with the Commission on a confidential basis. Its report presents the themes identified by survivors of violence, including experiences with the perpetrator, and recommendations.

These reports are also available on the Commission website:

<https://masscasualtycommission.ca/documents/commissioned-reports/>.







# Part A: Expert Reports





**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Critical Incident Decision Making:  
Challenges of Managing Unique and  
High-Consequence Events**

**Laurence Alison**  
University of Liverpool

**Neil Shortland**  
University of  
Massachusetts Lowell

May 2022

[masscasualtycommission.ca](http://masscasualtycommission.ca)

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## **I. Introduction**

This report addresses decision-making in the context of high-stakes critical incidents. We define critical incidents as events in which demands exceed resources, where there is high uncertainty, dynamic and fast-moving goals, and high stakes. Critical incident decision-making (CIDM) is highly complex because many critical incidents have no analogue, and thus there is no direct prior experience for decision-makers to draw upon.

### **1. Overview of Critical Incident Decision Making (CIDM)**

This section introduces two broad categories of decision-making theory and identifies their limitations in the context of critical incident decision-making (CIDM). The first category is traditional or normative decision-making. Traditional theories of decision-making (also called “normative”) have been under development for over three hundred years and have their roots in economics, philosophy, and mathematics (Doyle & Thomason, 1999). The traditional approach is analytical, in that it assumes decisions are made through a process of logical (i.e., unbiased) probabilistic analysis. This approach has been characterized by the following main concepts (Funder, 1987; Gigerenzer & Todd, 1999):

1. There is a choice between multiple available alternatives;
2. Decisions are the result of a deliberate analytical process that involves a comprehensive search for information that culminates in optimal performance; and
3. Models can be developed and tested quantitatively that will predict decision-making.

A second approach, outlined in more detail below, is naturalistic decision-making (NDM), which is driven by the idea that we choose “workable” solutions and do not always compare options in parallel. Whereas traditional theories of decision-making have assisted psychologists in understanding decision-making in closed or laboratory environments, NDM focuses on decision-making in the “real world” (Alison, Power, et al., 2015). As argued by Gary Klein,

So by 1989, it was fairly clear how people didn't make decisions. They didn't generate alternative options and compare them on the same set of evaluation dimensions. They did not generate probability and utility estimates for different courses of action and elaborate these into decision trees. Even when they did compare options, they rarely employed systematic evaluation techniques (Klein, 2008: 456).

## Critical Incident Decision-Making

Although there are many different NDM models (see Lipshitz, 1993 for an outline of numerous examples), recognition-primed decision-making (RPD) (Klein, 1993; Klein, 1998) is viewed as “prototypical” (Lipshitz, Klein, et al., 2001). Recognition-primed decision-making developed serendipitously to explain research on how fire commanders made decisions under time pressure and high uncertainty (see Klein, Calderwood, & Macgregor, 1989). RPD involves experts recognizing a type of problem quickly (certainly more quickly than novices), based on their experience of dealing with such events in the past.

Klein and colleagues figured that time constraints would cause commanders to refrain from identifying and analyzing all available courses of action and instead generate only a small number of options, comparing a favored option and an alternative before making a decision. The reality was even starker: the commanders often carried out the first course of action they identified. Rather than deliberating about the advantages and disadvantages of different options, they “relied on their abilities to recognize and appropriately classify a situation... Once the fireground commanders knew it was ‘that’ type of case, they usually also knew the typical way of reacting to it” (Klein, 1998: 49). Emanating from this idea that a decision-maker sizes up a situation and responds with the first course of action generated comes the key insight of the RPD model: the more “expertise” an individual has, the more feasible that first option will be (Klein, Orasanu, et al., 1993).

The problem with both traditional decision-making and recognition-primed decision-making models is that they struggle to explain decision-making when two conditions are present:

- (1) There is no clear “best” or “workable” course of action, and
- (2) The decision-maker is faced with a novel experience or problem and thus has no prior analogies to guide their decision-making.

Our own work has reinforced that in many cases, these two conditions are indeed present during critical incidents and decisions that involve high uncertainty (see Alison, Palasinski, et al., 2017; Shortland, Alison, & Moran, 2019). As such, we have often found it useful to frame the process of CIDM not as a process of selecting the “best” outcome but as a process of calculating the “least bad” outcome. Most options are high-risk, most will carry negative consequences, and many will be immutable and irreversible once committed to (Alison & Crego, 2008; Shortland & Alison, 2020; van den Heuvel, Alison & Crego, 2012). As this report will address, the main challenges faced by critical incident decision-makers often relate to failures to make decisions in time or at

all. Our work focuses on the processes that contribute to delayed decision-making and implementation.

Over the past several decades, our work has begun to identify common psychological factors that play a role in the ability of decision-makers to make decisions during critical incidents (Alison & Crego, 2008; Alison, van den Heuvel, et al., 2013; Alison, Power, et al., 2015; Alison, Palasinski, et al., 2017; Power & Alison, 2017; Shortland & Alison, 2020; Shortland, Alison, & Moran, 2019; van den Heuvel, Alison & Crego, 2012; van den Heuvel, Alison & Power, 2014). These range from individual factors (stress and strain) to organizational factors (communication complexity and barriers to effective teamwork). We have identified “decision inertia” (discussed further below) as a common outcome of these psychological and organizational factors. These factors, which will be outlined more fully below, include:

- **Stress:** Critical incidents place decision-makers under immense stress and strain. These include cognitive and physical stressors.
- **Communication Complexity:** Critical incidents often involve multiple agencies. The need to communicate across different agencies, across various locations, places unique pressures on decision-makers.
- **Inertia Traps:** Critical incidents create inertia traps in which individuals find themselves prone to failing to act, in time, or at all.

Take home points:

1. CIDM is highly complex because (a) many critical incidents have no “best” options, and (b) decision-makers often have no analogue for the event and thus no direct prior experience to draw upon (Alison & Crego, 2008; Alison, Doran, et al., 2013).
2. As a result, traditional and recognition-primed models of decision-making, which may be useful in other contexts, are less relevant to CIDM (Shortland, Alison & Moran, 2019 Shortland & Alison, 2020).
3. Instead of focusing only on how people make decisions, in CIDM it is equally important to look at how people do *not* make decisions in time or at all, and what derails their decision-making processes (i.e., they lose focus on a key goal or outcome and get distracted or diverted onto other less critically pressing aspects of the response) (Alison, Palasinski, et al., 2017; 2018; van den Heuvel, Alison & Crego, 2012).

## 2. Idealized Decision-Making Processes

Effective CIDM is based on several pillars. Our previous work has outlined several of these pillars and, critically, the differences between expert and novice decision-makers (Alison & Shortland, 2022; Shortland, Alison, & Moran 2019; van den Heuvel, Alison & Crego, 2012). The

## Critical Incident Decision-Making

observations below are based on both our empirical research and decades of observing, conducting, and evaluating CIDM training nationally and internationally with emergency services, military, and other populations who make high-stakes decisions. Based on our research and experience the pillars of CIDM are:

- **Situational Awareness:** Poor outcomes are often the result of decision-makers pinning a diagnosis on either a one-and-only plausible explanation or, at the other extreme, a proliferation of different models that becomes unwieldy. Novices either do too little or too much; elite decision-makers, by contrast, have enough but not too many ideas about what is going on (Hoffman, Ward et al., 2013).
- **Time Management:** Elite decision-makers ask themselves this crucial question: “Do I need to decide this now?” If the answer is yes, they commit to a course of action. If it’s no, they seek more information to further clarify what they are dealing with. Novice-decision makers fail to make effective use of time: either they act too slowly, or they act too quickly.
- **Interrogating Assumptions:** Expert decision-makers adapt their perception of a situation as new information emerges. They are what we call “fluid thinkers,” and they can move on quickly and test hypotheses. Novices tend not to examine questions or consider alternatives.
- **Revision and Resilience:** Elite decision-makers revise their course of action based on new perceptions of the situation, even when that revision might not be popular with others around them.

#### *A. Endogenous and Exogenous Uncertainty*

The difficulty of CIDM often stems from the high degree of uncertainty that exists in a critical incident. We consider two forms of uncertainty in our work: endogenous uncertainty and exogenous uncertainty (Alison, Power, et al., 2015). In the context of critical incident decision-making, endogenous uncertainty stems from uncertainty about the event itself (Klein, 1993). In other words, endogenous uncertainty stems from not knowing what is going on in a situation, and it limits the ability of decision-makers to know (1) what options are available and (2) what the consequences of those actions will be (see also Waring, Alison, et al., 2020). Sources of endogenous uncertainty during a critical incident may include time pressure; sparse, ambiguous, or contradictory information; or information that is novel or overwhelming (Oransanu & Connolly, 1993; see also Alison, Power, et al., 2015).

The second form of uncertainty, exogenous uncertainty, stems from the surrounding management and team process (van den Heuvel, Alison, & Power, 2014). It is uncertainty “about the operating system responding to the decision problem” (van den Heuvel, Alison, & Power,



2014: 4). Sources of endogenous uncertainty can be a lack of clarity about the roles and expectations of oneself and others (Alison, Power, et al., 2015).

### *B. Situational Awareness*

Situational awareness (SA) is “the perception of the elements in the environment within a volume of time and space, the comprehension of their meaning and the projection of their status in the near future” (Endsley, 1988). Put simply, situational awareness is a state in which individuals (1) understand the elements in their environment, (2) understand the relationship of those elements to each other, and (3) use this understanding to guide their behavior. Endogenous uncertainty thus directly impacts the ability of decision-makers to develop situational awareness.

Endsley (1995a) proposed one of the most cited models of situational awareness. The model seeks to “explain dynamic goal selection, attention to appropriate critical cues, expectancies regarding future states of the situation, and the tie between situation awareness and typical actions” (Endsley, 1995a: 34). Endsley proposed the following three steps to understanding a situation:

1. **Perceiving the Environment:** The first step in developing situational awareness is to perceive “the status, attributes, and dynamics of relevant elements in the environment.” (Endsley, 1995a: 36). This entails getting the best information possible on the relevant attributes of the environment. It requires the decision-maker to ask, “Which bits of the environment are useful/important?” In a critical incident, this may involve accurate data on the location, type, number, capabilities, and dynamics of any threats in a given area, or the number of casualties.
2. **Comprehending the Situation:** The second stage is to comprehend the situation. This requires synthesis of the elements collected at stage 1 in order to form a holistic picture of the environment. At this stage, in line with Gestalt principles, the decision-maker “goes beyond simply being aware of the elements that are present to include an understanding of the significance of those elements in light of pertinent operator goals.” (Endsley, 1995a: 37). This is the sense-making component of situational awareness. It requires the decision-maker to ask, “What do these clues mean for my assessment of what is going on?”
3. **Projecting:** The final stage of situational awareness is the “ability to project the future actions of the elements in the environment, at least in the very near term” (Endsley, 1993: 37). This entails being able to predict the outcomes of a choice given the known causes of current elements within the situation. Here, the decision-maker asks, “If X is happening, what will happen next? And/or if I choose to do ‘X’, what will happen next?”

High uncertainty makes decision-making incredibly difficult because decision-makers are unable to answer three core questions:

## Critical Incident Decision-Making

1. What is happening in this situation?
2. What can I do and what will happen if I do it?
3. What value /outcome is the most important to me?

The following “bomb” hypothetical illustrates how decision-making difficulty increases when additional elements of uncertainty are layered into a problem. In the example, the decision-maker is tasked with disabling a bomb by cutting either a red wire or a blue wire. In a straightforward task, this decision is easy: “cut the red wire and disable the bomb.” In a more uncertain task, this becomes more difficult: “Cutting the red wire, or the blue wire, may, or may not defuse the bomb.” Furthermore, this decision is significantly more difficult if the decision-maker is faced with uncertainty as to which goal is most important among several goals. For instance, difficulty is increased if the decision-maker must also decide which is more important: attempting to defuse the bomb (even if it goes off), trying to save nearby civilians, or accepting that the bomb may go off, or placing the decision-maker’s own forces at risk of being killed if they cut the wrong wire.

When looking at a decision from the perspectives above, we can understand the difficulty of a situation by counting the number of “difficulty buttons” present in the situation. Obviously, it is not as simple as the more “difficulty buttons,” the harder the decision – because in some cases, the presence of one single factor can be enough to decide difficulty. But in general, the more factors present, the more challenging the decision is likely to be. The following list identifies factors that tend to increase the difficulty of a given decision:

- Are the outcomes serious and/or immutable?
- Are there too few/too many options?
- Is there uncertainty, time pressure, and high emotions?
- Is it difficult to know what is going to happen next?
- Is it unclear what the “best” option is?
- Is it unclear how the decision-maker will feel about the outcomes of the decision?
- Are people giving opposing advice?
- Is it unclear what the task/options are?
- Is it uncertain what will happen if the decision-maker chooses option A/B?
- Does the decision-maker know what the most important value is?

## II. Detrimental Tendencies in Critical Incident Decision-Making

In our experience of documenting CIDM both in immersive simulated environments and post-event, there are two tendencies that frequently inhibit decision-makers from accurately assessing critical incidents and considering all possible options: (1) over-reliance on analogies and (2) an inability to imagine “grim stories.” We outline both challenges below.

### 1. Over-Reliance on Analogies

Psychologists agree that there are several different cognitive strategies that people use to make decisions. One of the most common forms of decision-making is to use experience to guide our perceptions and course of action. This simple decision rule can be roughly defined as “Did what I did last time work?” If the answer is “yes,” do it again. If the answer is “no,” do something else. Such a strategy is incredibly useful and indeed in many cases can help us quickly and effectively make the right decision. Psychologists have called this tendency “analogical decision-making” and it involves using analogies between past events and the present to help predict what will result from a given decision (Houghton, 1996).

Analogies are powerful decision-making tools. They can in some circumstances provide insight into an uncertain situation by allowing decision-makers to apply what they have learned from similar situations. The problem with an overly analogy-reliant approach in the context of a critical incident is that decision-makers often mistakenly perceive that they are facing a situation they have previously faced when in fact it is a novel situation. In this case, anchoring to “I’ll do what I did last time” is the wrong decision-making strategy and can deter a decision-maker from fully developing situational awareness based on the particulars of the problem at hand. For example, we have in training observed that if we repeat a rhythm of low-risk events for trainees and then suddenly “inject” a high-risk scenario (for example, missing persons), trainees, having “habituated” to low-risk missing persons, are more susceptible to not noticing the high-risk case.<sup>1</sup>

The uniqueness of real-world critical incidents means that training scenarios can rarely be applied in one training event and then the learning from this used as a basis for all subsequent decision-making. For example, in interviews conducted with soldiers regarding their decision-

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<sup>1</sup> This observation is based on delivering countless training exercises to a broad range of law enforcement agencies in the United Kingdom.

## Critical Incident Decision-Making

making in Afghanistan, they often highlighted how the realities and uncertainty of the real world made it difficult to apply their training because the situations they faced were *different enough* from training scenarios to cause doubt (Shortland, Alison, & Moran, 2019). As one of our interviewees recalled:

They train you that, you know, for example, you're doing convoy ops and you get hit with an Improvised Explosive Device (IED). They will literally take a 155-artillery round and they will toss it in the middle of the road with wires hanging out of it, and it is never like that. Never like that. You're never going to see it, you know, um, I would say that they train you that everything is a threat, but realistically, I remember my first couple of times going out, "there's black flags everywhere, what are those," you know, "are they signaling something?" Pigeons, a lot of people had homing pigeons, you know pigeons getting up. Oh, are they signaling the convoy or whatever? And sometimes I think it was, but a lot of times I think it is just pigeons flying around – or they are just flags! So, you know, they train you that the threat ... You know, every single time we train, you always get hit, or someone gets killed, or someone gets shot, you got to react in a different way. So, you know, training perceives it as more often there than it is. I think obviously the threat is there, and you really got to kind of learn it.

## 2. Avoidance of Grim Storytelling

Individuals often fail to imagine what could explain the behaviour they are witnessing. Whether it is intelligence analysts looking at al-Qaeda communications about targeting America or everyday individuals trying to understand why a loved one is suddenly aloof, too often the first instinct is to fall back on the first probable explanation that comes to mind instead of engaging with multiple possible causes. To overcome this tendency, we encourage police officers and those training for critical incident decision-making to imagine the worst-case scenario. We call this cognitively demanding act "grim storytelling." Storytelling is an underutilized method of learning, despite its universality and primality throughout history (Gottschall 2012). The purpose of generating worst-case scenarios in CIDM training is to help practitioners learn how to respond. When cautiously and critically facilitated, learning through grim storytelling helps plan for, adapt to, and recover from traumatic events. It is a powerful learning tool that helps individuals to prepare for scenarios they may be unable to imagine otherwise.

It is important to recognize that imagining the worst-case scenario, does not mean that it is the only plausible scenario. At the other end of the spectrum, an event or behaviour may be completely benign or at least less bad than anticipated. So long as officers recognize that the worst-case scenario is just that – a possibility and not a probability – they can plan accordingly without catastrophizing. Considering worst-case scenarios gives officers a decision-making spectrum and

allows them to consider the options within the widest framework. This is especially important given the tendency to over-rely on seemingly analogous prior experiences, as discussed above. Grim storytelling can prepare decision-makers for the worst, such that if it happens, they can be more fully prepared and more accurately anticipate their next required moves.

In Alison, Shortland, et al. (2022), we have described the remarks of a Senior Police Officer regarding the emergency response to the Lashkar-e-Taiba terrorist attacks in Mumbai in 2008 and what he saw as the many failings of the police response. In addressing what he viewed as “the failings” (his term), he described a failure of imagination. He said, “None of us imagined this could ever happen – so we never trained for it. What we need are foretellers of doom that can imagine such things so that we may learn from them before they happen.” A failure of imagination has also been linked to critical incident preparedness in relation to the 9/11 attacks:

The issue of failing to imagine has previously been associated with a lack of preparedness. Similar accounts were given in the US 9/11 Commission report, which specifically highlights the “failure of imagination” (9/11 Commission, 2004: 336). Recommendations included the intriguing proposition that it is “crucial to find a way of routinizing, even bureaucratizing, the exercise of imagination” (9/11 Commission, 2004: 344). It is interesting to note, however, that despite the significant increase in scholarly research on terrorism after 9/11 (including preparedness and prevention of terrorism, and terrorist adaption (Shuurman, 2018; Wirtz & Rohrbeck, 2017), there has been little research on the role of imagination in predicting, preparing, and responding to acts of terrorism. This is, again, even though imagination in intelligence work has been advocated since the late 1970s (see, for example, Shackle, 1979: 88). Relatedly, even a “post-mortem” analysis of “grim” past threats, like Anthrax (or the September 11 attacks) can yield invaluable insights into other alternative scenarios (Bartlett, 1999) (Alison, Shortland, et al., 2022: np).

In our own research, we have consistently seen that (1) when uncertainty is high during critical incidents, many individuals are unable to engage in the imaginative process of grim storytelling, and furthermore, (2) those who *can* engage in this type of grim storytelling are often able to perform well under such conditions. For example, as part of a recent project on decision-making during medical triage, we interviewed Dr. Kevin Menes, the attending Emergency Room Physician in charge of the Emergency Department the night of the 2017 Las Vegas music festival shooting. When reflecting on how he prepared for his own decision-making (which has been

viewed as central to saving hundreds of lives that night), he has highlighted the importance of thinking ahead and planning for the worst-case scenario.<sup>2</sup>

### 3. Implications for Training and Preparation

In an ideal world, decision-makers would either have rules or protocols for every eventuality and/or always be able to draw upon enough previous similar experiences to be considered “experts” (Matthews, 2013). However, critical incidents are rare and often unique. It is therefore difficult if not impossible to perfectly match any protocol to a singular critical incident, and moreover, there is very little chance any decision-maker involved in the incident will have enough prior similar incidents to draw upon. Decision-makers tend to rely on seemingly analogous previous experiences. Instead, they must learn and practice innovative, creative, and adaptive strategies such as grim storytelling, which can improve their ability to respond to critical incidents (Hoffman, Ward, et al., 2013).

In our view, there has always been insufficient investment in these forms of thinking and training programs. Simple exercises that are repeated frequently can be very helpful. For example, we used a program called “7 at 7” with Merseyside Police in Liverpool, United Kingdom. Three times per week and after a shift, officers would spend seven minutes discussing a difficult case they dealt with that day, seven minutes describing what would have turned it into a critical incident, and then seven minutes discussing what they had now learnt. This 21 minutes, three times per week, was viewed (via survey and focus groups) as a valuable, low-cost way of enabling them to learn and think creatively.<sup>3</sup>

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<sup>2</sup> This very recent interview with Dr. Menes and his team is part of early-stage data-gathering for a forthcoming publication. Some elements of the interview are reflected in a piece co-authored by Menes in which he highlighted the need to “mentally rehearse difficult scenarios ahead of time.” See Menes, Tintinalli, & Plaster, 2017.

<sup>3</sup> The details of this program are in Humann, 2018, an unpublished internal document held by Merseyside Police. See also Barnett & Ceci (2002).

### III. Impact of Acute and Chronic Stressors on CIDM

#### 1. “Fight or Flight” Response

Many of us will have heard of the “fight-or-flight response.” It is defined as the “immediate physiological reaction that occurs when danger or a threat to survival is perceived by an organism” (Milosevic, 2015: 179). Conditions of stress, fear, and uncertainty (those often present in CIDM) often trigger the fight-or-flight response, but the physiological effects of fight-or-flight route blood away from the brain, and that makes it harder to reach a decision (Derakhshan, Mikaeili, et al., 2019). The brain is an organ, and to work, it needs blood; the more work it needs to do, the more blood is required (Ogoh, 2017). That is why psychological researchers often assess neural activity by measuring the flow of blood to brain cells (e.g., through MRI brain scans) (Wang, Rao, et al., 2005). Brain activity is critical in CIDM because it requires cognitively demanding processes (e.g., grim storytelling, described above). The less blood there is available for the brain, the lower its capacity for completing cognitively demanding tasks.

Even stress that is insufficient to cause a fight-or-flight response can negatively affect performance. Acute strain, such as high levels of stress or physical exertion, can still cause “butterflies in the stomach,” blood rushing to your muscles, and feeling “weak in the knees.” Moments of acute strain can lead to the “emotional” brain dominating their decision-making. In such instances, officers can find themselves making catastrophic decisions with long-lasting consequences. In these moments, an officer ideally needs to let their body calm down and come back to the problem when their mind can fully engage with all the dimensions of what is going on (Hoffman, 2012).

It is important to create time where possible. As discussed further below, less effective decision-makers often act either too quickly and jump to conclusions without metaphorically and literally taking a breath, while others take too long and miss the opportunity for effective intervention. Where time is available and a period of short reflection can allow a more accurate view of the incident, it most definitely should be taken. Such cases may involve pausing for minutes rather than hours. While it can take the body over thirty minutes to return to baseline after stress (Shilton, Laycock, & Crewther, 2017), our own research has shown that even three minutes of effective breathing is sufficient to change how someone acts (Shortland, McGarry, et al., 2021). This recent study involved asking participants to make complicated least-worst decisions, but

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before they made the decisions, half of the individuals were given a three-minute mindfulness breathing exercise that allowed them to calm themselves and focus on controlling their emotions. The other half listened to an audiobook excerpt. Those who were asked to breathe and think about how they felt were found to be more approach-orientated during the decision-making process: they wanted to make a positive impact on the situation rather than being cautious and worrying about doing the wrong thing. They were also faster to assess the situation and choose their courses of action (Shortland, McGarry, et al., 2021). Thus, even a few minutes can allow the body to return to a more optimal state and allow for officers to think more calmly through what will happen next, which may save hours of pain later.

## 2. Sleep Deprivation

The fight-or-flight response is one example of when blood temporarily diverts from the brain, but there are other causes of a temporary lower capacity for the brain to handle the cognitive demands of CIDM, most notably sleep deprivation. Critical incident decision-making can often involve long shifts of physical activity with little sleep, sometimes over multiple days. Sleep deprivation has been found to strongly impair human functioning. Research shows that people who operate for long periods of time without sleep are slower to react, make more errors, have trouble recalling stored information, and are less able to maintain attention (Harrison & Horne 2000). Tired people also show decreased neural activity and mental flexibility, as well as difficulties generating new ideas or solutions (Engle-Friedman, 2014). Other research using MRI scans has found that individuals who have been sleep-deprived for 24 hours have reduced blood oxygenation in areas of the frontal and parietal lobes of the brain – areas that we know are critical for action-planning and decision-making (Anderson & Cui, 2009). The frontal lobe of the brain integrates motivation, emotion, somatosensory information, and external sensory information to create unified, goal-directed action (Duncan, Emslie, et al., 1996). It is at the top of the hierarchy of neural structures devoted to the ways we respond to events and decide what to do and is therefore crucial to decision-making. If the processes of the frontal lobe are compromised in some way, the brain cannot make decisions as effectively, and critical incident decision-makers who are called upon to make hard decisions, as described in sections I and II above, are especially adversely affected.

In one study, a group of sleep-deprived soldiers were instructed to fire live ammunition at stationary cardboard targets. This was done on the sixth day of a week-long training activity, and



the students had “been kept busy since day one and were exhausted” (Larsen, 2001: 91). Unbeknownst to the participants, the researchers had swapped out the live ammunition for blanks and swapped the stationary cutouts for real people. When the cadets were given the order to fire what they thought were real lethal bullets, the targets that were meant to be cardboard cut-outs started moving. Sixty per cent of the subjects continued to shoot at the targets, despite the movement of the targets giving away their live status; and of the 40 per cent who noticed the targets were real people and decided not to shoot, only one individual warned the others. The researchers hence concluded that “reduced cognitive ability due to severe stress and sleep deprivation may play an important part in decision-making,” at the same time acknowledging that because of subjects’ awareness of their own sleep deprivation, it was “also possible that some of the students chose to disregard their doubts as to whether or not to fire, believing they were hallucinating” (Larsen, 2001: 96).

### **3. Summary**

We have already noted the challenges to CIDM that stem from the environment of critical incidents. However, as we have outlined above, the environment of CIDM can often pose additional challenges because of the presence of several acute and chronic strains, which make it harder for individuals to make decisions. Stress, with its attendant reduction in complex cognitive processing and narrowing of focus, exacerbates the errors seen in poor decision-making. Both acute, “in-the-moment” stressors (of the incident itself) and more chronic stressors (e.g., poor sleep leading up to and throughout a critical incident) can impact a decision-maker’s ability to effectively manage the incident.

### **IV. Failures to Act in Critical Incidents**

Many people assume that the biggest “mistake” to make when deciding is to choose the “wrong” thing. But our experience and research has led us to a different conclusion: the biggest mistake is often doing nothing – and this mistake is common in critical incident decision-making (see Alison & Crego, 2008; Alison, Palasinski, et al., 2017). In order to fully understand the phenomena of inaction in critical incidents, which we refer to as “decision inertia,” it is important to understand (1) the phases of CIDM that a decision-maker (ideally) needs to work through and (2) the different

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ways in which an individual can fall off the tracks and either (a) fail to make a decision or (b) make a decision but fail to take the required actions to implement that decision.

### 1. SAFE-T Model of CIDM

To conceptualize the correct phases of CIDM, we use the SAFE-T model of decision-making. The SAFE-T model conforms to the many phase-based models related to how experts make decisions (see Hoffman's extensive work summarized in Hoffman, Ward, et al., 2013). The SAFE-T model was developed by van den Heuvel, Alison, & Crego (2012) based on extensive evaluation of the strategic decision-making literature and field work involving detailed naturalistic observation of decision-making in critical incidents (see Alison, van den Heuvel, et al., 2013).

The SAFE-T model identifies four key phases in accurate decision-making: situational assessment (SA); plan formulation (F); plan execution (E); and team learning (T[L]). Consider, for example, that you are walking along a quiet street, and you see an altercation between two people. First, it is important that you understand what is going on (SA): are they fighting, and if so, is it a fight or a mugging? Who is the aggressor? Once you have a good (or the best possible) SA, you need to work out what you can do (F), which in this case might include intervening, calling for assistance, phoning the police, or doing nothing. You then need to choose a plan and, crucially, do it (E). Once you have acted upon the decision, and the event has unfolded, you should then reflect on what happened, what you chose to do, and if your choice led to a good outcome (T). These stages reflect the general phase-based process that most individuals go through when making decisions, critical or otherwise (see, e.g., Lipshitz & Bar-Ilan, 1996). Although SAFE-T may well be an appropriate strategy (and is actually the one used by most decision-makers most of the time), applying it is in and of itself insufficient as a means by which to respond to critical incidents. Indeed, many issues may prevent this idealized process from occurring, and commonly, what then occurs is decision inertia.

### 2. Decision Inertia

Understanding the many ways in which CIDM can become de-railed is one of the largest benefits of taking our research "outside of the laboratory". By conducting research in the field, we can observe in real time the ways that actions fail to occur, even when it seems clear that an action is

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required (see Alison, Power, et al., 2015; Alison, Palasinski, et al., 2017; Shortland, Alison, & Moran, 2019; van den Heuvel, Alison & Crego, 2012; Waring, Alison et al., 2020). As noted, we refer to this tendency as “decision inertia” – the inability to commit to a course of action in time, or at all—and it manifests in a slowing down of the decision-making process. In 2012, we introduced the first empirical study exploring the multiple paths to inaction during critical incidents (van den Heuvel, Crego & Alison, 2012). We used an immersive simulation system called HYDRA in which police officers navigated a complex evolving situation (an attack on an aircraft landing at Heathrow with terrorists aiming to crash it). Participants received real-time intelligence, could ask for more information, and could even speak with officers in other units. We observed the processes of decision-making as these police officers navigated extreme uncertainty in a simulated environment. Findings were based on live and recorded observations by the researchers, post-event debriefs, and participants’ own decision “logs.”

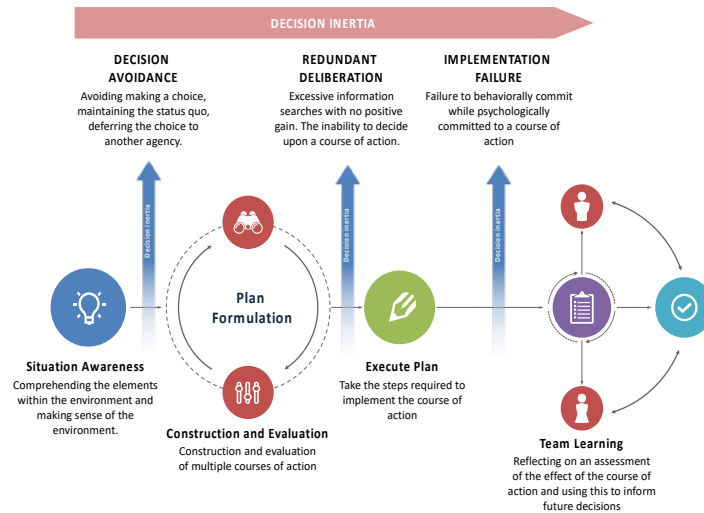
van den Heuvel, Alison and Crego (2012) found that high levels of uncertainty derailed officers’ ability to stick to the decision-making process, resulting in either non-action (omitting the decision altogether) or apparent actions (actions that deferred the choices until later moments or passed them on to other agencies). Despite awareness of the immense costs of delaying action and the goal of saving as many hypothetical civilian lives as possible, the subjects exhibited behaviours that can be defined as “derailments” from the “save-life” approach. According to the subject matter experts who reviewed their behaviours,<sup>4</sup> the teams did not make or implement critical decisions in a timely manner, with potentially detrimental consequences for non-simulated, real-world situations.

Based on the results of this study and others (Alison, Power, et al., 2015; Power & Alison, 2017; van den Heuvel, Alison & Power, 2014, we have identified three major ways in which people fail to act: decision avoidance, redundant deliberation, and implementation failure. These three points of decision inertia are highlighted below in **Figure 1** using the SAFE-T framework of CIDM:

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<sup>4</sup> The subject matter experts in this case were two senior police officers.

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Figure 1: Three Different Points of Decision Inertia within the CIDM Process<sup>5</sup>

#### A. Decision Avoidance

Decision avoidance, first outlined by Anderson (2003), is the psychological process of ignoring the need to decide. With reference to SAFE-T, the decision-maker does not enter the “SA” phase and avoids engaging in the process of thinking about the decision. For example, in a study involving a simulated terrorist attack at a large parade, seven of nine teams did not make the decision to cancel the parade (van den Heuvel, Alison & Crego, 2012). Five of these teams failed to cancel the event due to an inability to implement the decision (see implementation failure below), but two teams failed to even address the need to make any decision regarding the potential cancellation of the parade:

Seven teams did not make this decision; avoidance in this case was manifest as a complete omission by two teams (who did not address the subject), and a lack of implementation by the resulting five (these teams thoroughly discussed the decision problem of whether or not to

<sup>5</sup> This figure is a simplified re-creation of the figure originally outlined in: van den Heuvel, C., Alison, L., & Crego, J. (2012). How uncertainty and accountability can derail strategic ‘save life’ decisions in counter-terrorism simulations: A descriptive model of choice deferral and omission bias. *Journal of Behavioral Decision Making*, 25(2), 165–87. Doi: 10.1002/bdm.723.



cancel the military march but failed to reach a conclusion and implement a choice (van den Heuvel, Alison & Crego, 2012: 180).

Elsewhere in the same study, avoidance stemmed from a lack of clear policy and a tendency to defer the decision to another agency. From the above study, we can see that decision avoidance is a unique form of decision inertia that arises in critical incidents and involves a decision-maker refusing to engage in the decision-making process about a critical decision.

### *B. Redundant Deliberation*

The second form of decision inertia is redundant deliberation. Redundant deliberation is a cognitively demanding form of inertia in which a decision-maker fails to gain any additional advantage by thinking about a problem (Alison & Shortland, 2022. Alison, Power et al., (2015) has described redundant deliberation as pathological hesitation due to overthinking a choice between difficult options. It occurs when there is no standard operating procedure (to provide guidance) and can be exacerbated by the fact that decision-makers are not exposed to critical incidents often enough to build up a repository of expert knowledge (Shortland & Alison, 2020). Unlike decision avoidance, redundant deliberation occurs at the “F” phase (plan formulation) when a decision-maker cannot decide which is the best course of action to take. What is important about redundant deliberation is that it is cognitively active and involves the decision-maker being unable to choose between the options available to them. The number and variety of options cause significant cognitive conflict for the decision-maker, who must justify why one option is better and sacrifice the possible good outcomes of the options not taken (Shortland & Alison, 2020).

### *C. Implementation Failure*

The final form of decision inertia exists at the barrier between decision-making and behaviour. That is, in implementation failure the individual has made a decision (i.e., they have chosen a course of action), but they do not take the behavioral steps required to implement that action in the real world (van den Heuvel, Alison & Crego, 2012). This is failure at the final yet crucial stage of CIDM is an understudied phenomenon, but across the countless exercises we have run with various police services, it is not uncommon.

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*D. Summary*

We have repeatedly observed in our work that the most serious breakdowns of critical incident decision-making are not errors of judgement or “incorrect” decisions but rather failures to make critical decisions in time or at all, or to implement chosen courses of action (Alison, Power, et al., 2015; Shortland, Alison, & Moran, 2019; van den Heuvel, Alison, & Crego, 2012; Alison & Shortland, 2022). There are three major ways in which decision-makers suffer from decision inertia during critical incidents. They can avoid thinking about the problem at all (decision avoidance), over-think the problem (redundant deliberation), and/or choose a course of action but not act on it (implementation failure). All three forms of decision inertia must be overcome to complete the decision-making process and manage a critical incident.

**3. Factors that Influence Decision Inertia in Critical Incident Decision-Making**

Previous research has identified a range of factors that can be present during CIDM and increase the likelihood that decision inertia will occur. We outline these factors below.

*A. Accountability*

Accountability involves being aware of appraisal by external audiences who have the power to instigate rewards or punishments (Baucus & Beck-Dudley, 2005; Klehe, Anderson, & Hoefnagels, 2007) and the requirement to provide a justification to these audiences (de Kwaadsteniet, van Dijk, et al., 2007). Decision-makers’ actions may be constrained when they know that they will be identified, judged, and punished (or rewarded). In this way, accountability is the psychological antithesis of anonymization (the process of being unidentifiable) and, logically, has the reverse effect. As comments made in anonymous online forums demonstrate, the condition of anonymity tends to make individuals less inhibited (Krysowski & Tremewan, 2021). Accountability, on the other hand, constrains behaviour.

Accountability can lead to both adaptive and maladaptive behaviours. The findings are mixed as to whether accountability improves or degrades decision-making (Hall, Bowen, et al., 2007). Experimental research provides evidence that the subjective experience of accountability affects decision-making. For example, Waring, Alison, et al. (2013) found that in a simulated hostage negotiation crisis, accountability increased the motivation for self-preservation and detracted from the decision-makers’ attention to the task at hand. This inhibited the decision-

makers' ability to discriminate between critically relevant and irrelevant information (Waring, Alison, et al., 2013).

Within the SAFE-T model, anticipation of accountability plays a role in information-gathering and in the interpretation processes of the SA phase. Accountability can also encourage a decision-maker to consider more information without first discerning its relevance, increasing cognitive load for little gain as they sift through data that may not aid in the decision (Tetlock & Boettger, 1989). In the "F" and "E" phases of decision-making, accountability encourages a decision-maker to switch towards egocentric, defensive justifications (Gollwitzer & Moskowitz, 1996). For example, police officers facing a simulated dynamic terrorist event shifted priorities away from saving the lives of those in a (potential) attack location to saving themselves – i.e., making decisions that could be defended if later reviewed (van den Heuvel, Alison, & Crego, 2012).

Like anticipatory regret, which is defined as anticipating feeling regret at some future time (Anderson, 2003), accountability is also linked to inaction. Alison, Eyre and Humann (2010) found that police officers viewed "non-decisions" (doing nothing) as less blameworthy than taking an action that may result in a negative outcome. This is consistent with "omission bias" (Spranca, Minsk, & Baron, 1991) whereby a harmful commission (i.e., doing something that causes a harmful outcome) is viewed as worse than the corresponding omission (i.e., doing nothing and the same outcome occurring). In fact, in a study in which subjects rated the relative harm of a range of behaviours, they viewed omissions as less immoral or less bad as decisions in comparison to harmful commissions. Furthermore, "a few subjects were even willing to accept greater harm in order to avoid action" (Spranca, Minsk, & Baron, 1991: 1).

It is clear, however, that a system of no accountability is not a suitable alternative in the context of critical incident decision-making. In such cases, careless decision-making and lack of consideration of negative consequences are clearly undesirable. It is therefore important to understand what types of decisions are most at risk of being avoided when an individual feels especially accountable and what types of decisions are most at risk of being taken when someone has no expectation of accountability. It is also necessary to ensure that while accountability is always considered, it does not detract from other CIDM priorities such as saving lives. As such, accountability is a critical part of any organization, but it should not tilt over into creating a blame

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culture in which staff feel paralyzed by a pervasive sense that any action they take might be punished.

### *B. Uncertainty*

Uncertainty is a “sense of doubt that blocks action” (Lipshitz & Strauss 1997, 150). There is a correlation between uncertainty and the likelihood, intensity, and even duration of decision inertia. Endogenous uncertainty and exogenous uncertainty were described above in section I. In this section, we explain the impact of these forms of uncertainty on decision inertia.

#### *(i) Endogenous Uncertainty and Decision Inertia*

Endogenous uncertainty prevents a decision-maker from working out “what is going on” and therefore prevents the decision-maker from working through the stages of situational awareness, which was outlined above. When faced with endogenous uncertainty, decision-makers are more likely to avoid the decision (“I just don’t know enough to decide”) or fall into patterns of redundant deliberation by seeking to overcome uncertainty by gathering more information that, in some cases, does not exist. This leads to a cycle of attempting to obtain information that is unavailable, at the cost of acting.

#### *(ii) Exogenous Uncertainty and Decision Inertia*

As noted in section I, exogenous uncertainty can stem from not understanding the roles of those we are working with and what tasks they will or will not do. Trust in these partners (see below) plays a critical role in decreasing exogenous uncertainty. Interestingly, research on police decision-making in a hostage negotiation scenario found that exogenous uncertainty was more common than endogenous uncertainty, and exogenous uncertainty affected the planning and execution phases of decision-making (Alison, Power, et al., 2015). Specifically, in a study of a live hostage negotiation exercise, we measured uncertainty using observational methods (during the exercise and by reference to video footage), decision logs, and post-incident simulated recall interviews with trainee police officers. Transcripts were coded and analyzed thematically to get a sense of *why* people felt uncertainty during the incident. We then dichotomized the uncertainty as deriving from either endogenous source (about the problem situation itself) or exogenous sources (about the operating system that is dealing with the incident). Overall, exogenous uncertainty (75%) was more prevalent than endogenous uncertainty (25%) during plan formulation and plan execution



(Alison, Power, et al., 2015). Exogenous uncertainty was also associated with poor role understanding and trust. Endogenous uncertainty was more prevalent during discussions on situation assessment.

This taxonomy of uncertainty provides a useful way to categorize uncertainty during CIDM. What is especially useful is how it can inform efforts to minimize the negative effects of uncertainty. For example, dealing with endogenous uncertainties would entail targeting decision-making specific to the problem incident (e.g., introduce training or policy to reduce redundant fixation on rote-repetitive superordinate goals and focus on more short-term actionable goals during situation assessments). Dealing with exogenous uncertainties would entail improving decision-making relating to management and team processes across critical incidents (e.g., training to clarify distributed roles in critical incident teams to aid plan formulation and execution) (Alison, Power, et al., 2015).

### *C. Trust*

Linked to the issue of exogenous uncertainty, poor trust within a responding team is associated with decision inertia. High levels of trust can prevent decision inertia because trust allows teams to better approach a challenging situation without decision-making becoming derailed by conflict. Research on organizational decision-making has found that teams who trust each other are better able to handle the natural conflict (e.g., differences of opinion, interpersonal discord) that arises in a group when trying to solve a difficult problem (Simons & Peterson, 1999; Shortland, Alison, & Moran, 2019). Power and Alison (2017) found that a culture of mistrust can increase redundant deliberation because individuals must consider whether they can rely on the information they have received from others. This process adds cognitive burden to the decision-maker and further stress, the negative effects of which were outlined above. Low inter-team trust increases the likelihood that challenging situations that have task conflict result in relationship conflict and a breakdown of performance (Waring, Alison et al., 2022). Relationship conflict stems from interpersonal incompatibilities between members of a team and is generally characterized as emotional because it stems from personal issues (such as dislike) among group members and feelings such as annoyance, frustration, and irritation (Jehn & Mannix, 2001). Task conflict stems from differences among opinions about how the task should be completed (Amason & Sapienza, 1997; Jehn, 1997; Jehn & Mannix, 2001). When teams have low trust, there is a greater chance that task conflict

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becomes relationship conflict, de-railing the ability of the team to work through the problem at hand (Simons & Peterson, 2000).

#### *D. Outcome Mutability*

Mutability is the capacity to reverse the outcome of a decision or event (Morris & Moore, 2000). Mutability is linked to the “lost opportunity” hypothesis (see Beike, Markman, & Karadogan, 2009), whereby decision-makers avoid launching interventions that offer a low chance of being “fixed” if the outcome is bad (like choosing to fire a weapon), because doing so will preclude opportunities that would have been available to them if they had taken an alternative action (or no action). In highly mutable events, decision-makers are often more accountable because they are viewed as having been able to prevent them (Coombs & Holladay, 2011). In other words, if an event – even as it is unfolding – can be changed, influenced or reversed, one might look less favorably on responders who failed to make that change compared to an event in which events were impossible to change or at least impossible to reverse. Highly immutable situations encourage indecision because of anticipatory regret regarding potential opportunities that could be lost due to irreversible decisions. In this sense, immutability amplifies fears of regret and accountability because an action taken cannot be undone. Unfortunately, given the nature of critical incidents, several decisions that decision makers face will be immutable.

#### *E. Interoperability*

Interoperability is the capacity of an organization to exchange information and use it to inform decision-making (National Police Improvement Agency (NPIA), 2009: 12). Previous research on the topic (NPIA, 2009) has found that the following factors increase interoperability:

- a common operational picture (i.e., all agreeing on what is going on)
- a hierarchical multi-agency organizational structure
- task interdependence
- collective accountability
- trust<sup>6</sup>

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<sup>6</sup> See also the website of the UK Joint Emergency Services Interoperability Project (JESIP): <https://jesip.org.uk/>.

*F. Timebound Goals*

Some decisions have a set time limit or deadline, while others do not. Decisions that are not time-bound are more amenable to deliberation (Alison, Power, et al., 2015). The impact of time on decision-making is affected by the experience of decision-makers and individual personality factors (Alison, Power, et al., 2015). Experienced or skilled decision-makers can complete “must-do” tasks and appropriately pass over “nice-to-do” (but not critical) tasks. They are more able to adapt to time pressure using efficient and intuitive pattern-matching than decision-makers with less expertise (Alison, Doran et al., 2013). Furthermore, in a study conducted with police officers making investigative decisions, we found that those who had high time-urgency (the personality trait that governs the feeling that time passes quickly) experienced more problems making decisions when placed under an external time pressure (Alison, Doran, et al., 2013). This is because those who have high time urgency often spent some portion of their cognitive load worrying about the time limit, to the detriment of the decision-making process. In this sense, the effect of time on decision inertia can be a double-edged sword: an explicit time limit can encourage individuals to make decisions faster, but for some individuals, this will increase cognitive burden, potentially delaying decision-making. It is worth highlighting, however, that while time urgency is an individual trait and people vary on it, no research has explored how training can help mitigate its negative effects.

*G. Difficult Trade-offs*

Choice breeds trade-offs, and trade-offs result in conflict because “decision-makers must accept less of one choice attribute to get more of another” (Luce, Payne, & Bettman, 2001: 86). Decision-makers experience intense conflict when faced with “simultaneous opposing tendencies within the individual to accept or reject a given course of action,” the consequences of which involve “hesitation, vacillation, feelings of uncertainty, and signs of acute emotional stress” (Janis & Mann, 1977: 46; see also Tversky & Shafir, 1992). Several of our studies and research elsewhere have found that decision inertia can derive from the inability to choose between two equally attractive or unattractive courses of action (see Alison & Shortland, 2022). When making a choice between two or more competing courses of action that are equally attractive (or equally unattractive), there are two sources of conflict: the first is a concern about sacrifice, and the second is a concern about argumentation. In simple terms, we must be able to argue to ourselves (or to

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others; see the discussion of accountability above) why we are willing to not experience the benefits of the not-chosen option.

In a series of critical decision method interviews with members of “blue light” services (police, fire and rescue, and ambulance services), Power (2016) found that CIDM often placed “approach goals” and “avoidance goals” against each other. While approach goals influence tendencies to take positive action towards a positive stimulus, avoidance goals encourage individuals to avoid negative effects by moving away from a negative stimulus. Power interviewed 31 command level decision-makers from the Police Service, Fire and Rescue Service, and the Ambulance Service (AS) and asked them to recall a “difficult decision.” The results showed that emergency commanders hold two overarching goals:

1. **Save life:** Goals and motivations associated with approaching positive outcomes from a situation; and
2. **Prevent further harm:** Goals and motivations associated with avoiding anticipated negative consequences.

Power’s research found that these (competing) goals often resulted in uncertainty, goal conflict, passive and active avoidance, and inaction: “The ‘save life’ goal appeared to derail action if the decision-maker experienced goal conflict by trading it off against the competing avoidant goal to ‘prevent further harm’” (Power, 2016: 96). For example, rushing into a burning building to save civilians risks the loss of police/ambulance/firefighter lives. Power (2016) found that emergency commanders are often faced with these two countervailing goals (saving lives of victims versus protecting lives of colleagues), and when a decision-maker cannot decide between them, decision inertia can be the result (Power & Alison, 2017). In our own research with members of the US military, Shortland and Alison (2020) have found that redundant deliberation emerges when individuals are forced to choose between two equally important values. Our findings indicate that when two equally “sacred” (non-negotiable) values collide, a decision-maker who finds each outcome intolerable will fall into the trap of redundant deliberation. By contrast, the ability to identify one clear important goal can protect against redundant deliberation (Shortland & Alison, 2020).

#### **4. Summary**

We have discussed several factors that can result in inaction or delayed action in the context of CIDM. In order to support efficiency in decision-making and plan implementation during critical incidents, police officers (or at least command-level officers) need a basic awareness of these concepts. While all concepts are important, we encourage command-level officers to focus first and foremost on understanding decision inertia, as this is common in CIDM (Alison, Power, et al., 2015; Alison, Palasinski, et al., 2017).

### **V. Pillars of Critical Incident Decision-Making**

Based on our research and experience in critical incident decision-making (and as briefly described in section I above), we propose that effective decision-making in the face of the challenges identified above involves four pillars: situational awareness; time management; the interrogation of assumptions; and revision and resilience.

We outline each of these four pillars in further detail below.

#### **1. Situational Awareness**

As described above, situational awareness is a state in which a decision-maker understands the elements in a specific environment and their relationship to each other, and uses this understanding to guide behaviour. We have outlined Endsley's model of situational awareness, which involves three stages (perceiving, comprehending, and projecting). This model can be usefully applied to consider the way in which decision-makers responding to critical incidents are continually required to encode the elements of a situation, understand their interrelation, and use this to predict whether they need to take (potentially lifesaving) action (Shortland, Alison, & Moran, 2019).

Developing situational awareness is a fragile process and can go wrong, especially when uncertainty is high. In their work on decision errors in real world contexts, Jones and Endsley (1996) found that one common form of error was to incorrectly perceive the situation. In their study in the context of aviation, they observed that failure to observe available information was the largest cause of error (Jones & Endsley, 1996: 507). Furthermore, in aviation accidents in which situational awareness errors occurred, 72% involved level-1 situational awareness errors (failure to correctly perceive some information in the situation), 22% involved level-2 situational



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awareness errors (in which the data were perceived but not integrated or comprehended correctly), and 6% involved level-3 errors (failure to correctly project what would happen next).

The significance of situational awareness cannot be underestimated. In one study, Orasanu, Martin, and Davison (1998) discovered that most errors stemmed from poor situational awareness. Good situational awareness involves a decision-maker juggling multiple possible explanations for the critical incident before deciding and acting. Furthermore, good situational awareness involves updating our perception of an event as we receive more information as it unfolds. Poor situational awareness, on the other hand, involves picking one possible “story” and sticking to it, despite the emergence of information later that refutes the original assessment (see Hoffman, Ward, et al., 2013).

## 2. Time Management

A crucial part of critical incident decision-making is navigating the decision-making process within the available time window. This involves both not acting too soon and not acting too late. Our own research with police decision-makers has shown that not only is the use of time important, but it can vary between individuals based on a range of personality and experience-based factors. For example, in a series of studies using police decision-makers, we found that the presence of time pressure significantly impacted their ability to come up with hypotheses about a possible crime they were investigating (Alison, Doran, et al., 2013; Kim, Alison & Christiansen, 2020). Furthermore, our research (see below) found that there are significant differences in how much time people invest in the SA phase of decision-making versus how much time they invest in option selection.

Overall, from our observations of training events and naturalistic and experimental research, a relatively small investment of time initially can yield significant benefit in terms of a decision-maker’s ability to assess the situation and see a clearer pathway through (Alison, Power, et al., 2015). In some cases, errors in decision-making can be avoided with a few pieces of information that could have easily been found with a little additional time searching. We note here that it is not simply about spending additional time confirming or additional time planning the course of action. Rather, the time must be used wisely to *probe* what is going on.

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While time spent initially can be beneficial for developing situational awareness, continuing to delay action while more information is obtained will eventually cost more (in terms

of lost opportunities for intervention) than it pays (in terms of gaining relevant information). This phenomenon is sometimes described as the law of diminishing returns or the principle of diminishing marginal productivity. It holds that however much a new activity benefits us, the longer we go on doing it, the less effective it will eventually be (Shepard & Färe, 1974). In the critical incident context, the initial process of obtaining information can be hugely beneficial for understanding the problem at hand. However, this level of “return” may not be sustained over time – that is, the more information we get, the less useful it eventually becomes. This can lead to redundant deliberation (described above), whereby an individual continually seeks more information without significantly improving their understanding of the situation, their options, or the likely outcomes of their options.

We have observed the tendency to defer decisions too long in our own research (van den Heuvel, Alison & Crego, 2012). For example, in the context of a simulated terrorist event, we observed that of the fourteen teams that *did* correctly declare the subject event a critical incident, twelve teams did not declare the incident as “critical” until they received notice of a shooting outside the convention centre. This moment was identified by subject matter experts as being too late.<sup>7</sup> As such, despite making the right decision, most teams waited too long and avoided the declaration decision until they believed they could not avoid it any longer. This is an example of a “novice error” of deferring a decision until the last possible moment (van den Heuvel, Alison, & Crego, 2012).

#### *A. Foxtrot Thinking*

By looking at not just the outcomes of expert decision-makers but the time patterns that they commonly adopt – how long they spend assessing situations, choosing their course of action, and committing themselves to that decision – we have discovered that the ideal approach is what we term “foxtrot thinking”: slow, slow, quick, quick. Our research into how police officers make decisions bears out the effectiveness of foxtrot thinking. In a study involving 96 senior police officers recruited from across the United Kingdom, Shortland, McGarry, et al. (2021) found that those with successful experience making high-pressure decisions in the field tended to take more time to assess a situation but less time to decide on a course of action. We use the term “foxtrot

<sup>7</sup> The subject matter experts in this case were a so-called “silver” command group that included officers with many years of experience, alongside experienced legal and training practitioners.

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thinking” to refer to an approach whereby the decision-maker initially takes time to carefully assess different options and to call on relevant experience and their internal value system. This is the “slow, slow” stage. Once this information is assembled, and any further information will either take too long to find or will never be available, the decision-maker moves on to the “quick, quick” phase.

### 3. Interrogating Assumptions

In the 1970s, psychologists Amos Tversky and Daniel Kahneman examined how people simplify information to make choices. Their thesis was that people rely on a limited number of possibilities and make assumptions that, though generally helpful, will sometimes undermine the entire process (Tversky & Kahneman, 1974). For example, if event A usually generates event B, individuals tend to make decisions assuming that this is the pattern events will take, but that is only a probability, and every so often event A generates event C. Tversky and Kahneman observed several processes whereby individuals make assumptions that have little basis in probability. For example, when individuals see a crash on the motorway, they will feel they are more likely to be involved in one themselves, even though the fact of having seen it makes no difference to their own odds. Decision-making can be improved when individuals understand that they are imbued with these biases so that they can override unhelpful assumptions rather than allowing them to undermine good judgement (Tversky & Kahneman, 1974). Based on our work with CIDM, we propose the following tactics and principles.

- **Seek the opposite:** Rather than simply looking for information to confirm existing assumptions, actively seek out information that challenges your preferred view.
- **All information matters:** We are all subject to what psychologist’s call “primacy effects,” whereby we value the first piece of information more than any subsequent pieces (Tan & Ward, 2000). But the first piece of information obtained is not always the most useful or relevant. Equally, the final piece of information is also not necessarily the most useful just because it was the last piece of the puzzle.
- **If it’s not black and white, it’s not black and white:** Critical incidents are not simple and rarely have clear-cut causes or solutions. Recognize from the start the probable need for complex and nuanced solutions/courses of action.
- **Allow for dissenting opinions:** Good decision-making is often aided by being able to cross-check information and ideas. Do this across a range of people, not just ones who agree with you.



- **Interrogate your information:** It is important to ask if you have the full picture, or whether there are gaps. Is some of the information inconsistent and contradictory? And have you tested what you assume to be true? Answering these questions will help plug gaps, resolve inconsistencies, and test assumptions. Remember, though, that seeking more information should be a finite process, and there is a trade-off between accuracy and time.

#### 4. Revision and Resilience

In the SAFE-T model of decision-making, T (Team Learning) applies to those situations which are “slow-burn,” meaning they are multi-phased, and within which the decision-maker has the opportunity to implement a decision, learn from the outcome, and self-correct before launching a new decision (Salas, Rosen, et al., 2006). In such cases, decision-makers should continually reflect on and revise assessments throughout the process, allowing them to adapt future responses to fit the demands of a dynamic and volatile situation. This is often facilitated by feedback from team members and the outcomes of decisions that have been implemented (House, Power, & Alison, 2014). Accordingly, the final element of good CIDM is the ability to revise plans and change when a situation requires it.

That said, we often see decision-makers fail to update their plans and revise their strategy. There are two overarching reasons for this. The first is a failure to recognize that the situation has changed. The second is a human preference to maintain the status quo. With regards to the former conflict, Jones and Endsley proposed a three-level taxonomy for classifying and describing errors in situational awareness. The first level of failure is to “incorrectly perceive the situation” (Jones & Endsley, 1996). In these cases, the information may be available to the decision-maker but unattended because of too much irrelevant available information. Issues such as workload can further confound this by decreasing working memory capacity and hence decreasing the number of “slots” available in consciousness to process the relevant information. In other cases, information may simply be unavailable or too ambiguous. However, in a study of 37 aviation incidents in which crew behaviour caused errors (as determined by the National Transportation Safety Board), Orasanu and colleagues discovered that the most common error was to “continue with the original plan of action in the face of cues that suggested changing the course of action” (Orasanu, Martin & Davidson, 1998). Furthermore, these plan-continuation errors accounted for approximately 75% of all tactical decision-making errors. What this means is that the majority of errors stemmed from the inability to either 1) update SA or 2) re-evaluate an already-selected

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course of action based on a new SA. This astounding statistic underscores the difficulty inherent in quickly assimilating unfolding information and using that new knowledge to change our behaviour; and this literally caused most of the aviation crashes observed (Shortland, Alison, & Moran, 2019).

The second issue with revising plans is the fear of loss. At the heart of our attitude to change is a fear of loss, because change will inevitably involve loss as well as gain – even if we have good reason to hope for a positive outcome (see Alison & Shortland, 2022). Research has suggested there is a neurological predisposition to be attuned to potential loss rather than potential gain (Tom, Fox, et al., 2007). It seems that the brain processes gain in its “reward section” – that is, the part of the brain that is activated, for example, by enjoyment of food when hungry or an unexpected pay bonus. But losses are processed in the part of the brain that is reserved for strong negative reactions, such as disgust or pain. In this sense, when doing CIDM, it is important to consider that cues of potential loss from changing course may appear more salient than cues that speak to the potential gain of revising our approach.

## VI. Selecting Decision-Makers for Critical Incidents

A final relevant thread of research concerns individual aptitudes for good decision-making. It is worth stating that while a large range of psychological research focuses on the role of personality in behaviour, as well as on the role of personality in decision-making in general, there is very little research on how personality impacts CIDM. This likely stems from the fact that the majority of CIDM research involves the observation of individuals making decisions in real or simulated decision-making environments. However, in our own research we have begun to investigate whether certain personality variables are associated with improved CIDM. To support this effort, we developed a research tool called “LUCIFER,” which stands for the Least-worst Uncertain Choice Inventory For Emergency Responders. LUFICER has been developed with support from the Army Research Institute Foundational Science Research Unit, the Combat Capabilities Development Command (CCDC) Soldier Center at Natick, and the Center for Applied Brain and Cognitive Sciences at Tufts University and has been piloted with a range of applied groups (soldiers, police officers, firefighters, etc). It has been used on over 1,000 practitioners across the United States and United Kingdom (Shortland et al., 2020a; Shortland et al., 2020b).

LUCIFER adopts a two-alternative forced choice (2AFC) approach in which individuals are presented with an audio feed (recorded by members of the armed forces or paid actors) that provides them with an assessment of the situation and a required action. LUCIFER operates through an online survey platform (Qualtrics) that allows us to accurately record response times. LUCIFER allows measurement of the following dependent variables, both on average across a range of scenarios and per scenario:

1. **Situational Awareness Time:** Time taken to listen to the decision context and declare they are “ready” to decide
2. **Choice time:** Time taken to choose an option (A or B). This is measured as the time taken to record the last “click” on an option on the page. (Qualtrics recorded both first and last page clicks for each step of the scenario.)
3. **Decision Time:** Time taken to choose and declare they are ready to “commit” (i.e., submit) their choice
4. **Commitment Time:** Time lag between selecting a course of action (Choice Time) and committing to it (Decision Time)
5. **Decision Difficulty:** Participants completed a five-item decision difficulty scale (see Hanselmann & Tanner, 2008) after completing each scenario.
6. **Approach/Avoidance:** Each LUCIFER scenario represents a choice between an approach decision (an active behaviour that makes a positive impact) and an avoidance decision (no further behaviour and to withdraw to prevent further harm). An overall approach/avoidance score was calculated by summing the total number of approach choices made across all scenarios.

Using LUCIFER, we have begun to identify (1) the personality factors that impact individual differences in CIDM and (2) the discrete effects of these personality traits on specific processes within the CIDM process. Below we outline some of the findings of this work, specifically as they relate to the personality trait maximization.

### 1. Maximization

Maximization refers to the individual differences in people’s abilities to sacrifice the “best” possible option for a satisfactory option that is “good enough” – according to their own threshold of acceptability (Schwartz, 2004). Maximizers tend to be perfectionists (Bergman, Nyland, & Burns, 2007; Schwartz, Ward, et al., 2002). In terms of their decision-making strategies, maximizers are less open (Purvis, Howell, & Iyer, 2011), more prone to procrastination (Osiurak,

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Faure, et al., 2015), and more likely to engage in counterfactual thinking (Schwartz, Ward, et al., 2002).

In three studies, one with soldiers, one with police officers, and one with a control sample, we found that individuals with high maximization levels were slower to choose a course of action, were more avoidant, and found decisions harder (Shortland, Thompson, & Alison, 2020; Shortland, Alison, & Thompson, 2020). Furthermore, in a study in which we used a mindfulness intervention (a process of focusing one's energy inwards that is often used by athletes), we found that the intervention was counterproductive in individuals with high maximization tendencies (Shortland, McGarry, et al., 2021).

In addition to the role of maximization, in a recent literature review conducted for the Defense Science and Technology Laboratory on decision inertia (Musalova et al., 2021), we identified several other personality traits that could also, if tested, be associated with CIDM. It is important to mention, however, that in several of the studies below, decision inertia is defined as the decision to change a currently made decision. This is closer to the concept of adaptation that we outlined above than the definition of decision inertia used elsewhere in this report. That said, these potential personality factors, which will be looked at more closely below, are: a preference for consistency; indecisiveness; and faith in intuition. Despite there being very little research that specifically focuses on these personality traits that may impact CIDM, our work demonstrates that this is an important avenue to consider.

#### *A. A Preference for Consistency*

Inconsistency creates cognitive dissonance regarding contradictions between what was done in the past and what someone is doing now (Festinger, 1962). Dissonance is unpleasant, and the more unpleasant/acute this feeling of dissonance is, the more an individual prefers consistency. Psychologists have formalized this tendency into the preference for consistency scale, which measures how much stress decision-makers experience when they are faced with contradictions in their own behaviour and the world (Cialdini, Trost, & Newsom, 1995). Some researchers have argued that decision-makers commit themselves to the first decision (Pitz, 1969) and then stick to this decision to avoid the anticipated dissonance that would be caused by a deviation from this original choice. However, others disagree with this finding. While Jung, Stähler, and Weinhardt (2018) and Zhang et al. (2014) have found no significant influence of preference for consistency

on the likelihood that decision-inertia occurred, Akaishi, Umeda, et al. (2014) and Alós-Ferrer, Hügelschäfer, and Li (2016) have found that preference for consistency correlates with decision inertia.

### *B. Indecisiveness*

Indecisiveness is the psychological tendency to generally fail to commit to a course of action, across all situations and decisions, in a timely manner (Frost & Shows, 1993). It is driven by (1) a preference for avoidance and (2) a bias towards threat-oriented cognitions and negative affect in response to the presence of a decision (Spunt, Rassin, & Epstein, 2009). Sautua (2017) has reported that indecisive individuals are more prone to decision inertia. Payne, Bettman, & Johnson (1988) found that indecisive individuals were slower to make decisions, and Alós-Ferrer and colleagues have found that there is a positive correlation between decision inertia and decision times (Achtziger & Alós-Ferrer 2014; Alós-Ferrer, Hügelschäfer, & Li, 2016; Alós-Ferrer & Strack, 2014). Berens and Funke (2020) have found that indecisiveness correlates with choice deferral.

### *C. Faith in Intuition*

Faith in intuition is defined as the tendency to rely on heuristics when making decisions (i.e., to rely on the “quick” cognitive rules identified by Tversky & Kahneman, 1974; Alós-Ferrer, Hügelschäfer, & Li, 2017), and it is linked to decision inertia. Jung, Stäbler, & Weinhardt (2018) have found that faith in intuition increases decision inertia, supporting the hypothesis that inertia is driven by an individual’s tendency to rely on heuristic processing.

## **VI. Summary**

Critical incidents are extremely difficult events to respond to since they are unique, hard to train for, often involve demand outstripping resource, often require decision-makers to adapt and be creative and even preclude experienced officers from using prior expertise to respond (since critical incidents are often one-offs). As such, critical incidents often frustrate officers’ response times and efficacy. They are hard to train for, difficult to predict, and require creativity, rapid adaptation, and synchronized coordination. Once a responding agency “falls behind” in its response to such an event, it is often left playing catch up (especially in fast-moving, dynamic, high-risk events).



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Training can be costly, and our experiences have shown that responding agencies sometimes make the error of massive investment in one or two costly exercises per year to train for critical incidents. Instead, we suggest more frequent, short bursts of cognitive training that focus on frequency over duration and in which facilitation encourages looking at real events that could have worsened if x and y had happened, and then calculating how one might respond in anticipation of those events. Such “grim storytelling” exercises encourage officers to imagine and prepare for worst-case scenarios. This scenario-based training need not be expensive, does not require investment in special equipment and technology, and instead requires buy-in from senior authorities, facilitation know-how, and an allotment of time per week. (We refer to the 7@7 approach that we have used in the past, which results in three 21-minute inputs, or one hour total per week).

An examination of any real-life critical incident, including any public inquiry, must be more than a mere reporting of the blow-by-blow errors and instead focus at least in part on improvement for future CIDM. Simply stating what went wrong (or right) often leads only to the next public inquiry. Instead, we recommend a commitment to training and measurement of the effectiveness of that training. Training needs to be regular, of sufficient duration, and of sufficiently high intensity to stress-test officers’ communication and decision-making skills.

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## Appendix A: Sample Scenario with Common Decision Errors

Below we outline a simplified version of the context and “injects/feeds” that we use as a tabletop exercise for examining decision-making under stress. The scenario has been used in the United States and the United Kingdom with university students, junior and senior police officers, military personnel, and individuals in senior leadership roles in government. It does not purport to have operational fidelity, and indeed, “actors” in the scenario typically play roles that vary across the scenario. (Thus, they may be familiar with some but not all roles.) The scenario itself operates at a specific running time, and as such, some decisions (principally at the front end) can benefit from slower, more deliberate thinking, while other decisions (mainly at the tail end) require more speed and tolerance for least-worst outcomes.

Note that the following overview of common errors associated with the scenario is deliberately general. We do not include granular details of participant errors, or specify who makes what decisions at what times. The reason for this is to avoid the risk of exposing errors of particular participants, and therefore compromising the safe learning environment that the scenario is intended to provide.

### OPERATION MINOS

#### Context

While the context of the scenario may vary depending on the audience, training event and purpose, overall, a complete scenario design involves outlining to the participants:

**Who:** We outline who the key decision-makers are, and their command structure (this is tailored to reflect the command structure used by local authorities that are relevant to the participant group) so that each participant knows who they are in charge of, and who is in charge of them, as well as the size of the team and organization(s) they are working with.

**Where:** We outline where the event is occurring and any relevant details of force size, assets, personnel and infrastructure of the organization (this is also tailored to be relevant to the participant group). The objective is to create a local scenario in which the incident will exceed local resources

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(see 'where' above). For example, central London would have more assets than St Ives (Cornwall) and thus we would variably increase the size of the incident to exceed resources of the subject location.

**Location:** The event is set (initially) at a school (though this may vary depending on requirements). A standard example would be "Oakwood elementary school" which comprises 450 students and 60 teachers. We provide participants with a map and arterial routes as egress and access points as a very basic schematic.

**Incident:** The incident starts with reports of a potential gunman threatening a school. As background the participants learn that the gunman may be linked to an extreme right-wing group (XRW). The officers must then, in parallel, be considering a potential protest by that group.

**Injects**

After establishing the who, where, location and incident outline, participants are subjected to a number of information injects that progress them through the scenario and are, at times, reactive to the decisions they do, or do not, make.

**Inject 1:** A written briefing document is provided that details the community tensions based on some changes involving more diverse religious teaching at various faith schools. The document also notes emerging community concerns about a handful of racist attacks (% increases year on year).



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**Inject 2:** A pre-recorded audio clip is played which replicates a call from command indicating that an incident has happened at Oakwood elementary school, and that you (a participant) are in command of the incident. The commander says they want updates as soon as possible.

**Inject 3:** A pre-recorded audio clip is played which starts with a police officer giving a briefing to the participants. This recording includes sparse details about an unknown adult male entering Oakwood primary school. There are some 'sketchy' details as to whether the individual is carrying a firearm. There are inconsistencies about who he is, what he wants and contradictory information on what he has done and where he is within the school itself. Then officer provides a pre-recorded audio inject from the adult male (via phone call). This call is hard to make complete sense of because the male speaker sounds distressed and angry and is somewhat incoherent. They are designed to appear in a state in which he has a loaded firearm and will start shooting in one hour unless "Sky News" is called (other major news broadcasting agencies are used in other countries, for example in the USA we may use "CNN").

**Inject 4:** During the phone call from the male suspect, a pre-recorded audio clip is played of the senior commander calling for an update on the situation.

**Decisions and typical errors:** At this point there are a range of 'typical' errors that can emerge. These include, but are not limited to:

- During inject 4, the decision-maker(s) fails to ask the commander to call back or allocate tasks to others (instead, they try to speak to the senior commander whilst trying to encode immediate information)

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- The decision-maker(s) gives an inaccurate briefing to the senior commander. Typically, the decision-maker gets the facts wrong (e.g., name of suspect), or gives overconfident assertions about information that is not verified (e.g., says the suspect is male or does, or does not, have a firearm). Decision-makers also make the error of guessing the number of children in the school.
- The decision-maker(s) fails to be clear about the exact resources that they would like (or fail to ask for resources at all).
- The decision-maker(s) does not ask for obvious and available information (e.g., schematics of building, size of school, maps of areas).
- The decision-maker(s) fails to consider time as critically important.
- The decision-maker(s) are overly optimistic and assume/hope a concession might be made (speak to Sky news) when it cannot.
- The decision-maker(s) fails to deploy teams or assign roles clearly.

These errors reflect poor encoding and retrieval of information, which lead to assumptions about the unfolding event and a failure to test those assumptions through requests for more information. In some cases, decision-makers also fail to accurately consider what the many, and varied, outcomes could be ('grim storytelling') and instead assume a single (often 'best') outcome is most likely.

**Inject 5:** If the decision-maker(s) have not asked for resources yet, they are now given maps and further details of possible resources.

**Inject 6:** A pre-recorded audio is played of an officer calling to saying that an increasing number of protestors associated with an XRW group are gathering within 5 miles of the school. The officer asks for advice on how to proceed next.

**Decisions and typical errors:** At this point there are a range of 'typical' errors that can emerge. These include, but are not limited to:

- A common error is for decision-maker(s) to take their eye off the main task (the school) and get distracted by the growing crowd which they assume is connected to the school incident. They definitively assume that it is connected to the school incident and over resource that event. This depletes the resources they have to respond to the immediate incident. This often stems from a failure to question or test assumptions about the two events.
- The decision-maker(s) fails to phone back and update the senior commander.
- The decision-maker(s) continued poor deployment and role allocation.
- The decision-maker(s) fails to prioritise tasks effectively and ask for more information in order to correct assumptions.
- The decision-maker(s) fails to anticipate a worst case scenario and instead spends too much time trying to address all emerging issues equally. This results in expenditure of efforts across all areas with very little being accomplished in relation to any one problem. Instead, the decision-maker(s) should be prioritising tasks and actions.

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**Inject 7:** A pre-recorded audio of a second phone call from the suspect in the school is played to the decision-makers. This call is even harder to make out and involves the individual sounding even more distressed. The individual on the phone asks for drugs and discusses needing them to calm down.

**Inject 8:** The decision-maker(s) is told that the Armed Response Vehicles (ARVs) and negotiator have arrived on scene.

**Inject 9:** The decision-maker(s) is told that a TPI (third party intermediary) has arrived on scene. The TPI claims to know the suspect and says she was used successfully on a previous case to de-escalate him.

**Inject 10:** A pre-recorded audio phone call is provided from an officer who worked with the TPI on a previous job. The officer says that the TPI was helpful but that it was several years ago.

**Inject 11:** A pre-recorded audio phone call is provided from a social worker who has worked with the suspect. In brief, the social worker gives an account of the suspect's drug habits and mental health status and suggests he has been deteriorating in recent months.

**Decisions and typical errors:** At this point there are a range of 'typical' errors that can emerge. These include, but are not limited to:

- The decision-maker(s) is unable to juggle and cut through a volume of information and loses focus on immediate concerns.
- The decision-maker(s) tries to create an optimal outcome without knowing what the worst case could evolve into.

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- The decision-maker(s) is still failing to create opportunities to firm up situational awareness (where is the suspect, is there a gun, who is in what classroom, who is unaccounted for).
- The decision-maker(s) fails to measure up relative risks and becomes overwhelmed quickly, resulting in failures in delegation and workload management.

**Further injects:** The remaining injects for the scenario vary from one to four more injects and all relate to the placement of the ARV team.

**Decisions and typical errors:** Consistent errors in these stages are failure to seize the opportunity to get visual confirmation of the suspect, and to begin developing a better situational model of the events as they unfold. At one stage, the decision-makers are told that the subject is asleep on the floor. However, decision-makers often spend too long mobilizing and as a result, they miss this 15-minute window for action. In this instance, the common error is a reluctance by the decision-maker(s) to tolerate any level of risk by seeking to view the suspect. This lost opportunity to gather situational awareness leads to further decision inertia.

**Post event injects:** Leaders and teams are expected to give media briefings. Common errors during the post event injects include an unwillingness to give any information or accept any degree of loss/risk/understandable error. This often results in the (mock) media becoming even more hostile and the (mock) community more paranoid / distrustful in the aftermath of the event (whatever the outcome).

**Expert Report**

**prepared for**

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**Free Range Therapy**

**Nick Cardone**  
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**August 2022**

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## **1.0 INTRODUCTION**

One of the first questions that emerged after the murders that took place in Nova Scotia on April 18 and 19, 2020, was: What was the role played by harmful expressions of masculinity generally, and male violence against women specifically. Even before much was known about the perpetrator, there were calls for an inquiry that would look at the murders through a feminist lens, and for a full exploration of his history of violence against women (Henderson, 2020).

This report does not seek to draw conclusions on the motivations for the murders or how past behaviour may or may not have served as a warning. Instead, it was commissioned to explore the relationship between traditional concepts of masculinity and violence. Doing this requires us to look critically at a broad range of issues so omnipresent that we are often unaware of them.

There is a story: Two young fish are swimming through the ocean, chatting as they do, when an older fish swims by them. “Mornin’ folks. How’s the water?” the older fish asks. The young fish continue swimming looking at each other quizzically. Finally, one breaks the awkward silence, “What the heck is *water*?”

There is a generous body of research supporting the connection between masculinity and violence, and the ways this relationship acts as a deep-rooted and powerful force in our society. Yet the reality of men’s violence continues to persist unchecked, unmanaged, and largely unacknowledged. We are like the fish in the water. Until someone points out the existence of traditional masculine norms, we are unaware of its existence. As a function of this relative

ignorance, while we are aware of the harmful impacts on our communities, we fail to implement societal strategies for healthy change.

### **About the Authors**

We come to this report after decades of working with men and boys. As an experiential educator and facilitator, Brian Braganza has worked extensively with boys and men to disrupt harmful expressions of masculinity and to explore a more compassionate self. Nick Cardone is a Registered Counselling Therapist who specializes in working with men and boys in non-traditional therapeutic settings.

Brian and Nick work together on the innovative T.O.N.E. Project (Therapy Outside Normal Environments), which engages groups of men using outdoor, adventure and experiential-based therapies, incorporating art, drama or music therapy. In bringing diverse groups of men and boys together to explore rigid norms of masculinity, we have found an insatiable hunger to expand the notion of what it means to be a man. Frequently in these groups, there is a collective sigh of relief when men and boys recognize they can set down the armour of traditional masculinity that disconnects them from their emotional lives, from their true sense of self, and from each other.

In this report, we combine our lived experience working with men and boys in Nova Scotia with an in-depth look at the research on conceptions of masculinity, and explore the link between those conceptions and violent behaviour.

**Purpose of the report**

We hope to deepen the Commission’s understanding of masculinity as a complex social construct, and demonstrate how it connects to violence in our communities. We examine how gender expectations placed on boys and men influence their physical, emotional, and mental wellbeing, and all-too-frequently lead to violence. We also look at the limited effectiveness of traditional therapeutic options available to men who seek change, and offer a review of gender-sensitive therapies and interventions available in Canada.

This document will ideally stimulate discussion and increase understanding about the role traditional masculine norms play in perpetuating violence. It should also serve as a call to action with respect to the oppressive and damaging influence of traditional masculine norms and the ways they harm women, partners, families, communities — and, ultimately, men themselves.

While violence is overwhelmingly perpetrated by men, most men do not perpetrate violence. And many of those who do use violence have themselves been victimized at the hands of other men. Our aim is not to demonize all men as perpetrators of violence. At the same time, we believe men can take responsibility for ending violence in our communities by disrupting traditional norms and harmful expressions of masculinity.

We are living through a time when old stories of masculinity are slowly being eroded and actively disrupted. However, these patriarchal stories about masculinity persist and permeate our politics, economics, institutions, and communities.

While patriarchy serves to elevate men, oppress women, children, and members of 2SLGBTQIA+ (Two Spirit, Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning, Intersex, Asexual and other ways people choose to identify themselves), and BIPOC (Black, Indigenous, People of Colour) communities, men and boys may also suffer beneath the violence of patriarchal masculine norms.

### **Influences**

Our reflections are deeply informed by several thinkers, including Jackson Katz, bell hooks, and Raewyn Connell.

- Katz, a well-known researcher and activist in men’s violence against women, notes how the euphemisms we often use to describe violence perpetrated by men render men invisible. For example, the terms “intimate partner violence,” “gender-based violence,” “violence against women,” and “sexualized violence” do not explicitly state that men are the primary perpetrators.
- Feminist author, academic, and social activist bell hooks has written that the use of “traditional,” as in “traditional masculine norms,” implies that traditions can easily be changed, rather than recognizing how hegemonic masculinity is deeply entrenched in an “imperialist white--supremist capitalist patriarchy.”

- And sociologist Raewyn Connell has done groundbreaking work in understanding masculinity as plural. This notion runs counter to a patriarchal masculinity that seeks to maintain power and control through maintaining a fixed binary of gender identities.

This paper examines how patriarchal, traditional masculine gender norms specifically shape cis-gender boys and men, and how those norms also condone and promote violence against people of all genders in our communities. As a result, while we believe gender is expansive and not binary, and that notions of masculinity are complex and plural, in this document we tend to use the binary terms “boys,” “men,” “girls” and “women.”

Finally, there is extensive research on this topic, and much has been written on it. The purpose of this report is not to act as an exhaustive analysis, but rather to serve as an introduction for the Mass Casualty Commission, designed to highlight the breadth of the subject.



## **2.0 Understanding Traditional Patriarchal Masculinity:**

### **The Diseased Tree Metaphor**

According to Micheal Kimmel (2017), the concept of masculinity is not solely related to being biologically male. Instead, it is vital to underscore that masculinity is a social construct. That is to say, the concept of what it means to be masculine is an idea that was - and continues to be - created and accepted by social groups throughout history. While there are multiple concepts of what masculinity looks like, there is indeed one concept that is dominant over all others. In this document we will call that form, *traditional*, or *patriarchal* masculinity.

One way to understand our dominant concept of masculinity and its effects on men, boys and their families and communities, is by thinking of it as a diseased tree that has become deformed as it grows. We will outline the metaphor in this section. Then we will look more closely at the elements of harmful, patriarchal masculinity, the factors that shape it, the harms it causes to people of all genders, and new ways forward.

#### **Contaminated Soil**

If we think of dominant concepts of masculinity as a tree, it is a tree growing in contaminated soil. What makes it contaminated? Harmful traditional norms and messages, many of them steeped in trauma born of past abuse — often a precursor to violence against women (Learning Network, Issue 16, 2016). Other contributing traumas include witnessing violence and abuse, racialized and generational trauma, and PTSD.

### **Acid Rain**

The tree needs water to live and grow, but the rain which falls is contaminated. The rain here represents the social messaging boys and men receive that reinforces the harmful messages of traditional masculine norms. These messages start with blue paint on the nursery walls and gendered toys which often emphasize dominance and toughness. These messages continue as boys are exposed to traditional feminine norms, which subjugate women as sexual objects available for men's pleasure and dominance.

### **Twisted Roots**

If the soil is devoid of nutrients due to contamination, the tree's needs cannot be met, and the root system sustaining the tree becomes starved and deformed. Similarly, when the genuine social and emotional needs of boys and men are suppressed, the result is an inability for men to form and sustain positive relationships; experience, manage and express emotions; and explore and engage with the community and the environment (<https://helpmegrowmn.org>). When there are no nutrients, roots wither and self-prune, leaving a structurally weakened tree.

### **Unstable Trunk**

Given this lack of nutrients from the contaminated soil, the polluted rain and the deformed roots, the tree trunk is unstable, on the verge of toppling. At the core of this tree are traits and qualities men may experience and yet must suppress and bury from the light of day, in order to maintain their status as male and not risk ostracization and reprisal from other men. These suppressed traits include:

- Vulnerability

- Empathy
- Social-emotional literacy
- True identity
- Low self-esteem
- Shame, grief, despair
- Loneliness
- Asking for help
- Male-to-male compassion

### **Calloused Bark**

The tree bark is gnarled and distorted, and represents the barriers men and boys put up through the behaviours they demonstrate — behaviours like dominance, hyper-sexuality, competitiveness, aggression and lone-wolf independence. These are frequently celebrated in Hollywood action films and in glowing profiles of ruthless CEOs and tech entrepreneurs. This barrier shields the vulnerable core of the man within, and projects as dominance over others. Often fear, grief, sadness, or shame underlie these behaviours, but the calloused exterior hides them.

### **Stressed Limbs**

The branches that grow out from the unstable trunk show signs of distress. In terms of masculinity, suppressing emotional and human states leads to mental and physical distress (Whitley, 2021). This can include the following:

- Depression and anxiety

- Intimacy and relationship dysfunction, parenting issues
- Addiction
- Body image issues
- Alexithymia, or being without words for emotions; this refers to an individual's difficulty identifying and describing their emotional experience (Levant, 2020)
- Loneliness and a lack of healthy social connections that allow for vulnerability and the development of empathy can lead to a variety of stress related illnesses. (Murthy, 2020)

### **Noxious Fruit**

The end result for the tree struggling to grow in contaminated soil, with its deformed roots, an unstable trunk, stressed limbs, and with the harmful social messages raining down relentlessly, is the noxious fruit of violence. When men are not able to identify or communicate emotions, they may be unable to deal with problems constructively. The result may be aggression and violence, both internalized (towards themselves) and/or externalized (towards others).

Other possible harmful responses include: sexual compulsions, substance use, porn addiction, gambling addiction, stress-related illnesses, and early death. Furthermore, men who learned as boys to temper vulnerable emotions into aggression will be more prone to act violently when faced with personal problems and hurt feelings. (Levant, 2020)

### **3.0 Exploring Concepts of Masculinity**

Masculinity exists in the context of a number of systems of oppression which seek to elevate one group of people over another. In this section, we introduce some of the factors influencing dominant Western concepts of masculinity and explore the notion of multiple masculinities.

#### **Patriarchy**

Patriarchal, traditional masculinity is often defined in opposition to the feminine. Patriarchy thrives and maintains its dominance by setting standards for what it means to be a man, or masculine, and what it means to be a woman, or feminine (Becker, 1999, Sultana, 2012). Other terms for these more rigid forms of masculinity include hegemonic masculinity, hyper-masculinity, toxic masculinity, dominant masculinity and/or misogynistic masculinity.

In her 2004 book *The Will to Change*, bell hooks describes patriarchy as follows:

“...a political system that insists that males are inherently dominating, superior to everything and everyone deemed weak, especially females, and endowed with the right to dominate and rule over the weak and to maintain that dominance through various forms of psychological terrorism and violence.”

This “psychological terrorism and violence” is directed not only at women, but also at gender non-conforming and sexually diverse individuals, as well as BIPOC individuals. Men who don’t meet the social expectations of the dominant culture of masculinity are also victimized (Kimmel, 2017). Patriarchal, traditional masculine norms are harmful to everyone.

### **Imperialism and Colonialism**

In Canada, we must also recognize that any discussion on concepts of masculinity is influenced by imperialism and colonialism. Imperialism refers to the policies and ideas which lead to one country's expansion and domination over other countries. Colonialism refers to the practices of settling and exploiting people and resources of other countries. When we talk about racialized and cultural experiences of masculinity, the unspoken assumption is that they are measured against a standard of white bodies and experiences. In *The Macho Paradox* (2006), Jackson Katz reflects on how he used to refer to “our culture” in lectures, and why he changed: “I was talking about white culture because whiteness is the ‘norm’ against which other races/ethnicities are measured.”

### **Multiple Masculinities**

Across history and cultures we find not one singular definition of masculinity, but multiple masculinities (Connell, 2001; Levant, 2020). The relatively recent focus in mainstream society on gender identity — brought to the fore by 2SLGBTQIA+ communities and allies — has broadened our understanding of gender identity beyond the male/female binary.

Even as we expand the notion of gender beyond the binary, a rigid narrative of masculinity and femininity persists and influences much of Canadian culture. As Raewyn Connell writes:

“Different masculinities do not sit side-by-side like dishes on a smorgasbord. There are definite social relationships between them. Especially, there are relations of hierarchy for some masculinities are dominant, while others are subordinated or marginalized, (Connell, 2001).



**Non-Traditional Masculinity: Compassionate, Transformative, Progressive**

If masculinity is viewed as a panorama with multiple expressions, we can also see and experience forms of masculinity that may be deemed as non-traditional, pro-feminist, liberal, progressive, and compassionate — all actively challenging harmful stereotypes of patriarchal masculinity in families, workplaces, and communities.

However, even men who behave in these non-traditional ways are steeped in, and deeply influenced by patriarchal forms of masculine socialization. It is the water we swim in and the air we breathe.

Sometimes men expressing these more compassionate forms of masculinity are seen as connected to their feminine sides. However this continues to reinforce a gender binary in which sensitivity, compassion, and open expressions of grief are seen as inherently un-masculine, while assertiveness, forthrightness and strength are seen as inherently un-feminine.

**Defining Norms of Traditional Masculinity**

In the early 1990s , psychologist Ronald F. Levant developed the Male Role Norms Inventory (MRNI), a list of defining characteristics for traditional masculinity. These norms relate to “messages, stereotypes, and social instructions related to manhood that supersede merely being born male or identifying as a man” (Heilman & Barker, 2018). Meanwhile, another notable psychologist, James R. Mahalik, researched men’s adherence to these norms, and developed the

Conformity to Masculine Norms Inventory (CMNI). Since the MRNI was developed, Levant has continued to refine and develop this tool to improve its reliability and validity.

Generally, research shows the more men adhere to these traditional masculine norms, the greater the chance they will suffer from mental or physical distress (Blazina and Watkins 1996; Cournoyer and Mahalik 1995), and the less likely they will be to seek help (Addis and Mahalik, 2003).

**Conventional Masculine Norms and Roles**

The first two columns in the table below show items in the MRNI and CMNI indexes. Column 3 is a compilation of what men in the T.O.N.E. Project in 2016 identified as traditional behaviours of masculinity. Column 4 lists what a group of racialized boys (mostly of Arab descent) at a Halifax high school named when asked what it means to be a man in 2018.

<b>Male Role Norms Inventory (MRNI-SF) Levant (1992)</b>	<b>Conformity to Masculine Norms Inventory (CMNI) Mahalik (2003)</b>	<b>T.O.N.E. NS Compilation list of behaviours of men</b>	<b>Racialized Boys in NS when asked what does it mean to be a man?</b>
Avoidance of all things feminine	Power over women	Fear and dominate women; not doing things women do; don't cook or take care of children; stay at home dads are not accepted	

Restricting expressions of emotions specifically vulnerability and caring	Emotional Control	Emotionally inexpressive; unphased by trauma; don't cry; one dimensional; unaffected by mental illness	Don't cry in front of people; control anger; be serious
Self reliance through Mechanical Skills	Self-reliance	Do all the handy things; don't ask for help; fix-it guy; know what to do	Take care of yourself and others
Toughness	Violence	Violence is the answer; thick skin; fighter; enforcer; you can't hurt me emotionally or physically; badass; short-tempered; insensitive to violence	Tough; don't care what people say
Dominance	Dominance	Be aggressive; don't back down; deep voice; authoritarian	Person who makes decisions; big, tall, strong, beard; strong voice
Importance of Physical Sex	Playboy	Womanizer; sex symbol; sexually dominant; sleep around alot; stud vs slut; virile and high sex drive; buff	
Distain for sexual minority men (Gay, trans, bisexual)	Disdain for homosexuality	Don't be gay/fag; be straight; don't be anything but hetero	
	Winning	Be a winner; be good at sports, competitive; jock	Have a brain
	Risk Taking	Drink a lot; drive fast; do drugs	Drive fast

	Primacy of work	Breadwinner; provider; put food on the table	Have a job; be responsible for the house; be responsible for your family
	Pursuit of status	Make all the money; be in the military; fiercely independent; wear a suit	Have money (rich); house, car
			Respectful, patient, strong, honest, don't lie, good communication

In examining this table, we can easily see the commonalities among the columns. In the second row we see an emphasis on restricting or suppressing our emotional lives. In the fourth column, in the responses from the ethnically diverse group of boys, we see an additional row which names honourable traits such as being “respectful” and “patient.” These generally are not mentioned by teen boys who identify as white. Data from all four columns indicate these norms have a substantial influence on the decisions men and boys make, and how they show up in the world.

It is important to understand that some of the behaviours identified by the men and boys in columns 3 and 4 are not inherently bad. Behaviours reinforcing the notion of being a provider, being independent, or being competitive and good at sports can be honourable. There is nothing wrong with boys and men wanting to drive four-wheelers, go hunting, fix vehicles, or play football. Important life skills can be gained in pursuing these activities. While these activities or

traits they represent are not problems, if they begin to limit our full expressions of who we are — if we become defined by these traits or activities alone — then that can be problematic.

When traditional masculine norms are linked to the domination of women and other bodies, or to self-harm and violence (eg, “If I work out and use steroids to get a ripped body, I’ll get more women.”) they become unhealthy expressions of masculinity.

### **Masculinity in Racialized Communities**

Traditional concepts of masculinity intersect in a variety of ways with the messages racialized men and boys receive. BIPOC men get the message that they don’t matter, don’t belong, and are less worthy than white men. They are seen as deviant, criminal, inferior, and inherently dangerous (Lowman, 2020). BIPOC men will never conform to the hegemonic masculine patriarchal image because of their skin colour. So these traditional masculine norms greatly reduce the self-esteem and self-worth of racialized boys and men, who then feel pressure to work harder in an attempt to reach an unattainable goal.

In Canada, racialized newcomer men and boys often face a culture clash when settling into Canadian society. If they are from a culture where being the sole provider and breadwinner for the family is the norm, they can be disoriented in face of a culture that ostensibly values women’s equality and independence, and women working outside the home. And their social and economic standing may be diminished if their foreign credentials are not recognized, or if they have difficulty learning English.

Newcomer men may also face isolation and pressure from family back home to maintain and assert their cultural values and ways of being. As a result of these stressors and strains, husbands and fathers may assert entrenched notions of masculinity in order to bolster their esteem, confidence and position in the family. This is frequently done in ways that are not helpful and can lead to mental distress — and potentially to intimate partner violence. (White Ribbon, 2018)

### **Masculinity and Rurality**

While there is limited research specifically on traditional notions of masculinity and rurality, there are a few noteworthy studies that explore these dynamics. These are particularly germane in Nova Scotia, which remains a largely rural province.

According to a Canadian study called “Rural Men’s Health, Health Information Seeking, and Gender Identities,” gender roles tend to be more rigid in rural communities, in which the man is traditionally still seen as the breadwinner and the woman maintains the home. Men are often encouraged to seek employment that elevates their physicality, while women’s roles are diminished (Hiebert et al, 2016). The study refers to this heightened gender rigidity as “hegemonic rural masculinity.”

In terms of health, men are less likely to report depression or other mental health concerns, yet addiction and suicide rates are higher among rural men than those in urban areas (Herron et al, 2020; Hiebert et al, 2016). Rural patriarchy also encourages violence as a method of maintaining gender dominance. (Carrington and Scott, 2008)

The Canadian rural men's health and gender study also describes a "romanticized rural masculinity" featuring "rugged men who conquer nature with brute strength."



#### **4.0 Why Do Men Adhere To Traditional Masculine Norms?**

In this section, we look at some of the reasons men continue to adhere to traditional masculine norms, even at great personal cost.

##### **Lack of Awareness and Opportunities to Investigate and Challenge Traditional Forms of Masculinity**

In Canada, most men and boys do not have a safe and supportive forum to investigate masculine norms and their effects on health, wellness and relationships. As stated already, in many cases boys and men do not even know of the existence of traditional masculine norms and their influence on male's behaviours. This is consistent with patriarchal masculinity's drive to perpetuate itself, that if it can remain invisible it will perpetuate its power and privilege. And yet, given the right conditions — including healthy male role models, and a space that allows for exploration and vulnerability and that actively challenges traditional norms — boys and men have shown they are hungry to examine and disrupt these masculine scripts. This can lead to opportunities to reconstruct a more helpful version of masculinity — one which no longer perpetuates harmful beliefs, habits, and behaviours.

However, in the absence of such opportunities, boys look to role models (including YouTubers, musicians, actors, and athletes) for models of what it means to be a man. Meanwhile, adult men may often feel they need permission to show up in ways that are vulnerable, self-reflective and thoughtful.

**Policing of Masculine Norms and the Risks of Deviating**

In many male-dominated social environments, the rules of traditional masculinity are clear and rigid, and any deviation will be ruthlessly policed and suppressed. Many men fear being ridiculed, ostracized, ousted from the group, and even physically attacked if they speak out against aberrant masculine behaviours. This policing happens through peers, mentors and role models, and parents, (Katz, 2006; Levant, 2020), and may also include women. A mother wanting to ensure her son survives and thrives in a patriarchal society may diminish empathetic loving qualities in a boy and nurture more traditional masculine behaviours (hooks, 2004).

**Maintaining Positions of Power and Privilege for Men**

From the birth of first wave feminism over a century ago, to the #MeToo movement which started in 2017, many have worked tirelessly to raise awareness and highlight the harmful impacts of masculinity, while also seeking to shift masculine norms and the ways they are perpetuated. Yet in most countries, these traditional norms remain well entrenched in male-dominated political structure, in corporate boardrooms, in amateur and professional sports, and on the schoolground. As the primary purpose of patriarchy is to concentrate power, authority, leadership and moral decision-making among men (primarily white men), it is reasonable to state that those primarily responsible for perpetuating traditional masculine norms are those who most benefit from them. This “dominant group is rarely challenged to even think about its dominance” (Katz, 2012), because the dominant culture maintains power and privilege by largely remaining invisible and unexamined.

### **How Traditional Masculine Norms Are Perpetuated**

Boys are not born with characteristics of male norms, but are socialized to adopt them. Messages around what it means to be a man are internalized as a function of the beliefs and expectations of a social group (Addis & Cohane, 2005; Levant & Pollack, 1995; Mahalik, Good et al., 2003; Pleck 1981). They then become reinforced, maintained and policed by family, schools, peers, and media influences. They may also differ, based on social and cultural subgroups (Addis & Cohane, 2005; Wester & Vogel, 2012).

In Canada, it is easy to find representations of these traditional norms in a variety of settings and contexts. These include the following:

- Close relationships: Peers, family, educators, sports coaches, other relationships, role models and social groups
- TV, movies and streaming services
- Video games
- Advertising
- Social Media
- Mainstream pornography
- Competitive team sports culture (both recreational and professional)
- University fraternity and dormitory culture

On a more extreme end and yet growing in prevalence in Canadian culture as an influencer of Traditional Masculinity, is the rise of White Supremist-Neo-Nazi groups and online Incel (Involuntary Celebate) communities. These groups are often explicitly rooted in misogyny,

hatred, and racism. These groups are also explicit about their use of violence to achieve their purpose and have a strong online presence that draws in mostly white male-identified individuals who are searching for community and belonging.

While there are emerging cultures challenging these entrenched masculine norms, many social groups and institutions continue to uphold a rigid concept of traditional masculinity.

## **5.0 Harmful Impacts Of Traditional Masculinity**

“The male has paid a heavy price for his masculine ‘privilege’ and power. He is out of touch with his emotions and his body. He is playing by the rules of the male game plan and with lemming-like purpose he is destroying himself—emotionally, psychologically and physically.”

Herb Goldberg, *The Hazards of Being Male*, 1977

In this section, we look at how traditional masculine norms hurt men, as well as their families, their friends, and communities at large.

### **Harm through Conformity**

Behavioural researchers since the 1950’s have written extensively about the mental, emotional and physical impacts of social conformity.

An initial level of harm in the male socialization process is the loss of individuality and authenticity. The harmful impacts of this process have been extensively researched and well documented. Two main theories encapsulate the internal and external harm caused by this process: *Gender Role Strain* (Pleck, 1981, 1995) and *Gender Role Conflict* (O’Neil, Helms, Gable, David, Wrightsman, 1986).

- **Gender Role Strain** theory posits that men experience mental and emotional distress when they cannot meet the expectations of traditional masculine norms while simultaneously addressing their own authentic emotional and interpersonal needs. For example, the need to rely on another for emotional support stands in contrast to the male norms of emotional control and self-reliance.

- **Gender Role Conflict** suggests that adherence to masculine norms leads to thoughts, feelings, behaviours and values that create inner conflict because they contradict familial and societal norms. For example, the masculine norm emphasizing sexual prowess may stand in contrast one’s family or social values of respecting self and others.

Regardless of whether masculine norms are internally or externally enforced, the psychological drive to act is powerful enough to lead to harmful outcomes. As Goldberg says above, the mental, emotional and physical costs are indeed a heavy price.

**Mental and Physical Health Outcomes**

Harmful expressions of masculinity and their negative impacts exist on a spectrum.

As noted previously, there are various standardized measures of masculine norms. These objective measures examine a man’s *beliefs* or *adherence* to masculine norms. The chart below shows the 11 norms of the Conformity to Masculine Norms Inventory (CMNI) in the column on the left. The right column connects these norms to some of their harmful expressions. Please note that while we are using the CMNI, other equally useful and validated comparable measures have been developed. This list is a summary, and is not intended to be exhaustive.

Conformity to Masculine Norms Inventory (CMNI)	Harmful Expressions of Each Norm
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Power over women	<ul style="list-style-type: none"> <li>● assumption of dominance or greater intelligence</li> <li>● control</li> <li>● physical, mental, emotional, financial, sexual abuse</li> <li>● sexual assault</li> <li>● sole responsibilities for family/home, leading to increased stress</li> </ul>
Emotional Control	<ul style="list-style-type: none"> <li>● not showing weakness</li> <li>● difficulty communicating emotions (alexithymia)</li> <li>● limited range of emotional expression</li> <li>● mental, emotional, and physical strain</li> <li>● low self esteem</li> <li>● self-medication (alcohol, substance, porn, gaming)</li> <li>● limited capacity for intimacy and dysfunctional relationships</li> </ul>
Self-reliance	<ul style="list-style-type: none"> <li>● not asking for help</li> <li>● seeing only one right way to do things</li> <li>● withholding</li> <li>● not seeking medical advice</li> <li>● fix-it-yourself ethic</li> </ul>
Violence	<ul style="list-style-type: none"> <li>● a coping strategy</li> <li>● seen as the only alternative</li> <li>● a tool for solving problems</li> <li>● a mask for vulnerability and fear</li> </ul>
Dominance	<ul style="list-style-type: none"> <li>● drive to be powerful (financially, physically, sexually)</li> <li>● using various expressions of power to set one's self above others</li> <li>● seeing oneself as better than those not fitting masculine norms</li> </ul>
Playboy	<ul style="list-style-type: none"> <li>● expectation to have a lot of sex whenever or however</li> <li>● non consensual sex</li> <li>● women as sexual objects</li> <li>● ego dependent on sexual conquests</li> <li>● body image pressures</li> <li>● scorecard of conquests</li> </ul>



Disdain for homosexuality	<ul style="list-style-type: none"> <li>● seeing anything that doesn't fit masculine norms as lesser (ie, more feminine or gay)</li> <li>● use of "gay" or "fag" as derogatory terms</li> <li>● gay men seen as not real men</li> <li>● violence against 2SLGBTQIA+ people</li> </ul>
Winning	<ul style="list-style-type: none"> <li>● doing whatever it takes</li> <li>● being number one</li> <li>● winning to the detriment of your own values</li> <li>● sacrificing health, family and/or relationships</li> <li>● cheating, subversion, intimidation as tools of winning</li> </ul>
Risk Taking	<ul style="list-style-type: none"> <li>● high-risk behaviours to establish status (alcohol, drugs dangerous driving, high-adrenaline activities)</li> <li>● thinking "it won't happen to me"</li> <li>● ultimate sports</li> <li>● high-risk sex</li> <li>● poor hygiene practices</li> </ul>
Primacy of work	<ul style="list-style-type: none"> <li>● workaholism</li> <li>● pressure to be the provider</li> <li>● sacrificing health, family and/or relationships</li> <li>● transgressing moral codes (cheating)</li> <li>● expectations to prioritize work</li> <li>● financial worth as a measure of success</li> <li>● putting others down to climb the ladder</li> </ul>
Pursuit of status	<ul style="list-style-type: none"> <li>● importance of looking good in the eyes of others</li> <li>● needing to be buff</li> <li>● body image issues</li> <li>● highly judgmental of others to elevate status</li> <li>● high standards and self-judgment</li> <li>● drive to feel power over others and be the boss</li> </ul>

Adherence to this cluster of male traits comes at a cumulative cost (Seidler et al, 2016; Mahalik, 2003).

**Harmful Outcomes: National and International Statistics**

The figures below come from a staggering amount of data collected by Statistics Canada and published in surveys and reports since 2010.

Compared to women, men and boys face disproportionate rates of the following harmful outcomes:

- 75-80% of suicide deaths
- 77% of homicide deaths
- 86% of perpetrators of homicide
- 94% and 83% of incarcerations (federal and provincial)
- 100% mass/school shootings
- 77% of overdose deaths
- 65% of people experiencing homelessness
- 80% perpetrators of intimate partner violence

In addition, men are:

- 2 times more likely die in automobile accidents
- 2 times more likely to struggle with addictions

Globally, the situation is similar. Recent World Health Organization (2018) reports examining the underlying causes behind poor health outcomes for men and boys note the following contributing factors:

- Increased high-risk behaviours (alcohol, drugs, interpersonal violence, etc)
- Poor health maintenance (diet, exercise, stress management, etc)
- Lower usage of health services

We note that these three factors are also directly linked to roles of traditional masculine gender norms in the table above.

## **6.0 Impact Of Traditional Masculine Norms**

### **On Help-Seeking Behaviours**

Men and boys tend to not seek help for their physical or mental well-being when they need it.

We explore some of the reasons in this section, and look at the far-reaching impacts.

Unfortunately, even when men do reach out for help, factors like attrition rates and negative attitudes towards services, (especially for mental health) lead to worse health outcomes (Cottone, Drucker, & Javier, 2002; Doherty & Kartalova-O’Doherty, 2010; Nam et al., 2010).

### **Statistics on Help-Seeking Behaviours**

How can we measure the rates at which men do not show up for help? Looking at the data on men who do reach out offers some revealing insights:

- 34% of all those who actually seek psychological support from a therapist identify as male (Bedi, 2015);
- 60% of men do not consult a physician for regular physical care, only accessing the medical system when conditions deteriorate (Terlizzi and Norris, 2021);
- Women are 33% more likely to seek medical support than men. (Brett and Bert, 2001)

These trends have remained consistent in the health literature for many decades. If we consider the statistics on suicide, overdose, and homicide, rates, as well as the perpetrators of mass shootings, we can see men are in great need of support. Yet they struggle to access or remain engaged in care.

### **Poor Help-Seeking Behaviours As A Result Of Traditional Masculine Norms**

In examining poor help seeking behaviours we will focus our attention on the following traditional masculine norms, however we also understand that all the norms intersect and influence the health and well-being of men and boys:

- Emotional Control
- Risk Taking
- Self-Reliance
- Dominance

The attitudes and behaviours that emerge as a function of these norms have a direct correlation to the readiness, willingness and ability of men to seek and sustain help for their physical and mental health (Addis & Mahalik, 2003; Wang et al., 2007). The table below names four masculine norms and the associated attitudes or behaviours, this list is not exhaustive:

Traditional Masculinity Norms	Attitudes and Behaviours
Emotional Control	<ul style="list-style-type: none"> <li>● don't talk about my feelings</li> <li>● don't cry</li> <li>● suck it up</li> <li>● don't be gay, don't be a pussy</li> <li>● I'm fine</li> <li>● man up</li> </ul>
Self Reliance	<ul style="list-style-type: none"> <li>● I've got this</li> <li>● I don't need help</li> <li>● it's not that bad</li> <li>● go it alone, deal with it yourself</li> </ul>
Dominance	<ul style="list-style-type: none"> <li>● grow a pair</li> <li>● tough it out</li> <li>● don't show weakness</li> <li>● doesn't happen to me</li> <li>● it's their fault, it's not my fault</li> <li>● violence gets me what I want</li> </ul>
Risk Taking	<ul style="list-style-type: none"> <li>● ignore the pain</li> <li>● it's not that bad</li> <li>● when I'm high I don't think about it</li> </ul>

In the men's health literature, this is referred to as the 'double-bind'. For example, while a man might feel that mental health support services could be helpful for something he is struggling with, the idea of reaching out is already stigmatized in many social circles. Additionally, doing so stands in contrast with the messaging of male gender norms. Caught in a loop between these two conflicting messages, a man may feel psychically stuck. And as his health worsens, this unhealthy belief system further fuels the mobius loop of ill-health (Rochlen and Rabinowitz, 2014).

### **Men's Experiences of Trauma**

Trauma is defined as mental, emotional or physical events that are distressing or disturbing. Trauma can be experienced as either acute (single event), chronic (recurring), or complex (multiple types of trauma). While there is a spectrum of severity, trauma is internalized differently by different people. Most people will experience at least one traumatic event in their lives.

According to the Adverse Childhood Events (ACE) Study (1998), there are 10 general types of traumatic events experienced by children:

- Physical Abuse
- Sexual abuse
- Emotional abuse
- Physical neglect
- Emotional neglect
- Mental illness

- Divorce
- Substance abuse
- Witnessing violence against your mother
- Incarcerated family member

The severity and number of these events have a direct correlation to physical and mental health outcomes in adulthood. They most commonly manifest as follows:

- Alcohol and drug abuse, as well as an increased risk of smoking
- Depression
- Sedentary lifestyle, which can lead to obesity, and heart-related illness and stress
- Employment difficulties
- Health issues such as diabetes, cancer, heart disease, and stroke
- Higher risk of contracting an STD/STI
- Attempting suicide

Since the ACE Study refers to traumatic events experienced in childhood, according to the US National Centre for PTSD, as children transition into adulthood, we know that men are more likely to experience trauma. (<http://ptsd.va.gov>)

### **Post-Traumatic Stress Disorder (PTSD) and Hyper-Masculine Environments**

While adult men are more likely to experience traumatic events (such as incarceration, self-inflicted violence including suicide attempts, violence from others, witnessing violence etc.),

women are 2-3 times more likely to experience PTSD (Olf, 2017). However, it is hard to determine the prevalence of PTSD in men, given the influence of traditional masculine norms on poor help-seeking behaviours. There may be a lot of men with undiagnosed PTSD, particularly in military and first responder sub-cultures, often referred to as hyper-masculine work environments. Here, we see greater expressions of masculine norms such as emotional control and self-reliance. Consequently, fewer men in these environments tend to seek support for the traumas directly associated with their work, or the lingering effects of adverse childhood events, let alone the daily stressors we all experience.

First Responder and Military systems understand the impact of operation stressors and vicarious trauma and yet are just beginning to meet the unique mental health needs of their primarily male workforce with adequate support. This slow to respond attitude is in part due this hyper-masculine culture (Scheinfeld et al, 2016).

### **Racial Trauma**

Racial Trauma, or Race-based Traumatic Stress (RBTS), refers to the mental and emotional injury caused by experiencing racial bias, ethnic discrimination, racism, and hate crimes. “Any individual that has experienced an emotionally painful, sudden, and uncontrollable racist encounter is at risk of suffering from a race-based traumatic stress injury.” (Carter et al, 2013)



While it is beyond the scope of this report to fully explore Race-based Traumatic Stress and its impacts on men and boys, we hope the following serves as a starting point for understanding the immeasurable impacts of race-based trauma and generational trauma perpetrated by white supremacist culture on BIPOC bodies — particularly men and boys.

- “At the root of these inequities, racial discrimination emerges as a major determinant affecting the overall well-being of Indigenous individuals and populations. Historical and contemporary trauma resulting from loss of land, lack of governance, marginalization, incarceration, residential schools, abuse and violence intersect to dramatically affect the mental health of Indigenous people in Canada” (Loppie, Reading & de Leeuw, 2020).
- “...the rate of Indigenous male offenders remains eight times higher than that of non-Indigenous men. The number of Indigenous male offenders continues to increase while the number of non-Indigenous male offenders has decreased slightly” (Clark, 2019).
- “The traumas that live in many Black bodies are deep and persistent, they contribute to a long list of common stress disorders in Black bodies, such as post (*pervasive*) traumatic stress disorder, learning disabilities, depression and anxiety, diabetes, high blood pressure, and other physical and emotional ailments.” (Menakem, 2017 pg 15)
- “...the participants (*newcomer boys*) spoke about how experiences of war and violence may lead, contribute to, or exacerbate trauma and mental health conditions, including post-traumatic stress disorder (PTSD), conduct disorders, attention deficit hyperactivity disorder (ADHD), disassociation, and attachment disorders.” (Hilario et al, 2021)
- “...despite struggling with mental health issues and trauma, Syrian refugee men were less likely than their female counterparts to access mental health services due to the stigma. When they do seek out help, it is more likely to be from peers but there is often a lack of formalized peer support networks for men and boys. In fact, there is a shortage of services specialized for men and boys. The marginalization and lack of support of unaccompanied boys and men can also lead to addiction or substance abuse.” (AMSSA, 2019)

## **7.0 How Traditional Masculine Norms Condone And Promote Male Violence**

When I first began looking at gender issues, I believed that violence was a by-product of boyhood socialization. But after listening more closely to men and their families, I have come to believe that violence is boyhood socialization. The way we “turn boys into men” is through injury...The very phrase “Be a man” means suck it up and keep going. Disconnection is not fallout from traditional masculinity. Disconnection is masculinity.

Terrence Real, quoted in bell hooks, *The Will to Change* 2004

A number of the masculine norms highlighted in the “Exploring Concepts of Masculinity” section directly state or imply violence as a norm of behaviour. Violence, toughness, dominance, power over women, disdain for sexual minority men, risk-taking, pursuit of status, and winning: these all imply that men are required to demonstrate their manliness as toughness and physical or emotional strength, with an emphasis on violent action if required.

A review of the literature shows that violence is inherent in patriarchal traditional masculine norms in North America. Any deviation from these norms implicates men as feminine, 2SLGBTQAI+, weak, and essentially *not men*. This puts those who deviate from these norms at risk of violence from those who adhere to them.

The prevalence, acceptance and even expectation of men’s violence is condoned and promoted in various media sources including, but not limited to, those listed below.

**Hollywood Films**

It is easy to point to hyper-masculine figures like Rambo, Dirty Harry, and the Terminator in action films of the 70s, 80s and 90s. But have things changed? Five of the seven top-grossing movies of 2021 have main characters, primarily men with limited emotional ranges, who demonstrate traditional norms of masculinity through violence, guns, and fast cars. Typically, women are highly sexualized, and frequently seen as objects. The top seven films are as follows:

- *Spider-Man: No Way Home* (Marvel)
- *Shang Chi and the Legend of the Ten Rings* (Marvel)
- *Venom: Let There Be Carnage* (Marvel)
- *Black Widow* (Marvel, female superhero lead)
- *F9: The Fast Saga* (Fast and Furious franchise)
- *The Eternals* (Marvel, female and non-traditional male leads)
- *No Time To Die* (James Bond franchise)

Source: The Numbers (website), 2021

**Video Games**

Three of the five top-selling video games in the US in 2021, involve assassin and first person shooter characters. The top five games are as follows:

- *Call of Duty: Vanguard* (First-person shooter)
- *Call of Duty: Black Ops: Cold War* (First-person shooter)

- *Madden NFL 22* (Sports)
- *Pokemon: Brilliant Diamond/Shining Pearl* (Fantasy/Adventure)
- *Battlefield 2042* (First-person shooter)

Source: Grubb (In VentureBeat Online), 2022

### **Mainstream Online Pornography**

Boys and men have unfettered access to free mainstream online pornography. This includes violent, misogynistic and non-consensual porn found at Canadian-based Pornhub, the largest porn site in the world (Kristof, 2020). Online porn is by far the primary source of male socialization for many teen boys (Katz, 2021).

Media literacy and masculinity expert Jackson Katz says it's not so much that exposure to this kind of violence in film, video games and pornography means young males will want to mimic these behaviours. Rather, the repeated images reinforce the message of hegemonic masculine norms and desensitizes young men, (Katz, 2021). Individuals see and experience the messages that *Violence is manly*, and *if you're not violent, you're not a man* so frequently that they become embedded in boys' (and girls') understanding of maleness. In addition, women, are often seen in these media sources as being available to men primarily as objects to satisfy sexual and violent desires. These repeated images and messages normalize violence and misogyny as masculine. Many researchers have argued violence is not a choice for men and boys; it's a requirement for being included in the culture of men.

### **Victims of Male-Perpetrated Violence**

Men who adhere to traditional patriarchal masculine norms also receive clear messaging as to who should be on the receiving end of their violence. Norms like *power over women*, and *disdain for sexually minority men* mark women and 2SLGBTQAI+ individuals as potential victims of men’s violence. Male violence can also be extended to any other men who do not match up with the norms of masculinity: Men who choose not to embrace these patriarchal norms, men deemed “weak,” men with disabilities, and all men who are not white are all at greater risk of violence from other men.

### **Loss Of Emotional Connection Leads To Violence**

As we have seen, many norms enforce and reinforce violent and aggressive masculinity. However, other masculine norms promote and condone violence as well. These are the norms that suppress, minimize and “kill off the emotional parts” of boys and men. They insidiously promote and condone self-inflicted violence. bell hooks puts it this way: “The first act of violence that patriarchy demands of males is not violence toward women. Instead patriarchy demands of all males that they engage in acts of psychic self-mutilation, that they kill off the emotional parts of themselves” (hooks, 2004).

A vast array of human emotional states are available to men and boys. According to the Centre for Nonviolent Communication, the *Feelings Inventory* (2005), a non-violent communication tool, lists 258 feelings. Yet the Masculine Norms Inventories consistently show the suppression of emotions, boys and men receive regular messaging from peers, media, and elders to suppress and deny their whole range of emotions. These messages underpin the belief that showing

emotion equates to weakness and means you are not a real man. The corollary is that the only emotions available to men are anger, aggression, and rage (Levant, 2020).

What is ultimately painful is that men and boys *do* feel all the emotional states available to them. But they have few opportunities to express and process these emotions out loud with supportive peers, therapeutic support or in community settings.

So what can men do with this plethora of emotions they are not allowed to feel? Author and social activist Parker J. Palmer writes: “Violence is what happens when we don’t know what else to do with our own suffering” (Palmer, 2011).

Men’s suffering is a deep loneliness, a disconnection from self and others, as they try to navigate the trials, tribulations and traumas of everyday life. The norm that men are supposed to be self-reliant means that when deep suffering arises, men are not encouraged to reach out for support from a counsellor or a partner — and definitely not from another man. In times of emotional or mental distress, the emotions that are condoned and promoted are to be angry and to perpetrate violence as a means of eliminating or masking the suffering. Violence may be internalized, as alcohol or chemical consumption and dependence, video game addiction, workaholism, and other harmful behaviours. When the violence is externalized it results in the suffering of others. These violent acts are then seen as a measure of a man’s dominance and control, which reinforces this view of masculinity, continuing the cycle.

**Internalized Violence** can occur when men rigidly adhere to traditional masculine norms and don't have the capacity, emotional literacy or social support network to examine, process and heal from the personal and social distressors in their lives. They feel they need to fix it themselves, often leading to addictive behaviours as ways to self-medicate or numb suffering.

These behaviours are not only harmful to the individual, they also ripple out to harm loved ones who witness these self-destructive behaviours, and are often at a loss for how to help, or are pushed away when they do offer help.

The most tragic outcome of men trying to fix their suffering themselves is suicide.

“...Suicide is self-directed violence... In many cases, suicidal ideation is connected to a failure to live up to the demands of ‘being a man,’ perhaps related to financial success, one’s sexuality, or another characteristic” (Heilman & Barker, 2018).

Attempted suicide in adolescence and adulthood is linked to child maltreatment, and is particularly high among boys with victimization experiences (Etherington and Baker, 2016).

Men are more successful at completing suicide than women, in part, because men use more lethal means, and the second is that they tend to avoid seeking support for mental distress (Varin et al, 2021). In male sub-groups (Indigenous, gay, transgender, military, men going through divorce, etc) suicide rates increase, (Ogrodniczuk et al, 2020).

“Harmful gender norms may often lie at the root of suicidal ideation and suicide. Societies that ‘gender’ the heart such that men are told to cut off their inner lives, to repress their emotions, and to be hard-shelled workers, protectors, and lone providers contribute to a crisis of connection among men. This lack of social connection, or undermining of men’s emotional lives, can be part of the groundwork for suicidal ideation, a form of patriarchal violence of its own.” (Barker, 2016; Way, 2011).

**Externalized Violence** as defined by the World Health Organization is, "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation" (WHO, 2002). In many cases, men's violence against others is a means, not an end (Katz, 2021), and is often seen as a way to satisfy an unmet need. For instance, violence may be a way to temporarily bolster confidence or self-worth.

External violence takes many forms. These include:

- Bullying
- Gender-based violence such as
  - Sexualized violence: rape, harassment, control etc.
  - Intimate partner violence
  - Domestic violence
  - Human Trafficking (<https://canadianwomen.org>, 2021)
- Coercion
- Manipulation
- Child abuse
- Homicide
- Hate Crimes

In both internalized and externalized acts of violence, we see the culmination of the masculine norms as they intersect with many men's constricted abilities for healthy socialization. This



violence permeates our families, workplaces, and communities. These noxious fruits fall from the tree and continue to contaminate the soil by reinforcing and perpetuating the social messaging and violence of patriarchal masculinity.

Externalized Responses to Stress	Internalized Responses to Stress
<ul style="list-style-type: none"> <li>● physical or verbal aggression</li> <li>● bullying</li> <li>● intimate partner violence</li> <li>● sexual abuse or assault</li> <li>● chemical or behavioural addiction (aggressive behaviours, substances, alcohol, gaming, porn, etc)</li> <li>● defiance</li> <li>● other criminal acts (vandalism, theft, etc)</li> </ul>	<ul style="list-style-type: none"> <li>● anxiety</li> <li>● depression</li> <li>● chemical or behavioural addiction (as avoidance behaviours: substances, alcohol, gaming, porn, etc)</li> <li>● social restrictiveness</li> <li>● avoidance of help-seeking</li> <li>● shame and/or guilt</li> </ul>

## **8.0 Extent To Which Traditional Therapies (& Other Interventions) Are Successful at Engaging Men and Boys**

“Each person is an individual. Hence, psychotherapy should be formulated to meet the uniqueness of the individual’s needs, rather than tailoring the person to fit the Procrustean bed of a hypothetical theory of human behavior.”

Milton Erickson  
(*The Letters of Milton Erickson*, 2000)

In Greek mythology, Procrustus would place people into a bed of his own making, either stretching their bodies or cutting off limbs to forcibly make them fit. The late psychologist and psychiatrist Milton Erickson invited therapy professionals to consider that our clients may inadvertently feel stretched or otherwise forced into therapeutic systems that feel unnatural.

Almost two decades of research on masculinity and mental health points to this same notion: that traditional practices in therapy are inadvertently causing harm to some men and boys (Mahalik et al., 2012; American Psychological Association, 2018).

In this section we look at how therapy is traditionally delivered, and why some men would be better served by a different approach.

### **What Does Traditional Therapy Look Like?**

Therapy is a concept that was created by men (notably Sigmund Freud and his contemporaries) for women. As a result, the therapeutic process was largely based on male assumptions about the psychological development of women (Englar-Carlson and Stevens, 2006). Prominent feminist

therapists and theorists have pointed out the discrepancy between the origins of therapy and the therapeutic needs of men, but the core elements of individual and group psychotherapy nevertheless remain largely unchanged.

Therapy, as currently constituted, generally displays the following elements:

- Takes place within a closed, office-based physical space
- Is physically sedentary, with the patient/client typically seated on a chair or couch
- Uses a talk-focused method of communicating
- Endorses a “forced intimacy”: facing a relative stranger, maintaining eye contact
- Is centered on exploration of emotions, requiring high emotional literacy
- Has expectations of self-disclosure, especially of one’s deep vulnerabilities

This remains the dominant model, despite the emergence of new therapeutic models over the last few decades. It is found in private practice clinics, community mental health programs, hospital or institution-based mental health services, and is the model still largely used in the following contexts:

- Youth Correctional or Detention Facilities
- Addictions Treatment Institutions and Programs
- Youth or Adult Group Homes (including Assisted Living, and Places of Safety)
- Community Services (Child Protective Services, Children in Care, etc)
- Intimate Partner Violence (IPV) Intervention Programs

- School Counselling
- Restorative Justice
- Alcoholics Anonymous, Narcotics Anonymous and related 12-Step Programs
- Mandated Impaired Driving Rehabilitation

The most notable change to the way therapy is delivered has come in large part due to the COVID-19 pandemic: the massive growth in online or telephone therapy. While this approach offers numerous benefits, the therapy framework remains fairly consistent, even in the virtual world. It involves sitting in a confined space, not moving one's body, staring at another person through a screen, using spoken language, and exploring one's emotional landscape, including our deepest traumas.

We have discussed some of the reasons men and boys exhibit poor help-seeking behaviours. A growing body of research suggests that one factor may be rejection of the type of services available. Consciously or subconsciously, men and boys avoid asking for therapeutic support due in part to the "limited masculine competence" found in most therapists and therapy services (Bedi et al, 2016).

We are not suggesting that in-person or virtual therapy is ineffective for men. Many male-identified clients (of varying cultures, age, sexual orientations, and religious beliefs) benefit from this practice of therapy. But this does not mean it is the only possible approach.

### **Gender Identity Of Therapists**

Complicating the data on men's help-seeking patterns is the fact that most therapists identify as female. The Canadian Psychological Association reports almost 75% of therapy clinicians (psychologists, social workers, counselling therapists and psychotherapists) identify as female. Additionally, the majority of clinical therapist training programs are instructed by women, which likely furthers the notion of "limited masculine competence" in many clinicians (Bedi et al, 2016). Stated quite simply, the lived experiences of someone influenced by traditional masculine norms, and the consequences that arise from this background, are best understood by one who has lived with those experiences. By extension, one could argue male clinicians possess a greater capacity to both understand, and ideally, support their male-identified clients.

The research examining clinician/client gender versus the effectiveness of therapy remains somewhat thin and inconsistent. However, what is clear is that seeing a female therapist is an additional barrier for some male-identified clients. Lambert (2016) found that male clients were more likely to continue with therapy if seen by a male therapist. Conversely, limited data has also identified that some male clients feel slightly more comfortable speaking with female therapists (Rabinowitz and Cochran, 2002).

Our point is not that clinical services provided by female practitioners are ineffective, but that the lack of male clinicians may have an impact on the low use of mental health services by men. This is an area that requires further study.

### **Men's Attrition Rates And Engagement In Therapy**

We have already seen that only 34% of clients identify as male (Bedi, 2015), despite the overwhelming physical and psychological health data pointing to the need for men to seek support.

Even more concerning, a 2021 Australian study shows that men have disturbingly high attrition rates in mental health settings. According to the study (Seidler et al, 2021), almost half of men (44%) who enter therapy dropped out prematurely. Similarly, over 25% failed to return to a clinician after only a single session.

As a result, the "...premature, unilateral termination of psychotherapy often results in negative consequences for clients, such as poorer mental health outcomes and discouragement from seeking future treatment elsewhere" (Hamilton et al, 2011). The ripple effects of attrition rates and worsening mental health outcomes further impact men's intimate partners, family and children, social and community relationships, and even strangers.

### **Clash of Cultures: Traditional Masculinity vs. Traditional Therapy**

As we know from Learning Styles Theory, individuals do not all assimilate information the same way. Similarly, in individual or group therapy settings, clients do not all connect relationally, access inner states, or internalize information in identical ways. Gender is a factor as well, and

the vast array of therapy settings require greater gender sensitivity if they are to help positively influence masculine ways of being.

Wade and Good (2010) refer to a “lack of fit” between two cultural norms: the culture of masculinity vs. the culture of therapy. We know that the culture of masculinity conditions men into holding back deep vulnerabilities, avoiding sharing emotions, minimizing intimate contact with others, solving problems alone, and so on. While these and many other aspects of traditional masculine norms may be categorized as unhealthy, there are other aspects of the male socialization process that should not be categorized as either healthy or unhealthy on their own. These include (but are not limited to): being goal-oriented, solving problems, a tendency for risk-taking, preferring concrete over abstract, a preference for action-oriented, etc. (Englar-Carlson and Stevens, 2006).

Standing in contrast however, is the culture of traditional therapeutic services as described above, which is sedentary, time-bound, focusing on emotional exploration, etc. (Addis and Mahalik, 2003).

This contrast between traditional masculine norms and traditional therapy approaches highlights a stark reality in the therapeutic community:

- men and boys are in great need of therapeutic services
- most therapy services available tend not to align with how many of these men and boys connect, engage with, and access their rich and painful inner states

Most current research highlights even more specific aspects of this culture clash, (Weidler, 2016; Springer and Bedi, 2021), which we explore in more detail in the following chapter:

- Lack of connection, or limitations in the therapeutic alliance men feel with their therapist
- Lack of focus on building trust
- Struggles with the therapy modality or therapeutic approach

### **Effectiveness of Common Therapeutic Modalities**

Another vital aspect of the therapy process is the modality, or methodology of therapy techniques used by a clinician. These come into play in various elements of the therapy process, such as the flow of a session or sessions, type of conversations held (sometimes including specific words used), tools or strategies offered, specific content to explore, and homework. Common therapy modalities include Cognitive Behavioural Therapy, Dialectical Behaviour Therapy, Acceptance and Commitment Therapy, Narrative Therapy, Motivational Interviewing, and Mindfulness.

Of course, many male clients find these methodologies helpful, but they may not be addressing the particular gender-sensitive needs of many men. By failing to recognize this, clinicians are inadvertently turning clients away from therapy before they begin, by enforcing the cultural norms of therapy, thereby contributing to men's poor help-seeking behaviour when it comes to mental health.



Research over the last decade supports this hypothesis, yet clinicians and institutions have been slow to adapt. Interviewing men who dropped out of therapy in both the US and Canada, Springer and Bedi (2021) found that the most common reasons for leaving therapy were:

- “Not the right approach ” and
- “Not the right interpersonal fit”

When participants were asked what characteristics of therapy may have kept them engaged, “Change the approach” was the most frequent response. These findings are consistent with a growing body of publications from experts and researchers in the field of mental health and masculinity (Brooks, 2010; Englar-Carlson et al., 2014; Rochlen & Rabinowitz, 2014, Seidler, 2021, Drew et al, 2021), showing that men’s reluctance to attend or commit to treatment is in large part due to the lack of tailored, gender-sensitive methodologies used by most clinicians (Seidler et al, 2018).

If therapists, institutions and policy-makers hope to shift the tide of poor help-seeking behaviours among men, and to improve low mental health outcomes and promote greater engagement in the therapeutic process, therapy approaches and settings need greater resonance with men and boys.

## **9.0 Gender-Sensitive Therapies and Interventions for Men Aimed at Building Healthier Expressions of Masculinity**

What is gender-sensitive therapy for men? In this section we present a summary of various characteristics of therapeutic settings that fit the term. Specifically, we are addressing mental health (and allied) clinicians seeking to provide a more masculine-informed therapeutic approach, in both theoretical grounding and practice. When we adopt these approaches, we open our practices up to fit the client — male-identified or otherwise — who shows up in our office, and we do not force them into a framework that is generic, uncomfortable, and unyielding (Englar-Carlson and Stevens, 2006).

Research has shown that for men who adhere to traditional masculine norms, creating male-friendly spaces that are safe for men to explore their vulnerabilities and that promote a greater sense of alliance with the clinician can produce the following positive results:

- Improved help-seeking behaviours
- Lower attrition rates
- A reduction in the vast array of negative impacts (mental, physical, social, etc.)
- A gradual shift in men's adherence to traditional masculine norms

(Springer and Bedi, 2021; Drew et al, 2021; Seidler et al, 2016; Schienfeld et al, 2011)

Adjusting the support systems through which men and boys can manage their distress may also shift unhealthy expressions of manhood.

### **Characteristics of Gender-Sensitive Treatment for Men**

These are some of the elements of gender-sensitive treatment for men (American Psychological Association, 2018; Schienfeld et al, 2011; Seidler et al, 2016; Drew et al, 2021).

#### **Focus on Therapeutic Alliance**

- Men's high attrition rate is frequently driven by a lack of connection with the clinician. Helping professionals should emphasize facilitating a meaningful, authentic connection with male-identified clients.
- Modelling prosocial masculine behaviours, and when appropriate, using self-disclosure to demonstrate empathy can deepen therapeutic alliance.

#### **Challenge Traditional Concepts of Masculinity and Gender Norms**

- In order to help shift the prevalence of unhealthy masculine norms, we must first support our clients to increase awareness. This creates space to find compassionate and meaningful ways to explore those norms, and the impact they are having on the lives of men and boys.

#### **Expand the Idea of Where and How Therapy Happens**

- Many men struggle with the idea of office-based therapy.
- Therapy can take place anywhere, including while performing a variety of activities. Providing a therapy experience while moving — hiking, walking, or riding a bike for

instance — is helpful for many men. In this case, the place or activity supports the therapy. Engaging in activities one enjoys or exploring new places can be inherently therapeutic. Combined with a trained clinician, this can produce powerful results.

- A wide variety of activities can be incorporated into the therapy. For example, sitting by a campfire (mindfulness), indoor rock-climbing (problem-solving), canoeing (relationships), and hiking (coping with obstacles).

#### **Building Community/Social Connections**

- Men struggle with building and maintaining lasting relationships.
- In a group therapy setting, building safe and vulnerable spaces with other participants provides an opportunity for men to open up, feel a sense of belonging, and to hear comparable stories.
- In individual therapy, clinicians can model the importance of relationship-building with other men, and encourage men to grow and develop meaningful social networks.

#### **Indirect Strategies to Explore Vulnerabilities and Emotional Literacy**

- Men are conditioned to suppress and deny emotions.
- Men tend to respond positively to non-clinical (non-traditional) approaches and thereby experience the depth and breadth of human emotions. Men have rich, deep inner lives, so we should invite men to experience them and build their capacity for emotional literacy.
- Some strategies that can be successful: use of stories and metaphor, somatic practices, creative or other expressive modalities.

### **Multiple Therapeutic Modalities**

- Men report that rigid, one-size-fits-all therapy discourages them from fully engaging in the therapeutic process.
- Using flexible, adaptable approaches based on lived experience of clients supports men as individuals.
- Using a variety of tools, strategies and approaches to facilitating insight, exploring emotions and solving problems increases the likelihood of connecting, so that men feel seen and heard.

## **10.0 Conclusion**

At the request of the Mass Casualty Commission, this report has been compiled to present research findings and literature that makes clear the connection between traditional, patriarchal norms of masculinity and male violence. What we are seeing and experiencing in communities in North America, reinforced by the literature, is a daily litany of masculine inflicted violence.

What is also apparent in the literature and in our direct work with men from a mental health perspective, is that these same traditional norms of masculinity which promote and condone externalized violence perpetrated on others, also lead to poor health outcomes in boys and men, emotionally, psychologically and physically. These poor health outcomes combined with poor help seeking behaviours in boys and men, lead to internalized violence of undiagnosed mental illness, self harm, and high rates of suicide. The effects of both the internalized and externalized violence are far reaching with traumatic results impacting boys, men, their partners, families, and our communities at large. The frequency of these acts of violence by men also perpetuates and habituates male violence in North American culture.

What is also apparent in the literature and from direct experience, is that traditional forms of therapeutic support are not adequate on their own to help boys and men cope with the tremendous weight of masculine norms. Other kinds of gender sensitive and responsive treatments are necessary to engage and support men's health. As men and male-youth are responsible for the vast majority of violently-defined acts, then where are the policies, programs,

and services of our social, educational and political institutions to address this masculine violence? In addition, if we could create a wide reaching cultural shift that ushers in healthy masculine norms and ways of being, then we increase the potential for boys and men to live more fully human versions of themselves.

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## LITERATURE REVIEW

### **Conceptions Of Masculinity And Violence: Towards A Healthier Evolution For Men And Boys**

#### **Introduction**

The intention of this report is to examine various concepts of masculinity, including traditional masculine norms, the mental health and wellbeing of men, and the relationship between masculinity and violence. In doing so, this literature review highlights the key academic and print content, seeks to establish the credentials of primary contributors to the field, while also presenting cornerstone concepts found in the larger report, while also highlighting any gaps in the literature.

It is paramount to identify at the outset a likely bias that exists embedded within the nature of the scholarly content referred to in these pages. Given the ubiquity of masculine norms in the fabric of our culture, it is reasonable to believe that authors, academics and researchers on the topic of masculinity unintentionally carry such biases or gaps into their work. This would include the writers of this report. While there is little in the way of literature to support this assumption, it is a bias that is not altogether unfathomable. As such, it is equally conceivable that gaps in the understanding of this topic exist as a function of this bias.

#### **Defining Masculinity and Masculine Norms**

According to Micheal Kimmel (2017), the concept of masculinity is not solely related to being biologically male. Instead, it is vital to underscore that masculinity is a social construct. That is to say, the concept of what it means to be masculine is an idea that was - and continues to be - created and accepted by social groups throughout history. These frameworks for manhood become an ideology that are perpetuated across generations (Englar-Carleson, 2006), and "...develops as growing boys internalize cultural norms and expectations about gender-appropriate behaviour." (Pleck, 1995).

While many sub-groupings of traditionally-defined masculinity exist globally, Raeywan Connell (1990) posits that the idealized expressions of masculine ideology are expressed in terms of power and dominance, where toughness, competitiveness and hyper-sexuality are preferred ways of being. Additional norms include the subordination of women, and the marginalization of males who fail to conform. As such, these forces fuel the continued expressions of what many refer to as 'toxic', or hegemonic masculinity (Englar-Carleson and Stevens, 2005; Rabinowitz, 2009; Newson, 2015, Wall and Kristjanson, 2005).

Writer bell hooks (2003) shines a light on the patriarchal drivers that concentrate power and privilege in hands of men, and more specifically, the colonial beliefs of white, cisgender men. Jackson Katz (2019) further highlights these ideas of power and privilege, and suggests that the benefits gained by men, also serve to perpetuate both the ignorance of their existence, and their harmful impacts on those around us.

Various contributors from the field of men's studies (Heilman and Barker, 2018; Katz, 2019; Kimmel, 2017; Sultana, 2012; and Becker, 1999) identify a strictness to which these norms are defined. Those viewed as stronger, more influential or of higher social status serve to uphold these patriarchal codes (Levant, 1996), lest they themselves become victims of judgment and marginalization. These standards must also be adhered to so as to remain robust across a population of boys and men. To ensure this is the case, norms of manhood are enforced by a form of social-policing - particularly by those judged to be 'more manly' (Englar-Carleson and Stevens, 2005).

Interestingly and ironically, masculinity is oftentimes identified more by being in opposition to characteristics deemed feminine. As such, this further entrenches the concept of a binary between masculine and feminine, in lieu of honouring multiple masculinities (Connell, 2001 and Levant, 2020).

### **Harmful Impacts of Traditional Masculine Norms**

In his 1977 book entitled "The Hazards of Being Male", Goldman refers to the "...lemming-like purpose..." by which men both adhere to, and are impacted by traditional masculine norms. These harmful impacts are ubiquitous in their reach, affecting the emotional, psychological and physical domains of wellbeing (Levant, various writing; Katz, 2019), leaching into the social, familial, political, educational and employment spheres of men and boys (Pleck, 1995, O'Neil et al, 1986).

In order to more closely make such links between traditional masculine norms and these impacts, Levant et al (1993) and Mahalik et al (2003) have contributed to the field by constructing measures of masculine norms, or male-norms inventories. While there exists subtle differences between each of the above measures, it is generally accepted that greater adherence in traditional masculine norms (as measured by any either of the above mentioned inventories), translates to worse physical and mental health outcomes (Seidler et al, 2016; Mahalik, 2003).

The patterns mentioned above are comparable on a global scale, and supported in various international reports, including World Health Organization's Report on Men's Health (2018),



and the American Psychological Association’s Guidelines for Psychological Practice with Boys and Men (2018).

### **Specific Harmful Impacts: Poor Help-Seeking Behaviours**

A deep pool of studies supports the generally held belief that adult men and male-identifying youth exhibit chronically poor help-seeking behaviours, specifically related to physical and mental health-related concerns (Bedi, 2005; Levant et al (1993); Mahalik et al, 2003; Scheinfeld, 2011; Terlizzi and Norris, 2021). Seidler (2016, 2020) has similarly supported this assertion, and furthered the field to additionally examine patterns of usage when men do engage in mental health services. Generally, if men and male youth do seek support - specifically - for mental health-related concerns, attrition rates are statistically higher than other gender expressions. These findings are similarly supported by [Addis & Mahalik \(2003\)](#), [Wall and Kristjanson \(2005\)](#); and [Wang et al. \(2007\)](#).

[While these patterns of help seeking behaviours persist amongst Western cultures, the bulk of research reflects the experiences of predominantly white, cisgender, heterosexual men. Similar international research in the area of men’s health and masculinity reinforces these norms of poor help-seeking patterns \(WHO, 2018\), and also highlights more variability in the data. As such, some researchers have identified a gap in the literature, suggesting that the impacts of race, culture, geography and ethnicity have not been fully explored in men’s health literature \(Parent et al, 2018\).](#)

### **Specific Harmful Impacts: Masculinity and Violence**

[Levant and Pryor \(2020\) stated with frightening simplicity, “Most acts of sexual assault and gun violence are perpetrated by men, yet most men are not violent.”](#)

[From an early age, male youth are pressured to restrict the range of emotional expressions, especially those that violate the code of toughness, stoicism, heterosexism and self-sufficiency \(American Psychological Association, 2018; Wall & Kristjanson, 2005\). In doing so, violence and aggression become acceptable tools used to meet those norms, as well as the only tools available to express emotion or distress \(Feder, Levant, & Dean, 2010; Pellegrini & Bartini, 2001\).](#)

Using Statistics Canada data collected over the last decade (2010-2021), the authors of this report compiled a list of statistics related to specific violent, or otherwise harmful acts (to self or others), as a function of gender. Men rated higher in all categories considered: whether rates of suicide, homicide, intimate partner violence, mass shootings, death by drug overdose,

incarcerations, addictions, etc. While these statistics are public knowledge, examples of men's violence can be observed on a daily basis by scrolling through the news headlines.

While the following reference is specific to concerns around violence perpetrated against women, the title of Jackson Katz's TEDx Talk (2016) speaks to the stats referenced above, stating that "Violence against women - it's a men's issue." This poignant noticing, the subject of a plethora of research and print resources available on the topic the world over, sheds light on perhaps the most compelling gap: that if men and male-youth are responsible for the vast majority of 'violently-defined' acts, then where are the policies, programs and services of our social, educational and political institutions to shift the tides of this harmful reality that has been with us for generations?

### **Men, Mental Health and Traditional Therapy**

[The American Psychological Association \(2018a\), in their Guidelines for Psychological Practice for Men and Boys, has collected and highlighted decades of literature, research and practice. Of the many standards of therapeutic practice for men and boys, there is a recognition for mental health clinicians to both educate and build a skillset at providing gender-specific therapy services. This is driven in large part by a 'culture clash' between traditional masculine expressions of self, versus the traditional nature of most therapeutic approaches and settings \(Springer and Bedi, 2021; Weidler, 2016; Wade and Good, 2010; Scheinfeld et al, 2011; Englar-Carlson and Stevens, 2006; Addis and Mahalik, 2003\).](#)

With a growing awareness of this disconnect in the literature over the last two decades (many of which are referenced in the paragraph above), discourse on what exactly '*gender-sensitive therapy*' entails is relatively small but viable. Enough data exists to support the widespread implementation of education and awareness programs in therapist training programs and publicly funded therapy settings - at the very least in the form of pilot programs. (Rochlen and Rabinowitz, 2014)

Unfortunately, there is relatively little in the way of programs or services (public or private) that translate any into gender sensitive therapeutic practices. Discouragingly, this is despite the overwhelming evidence that the status quo or traditional therapy is not only limited in effectiveness, but damaging as well. There is little in the way of supporting documentation that explains the reluctance of public health clinics or private practitioners to shift the nature of therapeutic practice to more appropriately support men and male-youth. Understanding more to support this evolution could be seen as a social imperative.

It should be noted that a relatively small number of organizations have both the mission and resources to raise awareness, invest in innovative programs, conduct research, and fund scaling efforts to better support men. Encouragingly, there is a groundswell of community-based programs that are exploring new and innovative methods of supporting the unique mental health needs of men and boys, some of which exist in Nova Scotia (Cardone, TEDx Halifax, 2019).

### **Conclusion**

Prominent researchers and writers have laid out a deep and wide foundation of critical literature on the subject of masculinity, how it is framed as a social construct, and how these notions are reinforced. While some expressions of traditional masculine norms might be experienced as helpful or productive, there is sufficient evidence to unequivocally state that many traditional masculine norms are indeed harmful. This report sheds light on the relationship between traditional norms of masculinity and violence. The various types of violent acts that emerge as a function of these masculine norms - both external acts, and internal - underscore the social imperative for political institutions, schools, and mental health settings to support a healthier evolution of men and male-identified youth.

**EXECUTIVE SUMMARY**  
**CONCEPTIONS OF MASCULINITY AND**  
**VIOLENCE**

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**TOWARDS A HEALTHIER EVOLUTION FOR**  
**MEN AND BOYS**

**Submitted by:**

Brian Braganza  
Nick Cardone  
Free Range Therapy

**Submitted as per the requirements determined by:**  
Mass Casualty Commission

June 2022

## **EXECUTIVE SUMMARY**

### **CONCEPTIONS OF MASCULINITY AND VIOLENCE**

#### *Towards a Healthier Evolution for Men and Boys*

Overwhelmingly, men and boys are more frequently both victims and perpetrators of violence. From disproportionately high rates of suicide, addictions, victims of homicide and child sexual abuse; to perpetrators of domestic violence, sexual assault, child abuse and mass killings. While there is often a complexity of reasons underlying acts of violence such as lack of appropriate resources and service, generational and personal trauma, mental illness, access to firearms and other reasons, it is rare that we connect violent acts perpetrated by men to the traditional conceptions of masculinity: how boys and men are socialized in western society.

This said, there is an abundance of literature from well regarded researchers, writers and speakers who have placed a spotlight on this relationship between masculinity and violence as well as the damaging and tragic effects of traditional and patriarchal concepts of masculinity on men and boys, their partners and families, and communities as a whole.

### **Exploring Concepts of Traditional Masculinity**

To fully explore traditional concepts of masculinity, we need to recognize that there are larger systems and forces which are foundational to maintaining and promoting these concepts and norms in society. Traditional concepts of masculinity in Canada and North America have been greatly influenced by the following systems of oppression:

- **Patriarchy:** Which insists males are dominant over others in society and can use violence as a tool to enforce their domination (hooks, 2004). Other terms for these more rigid forms of masculinity include hegemonic masculinity, hyper-masculinity, toxic masculinity, dominant masculinity and/or misogynistic masculinity.
- **Imperialism and Colonialism:** Imperialism refers to the policies and ideas which lead to one country's expansion and domination over other countries. Colonialism refers to the practices of settling and exploiting people and resources of other countries. These two systems of oppression give domination to the white European body, particularly the white-male body, while all other bodies are considered inferior and 'not human', (Menakem, 2017). In order to exert this domination the use of violence is acceptable.

#### **Multiple Masculinities and Compassionate Masculinities:**

Gender is a complex array. Even within the idea of masculinity, there are multiple masculinities that can be present. While the binary of one feminine and one masculinity is quickly becoming

outdated, it continues to play a dominating role in how we organize our society and socialize children.

If masculinity is viewed as a panorama with multiple expressions, we can also see and experience men who demonstrate forms of masculinity that may be deemed as non-traditional, pro-feminist, liberal, progressive, and compassionate. These men actively challenge or disassociate from the harmful stereotypes of patriarchal masculinity in their family, workplaces and communities. Simultaneously these non-traditional men are still subject to the forces of traditional masculinity in ways they may not know.

#### **Defining Norms of Traditional Masculinity**

Two notable researchers, Robert F. Levant who researched a man's belief in the existence of these norms, and James R. Mahalik, who researched men's adherence to these norms, provided a list of defining characteristics or norms for traditional masculinity. The essence of their work can be summarized in the following list. The statements in parentheses are more colloquial phrases which capitulate the defining characteristics:

- Avoidance of all things feminine and power over women (Don't be a pussy; man up)
- Restrict and control emotions (Don't cry; suck it up; be a man)
- Self reliance (Fix it yourself; get it done; don't ask for help)
- Toughness and violence (Be a man; be ripped; no pain no gain, violence solves problems)
- Dominance (Be aggressive; take control; don't back down)
- Importance of physical sex (Stud; player; get as much as you can, whenever you want)

- Distain for sexual minority men (Don't be gay or a "f\*g"; calling objects or activities 'gay' because they are not desirable)
- Winner (Jock; win at all costs)
- Risk taking: (Drink a lot, drive fast, high-risk/adventure activities)
- Pursuit of work, status and power (Career; money; provider; breadwinner; drive a nice car)

For many men, trying to live up to these unattainable norms leads to poor mental and physical health outcomes. These poor health outcomes can be experienced as 'internalized violence' or 'externalized violence'.

For boys and men from racialized experiences, there is a perceived need to not only live up to the unattainable traditional norms of masculinity, but also to live up to the unattainable norms of white dominated society. These pressures have a tremendous impact on the mental, physical and social health of racialized men.

Similarly rural communities tend to have more traditional mindsets, less alternative examples of masculinity and less resources to support gender sensitive treatments or programming. They also tend to have a more rigid reinforcement and policing of traditional gender roles.

### **Why Do Men Adhere to Traditional Masculine Norms**



There are numerous individual reasons why men might adhere to these norms, which can be distilled to the following: (hooks, 2017, Katz 2012)

- Lack of awareness of masculine norms and opportunities to investigate and challenge these norms
- Policing of masculine norms by other men, women and society at large
- The physical and psychological risk to those who deviate from the norms, and
- Adherence allows men to maintain positions of power and privilege

Some of the influencers which perpetuate traditional masculine norms include:

- Close relationships: Peers, family, educators, sports coaches, mentors and social groups
- Media: video games, social media, pornography, films, books, advertising, TV, streaming services
- Competitive team sports culture
- University fraternity and dormitory culture
- Rise in organized white supremacist groups including NeoNazi groups, and
- Rise in online Incel (Involuntary Celebate) groups

### **Harmful Impacts of Traditional Masculinity**

While it is clear that conforming to the traditional concepts of masculinity provide men with power and privilege in this society, what is less apparent is that the conformity comes with a heavy emotional, psychological and physical cost to men and boys, which ripples out to their key relationships and communities.

Two main theories encapsulate the internal and external harm caused by the male socialization process on one's individuality and authenticity (Scheinfeld, 2014):

**Gender Role Strain** theory posits that men experience mental and emotional strain or distress when they cannot meet the expectations of traditional masculine norms, while simultaneously addressing their authentic emotional and interpersonal needs. For example, the need to rely on another for emotional support stands in contrast to the male norms of emotional control and self-reliance.

**Gender Role Conflict** suggests that adherence to masculine norms leads to thoughts, feelings, behaviours and values that create inner conflict because they contradict familial and societal norms. For example, the masculine norm emphasizing sexual prowess and to be the playboy, may stand in contrast one's family or social values of respecting self and others.

The internal and external impacts of these realities for many men and boys, from a mental and physical health perspective, are staggering. According to Statistics Canada (various reports, 2010-2021), and compared to women, men and boys face disproportionate rates of the following harmful outcomes:

- 75-80% of suicide deaths

- 77% of homicide deaths
- 86% of perpetrators of homicide
- 94% and 83% of incarcerations (federal and provincial)
- 100% mass/school shootings
- 2 times more likely to struggle with addictions
- 77% of overdose deaths
- 80% perpetrators of intimate partner violence
- 2 times more likely die in automobile accidents
- 65% of those who experience homelessness

The World Health Organization reports the underlying causes for poor health outcomes for men and boys is due to the following contributing factors (WHO, 2018):

- Increased high risk behaviours in men (alcohol, drugs, interpersonal violence, etc),
- Poor health maintenance in men (diet, exercise, stress management, etc), and
- Lower utilization rates of health services by men.

The above list can be summarized as an adherence to traditional masculine gender norms.

### **Impact of Traditional Masculine Norms on Help Seeking Behaviours**

While it is not practical to survey men who do not show up or reach out for services, the only statistics available are related to men who do seek medical and psychological help:

- 34% of all those who actually seek psychological support from a therapist identify as male (Bedi, 2015);
- 60% of men do not consult a physician for regular physical care, only accessing the medical system when conditions deteriorate (Terlizzi and Norris, 2021);
- Women are 33% more likely to seek medical support than men. (Brett and Bert, 2001)

When considering accessing mental or physical health services, men are often faced with what some refer to as a *Double-Bind*. A double-bind is a dilemma that results from a conflict between two or more messages. For example, while a man might feel internally that mental health support services could be helpful, reaching out is stigmatized and to ask for help stands in contrast with the messaging of male gender norms. Caught in a loop between these two conflicting messages, a man may feel psychically stuck for what to do, leading to a worsening of one's health, and further fueling the loop. (Rochlen and Rabinowitz, 2014)

### **Post-Traumatic Stress Disorder (PTSD) and Hyper-Masculine Environments**

It is often hard to determine the prevalence of PTSD in men, given the influence of traditional masculine norms on poor help-seeking behaviours, and so many men go undiagnosed with PTSD, particularly in military and first responder sub-cultures, often referred to as hyper-

masculine work environments. Here, we see greater expressions of masculine norms such as emotional control and self-reliance, where fewer men in these environments tend to seek support for the traumas directly associated with their work, the lingering effects of adverse childhood events, or the daily stressors we all experience.

### **Racial Trauma**

Race-based Traumatic Stress refers to the mental and emotional injury caused by experiencing racial bias, ethnic discrimination, racism and hate crimes. While a full exploration of race-based traumatic stress and its impact on men and boys is beyond the scope of this report, what we can offer is that colonialism, imperialism and white supremacist culture have immeasurable impacts on the BIPOC bodies, particularly boys and men. We see these effects as a result of the following historical and current traumas: loss of land, lack of governance, marginalization, incarceration rates, residential schools abuse and violence perpetrated on Canada's Indigenous people. We see race-based trauma in the high rates of physical and emotional ailments that impact Indigenous and Black bodies. And we see this in how Newcomers refugee boys and men arrive with trauma from witnessing war and violence and then need to quickly understand and assimilate into a Canadian culture with values and beliefs that may conflict with the values and beliefs from their country of origin.

### **Traditional Masculine Norms in Condoning and Promoting Violence**

A number of the masculine norms stated earlier directly implicate violence as a norm of behaviour: *Violence, toughness, dominance, power over women, disdain for sexual minority men, pursuit of status*, all imply that men are required to demonstrate their toughness and physical or

emotional strength, with an emphasis on violent action if required. Deviation from these norms implicates men as feminine, gay, weak, and in perspective of traditional masculine norms as *not men*. Those men who deviate from these norms, along with women and 2SLGBTQAI+ are at risk of violence from those who adhere to traditional masculine norms.

The various media sources referenced previously in this document not only perpetuate traditional masculine norms, they frequently condone, promote and elevate the role of violence in a man's life to fix problems.

This is not to say that boys and men want to mimic what they see in these media sources, rather that the repeated images reinforce the messages of hegemonic masculine norms and desensitize young males (Katz, 2021). The repeated message is: violence is manly and if you're not violent you're not a man. While women are repeatedly portrayed as objects to satisfy sexual and violent desires, thereby normalizing misogyny.

Adherence to the set of norms which tell men to suppress emotions and not ask for help, directly and indirectly promote and condone violence. This cocktail of persistent violent messaging, and acceptable manly emotions (anger, rage and aggression), combined with the suppression of most other emotions (including empathy and sympathy), often leads to internalized and externalized violence in devastating proportions.

**Internalized Violence:**

When men have few options available to deal with their own emotional or psychological distress they too frequently internalize their suffering. We see this in the form of addictive behaviours such as substance use, video games, pornography and workaholism as ways to mask, minimize or self-medicate their suffering and isolation. These behaviours are harmful to the individual and

they also ripple out to loved ones who witness these self destructive behaviours. The most tragic outcome of men's attempts to fix their own suffering is suicide. In male sub-groups (Indigenous, gay, transgender, military, men going through divorce etc.) suicide rates increase, (Ogrodniczuk et al, 2020)

**Externalized Violence:**

In many cases, men's externalized violence against others is a means, not an end (Katz 2021), and can often be seen as a way to satisfy an unmet need, to fill an emptiness within. For instance, violence enacted on those 'deemed weak' may be a way to temporarily bolster confidence or self worth. This lack of confidence and self worth is a result of an inability to meet unrealistic masculine norms and expectations. The externalized violence takes many forms from physical violence like rape and other forms of gender-based violence, homicide, child abuse to emotional and psychological violence such as bullying, coercion, manipulation, hate crimes etc.

In these descriptions of internalized and externalized violence, we see the results of traditional masculine norms acting out in men's lives. These acts of male violence go on to permeate our families, workplaces and communities.

**The Extent to Which Traditional Therapies are Successful at Engaging Men and Boys**

Traditional Therapy is a concept that was created by men for women. As a result, the therapeutic process was largely based on male assumptions about the psychological development of women (Englar-Carson and Stevens, 2006). Despite prominent feminist therapists and theorists

pointing out the discrepancy between the origins of therapy and the differing therapeutic needs of men, the core elements of individual and group psychotherapy remain largely unchanged. The characteristics of traditional therapy include:

- It takes place within a closed, office-based physical space
- Is physically sedentary, typically seated in a chair or couch
- Utilizes a talk-focused method of communicating
- Endorses a ‘forced intimacy’- facing a relative stranger, maintaining eye contact
- Centered on exploration of emotions, requiring high emotional literacy
- Expectations of self-disclosure, especially of one’s deep vulnerabilities
- Time-bound within a typical ‘50-minute hour’

Similar can be said of the online therapeutic framework, which looks fairly consistent: sitting in a confined space, not moving one’s body, staring at another person through a screen, using spoken language, exploring one’s emotional landscape, including our deepest traumas.

Boys and men avoid asking for therapeutic support due in part to the ‘limited masculine competence’ (Bedi et al, 2016) found in most therapists and therapy services. Gender identity of therapists and their ability to empathize with the masculine experience may also play a role in men and boys' attachment to a typical therapy experience.

A recent Australian study shows that almost half of the men, 44%, who enter therapy, drop out prematurely (Seidler et al, 2021). Similarly over 25% failed to return to a clinician after only a



single session. The “premature, unilateral termination of psychotherapy often results in negative consequences for clients, such as poorer mental health outcomes and discouragement from seeking future treatment elsewhere” (Hamilton et al, 2011.)

### **Why Men Disengage In Therapy Services**

The culture of poor help-seeking behaviours amongst men is one of the more relevant rationales for men’s:

- low usage of mental health services
- high attrition rates
- lower commitment to therapy services (if they engage at all).

This can be referred to as a clash of cultures between traditional therapy and traditional masculine norms.

Due to this clash of cultures, the most common reasons for men avoiding or leaving therapy are (Springer and Bedi, 2021):

- Not the right approach
- Not the right interpersonal fit with the therapist/clinician.

### **Gender Sensitive Therapies and Interventions Aimed at Building Healthier Expressions of Masculinity**

#### **Characteristics of Gender Sensitive Treatment for Men**

According to the American Psychological Association (2018), and other prominent researchers in the field (Schienfeld et al, 2011; Seidler et al, 2016; Drew et al, 2021), for men who adhere to traditional masculine norms, it is critical to create male-friendly spaces that are safer for men to explore their vulnerabilities. Some of these characteristics include:

- Focus on Therapeutic Alliance: authentic connection with male-identified clients
- Challenge Traditional Concepts of Masculinity and Gender Norms
- Expand the Idea of Where and How Therapy Happens
- Building Community/Social Connections
- Indirect Strategies to Explore Vulnerabilities and Emotional Literacy
- Multiple Therapeutic Modalities

### **Conclusion**

This report has been compiled to present research findings and literature that makes clear the connection between traditional, patriarchal norms of masculinity and male violence. What we are seeing and experiencing all too frequently in communities in North America, reinforced by the literature, is a daily litany of masculine inflicted violence.

What is also apparent in the literature and in our direct work with men from a mental health perspective, is that these same traditional norms of masculinity which promote and condone externalized violence perpetrated on others, lead to poor health outcomes in boys and men, emotionally, psychologically and physically. These poor health outcomes combined with poor

helps seeking behaviours in boys and men, lead to internalized violence of self harm and high rates of suicide. The effects of both the internalized and externalized violence are far reaching with traumatic results impacting boys, men, their partners, victims and families, and our communities at large. The frequency of these acts of violence by men also perpetuates and condones male violence

What is also apparent in the literature and in our direct professional experience, is that traditional forms of therapeutic support fail to meet the unique mental health needs to support boys and men cope in healthy ways with the tremendous weight masculine norms puts on them. Other kinds of gender sensitive and responsive treatments are necessary to engage and support men's health.

What is also needed is a wide reaching cultural shift that ushers in healthy masculine norms and ways of being that increase the potential for boys and men to live into more fully human versions of themselves.

**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Mass Shootings and Masculinity**

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**April 2022**

[masscasualtycommission.ca](http://masscasualtycommission.ca)

# MASS SHOOTINGS AND MASCULINITY

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## Report for the Mass Casualty Commission

April 2022

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## **I. Introduction**

The Mass Casualty Commission commissioned this report on the relationship between mass shootings and masculinity. In what follows, we first address the lack of a scholarly consensus surrounding how best to measure incidents that qualify as “mass shootings” in order to distinguish them from other shooting-related incidents. This lack of shared definition of the phenomenon inhibits direct comparisons between different research projects and constrains the ability to make broad claims.

Despite this, there exists a scholarly consensus that mass shootings are more common in the United States than any other nation, and by a large margin (Bridges and Tober 2016; Bridges and Tober 2019; Lankford 2015; Lankford 2016; Lemieux 2014). As such, we document what has been learned about mass shootings in the United States as a way of offering perspective, data, and analysis from a society that regularly experiences more mass shooting incidents than other nations around the world (which is true regardless of how “mass shooting” incidents are measured). Considering the fact that Canada and the United States have some cultural and legal similarities, many of the insights drawn from empirical research in the United States are worthy of consideration in the context of a Canadian mass shooting. Evidence from the United States also shows that mass shootings and related incidents have been happening with greater frequency since 2000 (Follman 2014; Lankford 2016; Bridges and Tober 2019). While these data do not exist internationally, there is cause to suggest that shift in the frequency of mass shootings in the United States is not internationally isolated, though the trend is extremely exaggerated in the United States.

Following, we provide evidence from our own research on mass shootings in the United States, a project that relies on the least conservative definition of “mass shootings” in existing

scholarship. We use this broad definition because it allows us to summarize results from a much larger pool of incidents, enabling us to identify patterns not possible to identify within the smaller samples that characterize the vast majority of scholarship on the topic.

An important and interdisciplinary body of scholarship on this topic attests to the importance of distinguishing data on measures like gun ownership from a much more expansive analysis of the meaning of guns within society—something scholars of guns and gun violence refer to as “gun culture.” And following our summary of definitional dilemmas surrounding scholarship on mass shootings and what we have learned about their prevalence and frequency in spite of these issues, we summarize the value of scholarship on gun culture for understanding mass shootings and related gun violence in societies. As evidence of the importance of gun culture, we present some initial findings from our analysis of mass shootings in the United States between 2013 and 2020 comparing mass shootings across states, findings that suggest different gun cultures in different states across the United States.

Finally, a great deal of scholarship has commented on the relationship between gender and mass shootings because such shootings are almost universally committed by men (again, regardless of how such shootings are measured and defined). Different scholars have accounted for this gender discrepancy in different ways, but we present our two-part theory that helps to make sense of two separate questions: (1) Why are mass shootings so overwhelmingly likely to be committed by men? And (2) Why do men commit mass shootings in the United States so much more commonly than men in other parts of the world? We summarize two separate bodies of research that help provide social–scientific answers to these two questions.

## **II. A Problem of Definition: How Best to Study “Mass Shooting” Incidents**

Despite the fact that there is widespread agreement that mass shootings are a serious social issue, there is less scholarly agreement than might be expected about the frequency of such incidents. This is true for a variety of different reasons. In this section, we summarize both the lack of scholarly consensus and why better, more representative data do not exist, as well as address some of what is known about mass shootings around the world despite these facts.

It is worth pausing to consider why these data do not exist in the ways they should. We currently live in a data-saturated era. Data are being extracted from us all the time, and data are collected on all manner of social life. Various government agencies, health organizations, and media outlets have, for instance, kept a running record of the COVID-19 infections and deaths all around the world—in real time and on a global scale. Most economically advanced nations have great data on the numbers of people who die each year from the flu, heart disease, car accidents, or any number of ailments. But we do not know how many people are killed by mass shootings each year. It is a knowable figure; the data are simply not collected in any official capacity. Part of the issue in some countries is with data collection, but even with broad support for data collection efforts, clear criteria need to be agreed on so that incidents can be assessed in an objective way to assess whether they meet the criteria or not. And this type of agreement has not been achieved within the scholarly community studying mass shooting incidents.

There are a variety of reasons that data that should exist do not exist, and some of these reasons pertain to data on mass shootings. Sometimes, there is simply a mismatch between incentives and resources. Those with the resources lack sufficient incentive (politically or otherwise) to collect the data, while those with the most incentive sometimes lack the necessary resources. This is absolutely the case with data on mass shootings (and guns and gun violence



more generally) in the United States (Metzl, et al. 2021). Additionally, some data do not exist because there are specific groups and entities invested in the data not existing. This too shapes what is known about mass shootings and gun violence more broadly in the United States.<sup>1</sup> Any nation invested in better understanding mass shootings within their borders needs to reckon with both whether and how these factors shape data collection on this pressing social issue.

### 1. Defining Mass Shootings

The problem of defining mass shootings is partially due to the fact that the category of incidents was not one initially created in any official capacity. In the United States, scholars studying mass shootings often rely on a definition of incidents initially proposed by the Federal Bureau of Investigation (FBI) (see Bridges, Tober, and Wheeler 2015). A large body of US scholarship utilizes the FBI definition of “mass killings” to study mass shootings. As is visible in **Table 1**, mass killings are distinguished by the FBI from other forms of homicide primarily by number of fatalities and the number of locations. The FBI defines mass killings as incidents in which a single perpetrator kills at least four people in a single location (but this classification is not limited to firearm-related incidents). Mass killings are included among incidents in the FBI Supplementary Homicide Report, which is a subset of the Uniform Crime Reporting program established in 1929.<sup>2</sup> Because incidents involving more than a single location (i.e., “spree killings”) are distinguished by the FBI definition from “mass killings,” those multi-location

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<sup>1</sup> In the United States, the National Rifle Association (NRA) is a powerful enough political lobby that they have been able to effectively block research on gun violence (Spitzer 2020).

<sup>2</sup> The Uniform Crime Reporting (UCR) program was created to produce a space for national crime statistics. Indeed, a great deal of criminological research makes use of these data. However, the UCR program is not a national census of criminal activity in the United States because reporting crime incidents, rates, and statistics to the UCR is not mandatory. Since 1929, the UCR program has relied upon individual police agencies to voluntarily submit data. Some states elect not to report to the UCR, and even in states that do submit reports, there are agencies that elect not to report to the state. Thus, as with so much data on gun violence, as a result of this data collection process, the data from the FBI Supplementary Homicide Report is incomplete.

## Mass Shootings and Masculinity

incidents have traditionally been left out of scholarship on mass shootings. Scholarship that has made use of these data has also had to make decisions about which incidents to include, and the most widely used approach has excluded gang violence as well as family and intimate partner violence.<sup>3</sup> As a result of this definition, scholarship on mass shootings routinely does not include incidents connected with intimate partner and other forms of family violence or gang violence (e.g., Lankford 2016), and spree killings are also commonly excluded.

*Table 1: US Federal Bureau of Investigation Classification of Homicides*

Characteristic	Single	Double	Triple	Mass	Spree	Serial
Number of Victims	1	2 (not including perpetrator)	3 (not including perpetrator)	4+ (not including perpetrator)	2+ (not including perpetrator)	3+ (not including perpetrator)
Number of Events	1	1	1	1	1	3+
Number of Locations	1	1	1	1	2+	3+
Cool-off Period	N/A	N/A	N/A	N/A	No	Yes

Mass shootings scholarship has traditionally utilized this definition to produce datasets that identify incidents with a single shooter in a single location, with four or more fatalities (not including the shooter), and that are not considered family, intimate partner, or gang violence (e.g., Lemieux 2014; Lankford 2016). Some research excludes all incidents involving more than a single shooter, while others include incidents with multiple shooters. In fact, a study comparing

<sup>3</sup> A common source for this decision is a report released every few years produced by the New York City Police Department, “Active Shooter: Recommendations and Analysis for Risk Mitigation” (for the most recent version, see O’Neill, Miller, and Waters 2016). That report only defines incidents “that spill beyond an intended victim to involve others, including bystanders and collateral casualties. The NYPD excludes: gang-related shootings, shootings that solely occurred in domestic settings, robberies, drive-by shootings, attacks that did not involve a firearm, and attacks categorized primarily as hostage-taking incidents” (O’Neill et al. 2016: 5). Whether or not this decision to exclude incidents on the basis of relationships between perpetrators, places, and victims is useful for the policing data, it is routinely accepted by social scientists studying mass shooting incidents in ways that somewhat arbitrarily reduce the pool of incidents being analyzed. For a summary of the definitional dilemma associated with scholarship on mass shootings in the United States, see Smart and Schell (2021).

## Mass Shootings and Masculinity

four of the largest datasets used to discuss mass shootings incidents in the United States found that for 2017, only two incidents were in all four datasets (Booty et al. 2019). And the numbers of incidents included in the 2017 data ranged from 11 incidents to 346.<sup>4</sup> Booty, et al. (2019) concluded that fully documenting the burden of mass shootings on gun violence more broadly is simply not presently possible given the lack of a standard definition.

A brief consideration of two incidents in the United States helps to illustrate some of the issues with existing data. In the spring of 1999, two high school students in Littleton, Colorado entered their school with guns. They killed 12 students and injured another 21 people, and both died by suicide before either could be apprehended. The shootings at Columbine High School are known around the world but would nevertheless not be counted among “mass shootings” in all databases because there was more than one shooter (e.g., Stanford Mass Shootings in America database).<sup>5</sup> A separate incident involved a twenty-year-old man in Newtown, Connecticut who shot his mother in the morning before driving to Sandy Hook Elementary School, where she worked, shooting his way in, and killing twenty children and six adults before also dying by suicide. Not all datasets on mass shootings in the United States include this incident for two reasons: (1) the shooting occurred in more than a single location, and (2) the incident was first precipitated by family violence. For instance, the FBI, given their definitional criteria, ought to define the Sandy Hook shooting as a “spree killing.” Similarly, the 2020 Nova Scotia attacks

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<sup>4</sup> In this study, even when relying on the most conservative criteria to define mass shootings (incidents involving only one shooter and four or more fatalities), incidents included in the 2017 ranged from 2 to 24 incidents (Booty et al. 2019).

<sup>5</sup> Interestingly, while the shooting at Columbine High School does not meet the definitional criteria for the dataset produced by *Mother Jones*, they nevertheless include this incident. Their criteria state that incidents are only included if “The killings were carried out by a lone shooter.” But that is followed up with two exceptions, both of which are school shootings, and one of those is the Columbine massacre. While it may be important to include Columbine, this speaks to some of the arbitrary decisions made in an attempt to fit into many existing datasets incidents that are popularly understood as mass shootings but otherwise resist being defined that way.

## Mass Shootings and Masculinity

resist easy classification. While the massacre was committed by a single person, media reports suggest that it began with an incident of intimate partner violence, involved guns and arson, and occurred at multiple locations over many hours. Depending on the dataset, this case would not “count” within the scholarly literature as a mass shooting.

What these incidents and definitional dilemmas bring into stark relief is the recognition that the majority of existing data and estimates of mass shootings around the world are best understood as under-inclusive estimates of the prevalence of incidents of the broader phenomenon that we are seeking to understand. And while the data that do exist have allowed us to better understand some of the most extreme and deadly mass shootings around the world, discovering patterns to learn more about incidents like mass shootings is challenging when the population of incidents remains small.

Learning more about mass shootings requires us to consider different ways of defining the very phenomenon we seek to better understand. We present data later in this report relying on a dataset of mass shootings that shares the criterion of one to two shooters with some existing research but parts with that work by defining incidents by the number of gun-related *injuries* (not fatalities) involved (including incidents in multiple locations and those that involve family, intimate partner, and gang violence). This allows us to examine this social problem with a much larger body of data and enables the identification of patterns that may be obscured by the narrower definitions underlying the majority of data and research on this topic.

## **2. Mass Shootings in International Perspective**

As a result of a lack of a central international database on mass shootings, statisticians and researchers are often unable to answer even the most basic social scientific questions about these tragedies. Answering a question like “How many mass shootings occurred in Canada last year?”

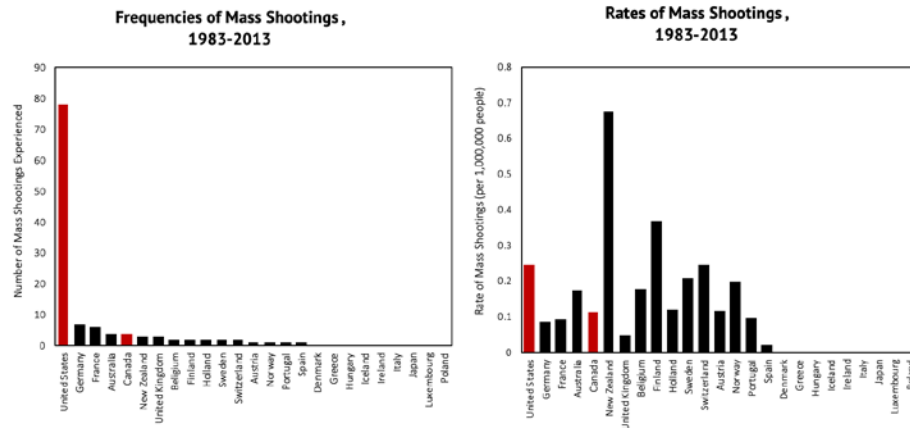
## Mass Shootings and Masculinity

sounds deceptively simple. It ought to be a straightforward matter of counting them. But there are two factors that shape our inability to answer this question. One factor has to do with how mass shootings are defined by scholars and other entities collecting and analyzing data on them. The second factor has to do with the availability of data that can be found to accurately enumerate a population of incidents once agreement on how to define them is achieved.

As a result of these challenges, the vast majority of research on mass shootings has tended to rely on relatively restrictive definitions. For example, Lemieux's (2014) work attempting to compare rates of mass shootings in a collection of 25 nations around the world between 1983 and 2012 utilized the number of fatalities as the defining factor. Lemieux defined mass shootings as incidents committed by one or more people that involved at least four fatalities as a result of the incident. In that period, according to the data Lemieux (2014) collected, the United States experienced 78 separate mass shooting incidents; and Canada experienced 4 (see our visualization of Lemieux's findings in the graph on the left in **Figure 1** below).

## Mass Shootings and Masculinity

Figure 1: Mass Shootings around the World, 1983–2013



Sources: Lemieux, Frederic. 2014. "Effect of Gun Culture and Firearm Laws on Gun Violence and Mass Shootings in the United States: A Multi-Level Quantitative Analysis." *International Journal of Criminal Justice Sciences* 9(1): 74-93.  
 2013 Population Estimates from The World Bank, IRBD.IDA. Available at: <https://data.worldbank.org>.

In **Figure 1**, we graph these data two ways, highlighting the United States and Canada on both graphs to illustrate a point about considerations of international comparisons. The graph on the left reports actual numbers of incidents in the defined period (frequency), while the graph on the right reports the same data but as a rate (per 1,000,000 people in the population) as opposed to a frequency. Relying on rates as opposed to frequencies in this way is sometimes utilized politically to make claims about incidents that are, when considered from a population perspective, relatively rare. For instance, the frequency of mass shootings around the world as depicted by the graph on the left in **Figure 1** shows the United States as an extreme outlier, while the graph on the right depicting rates of mass shootings shows the United States as experiencing a more average rate of incidence.<sup>6</sup> Because the United States has a larger population than every

<sup>6</sup> While disagreements exist in scholarly communities over which incidents to include when defining a dataset of mass shootings, there is a scholarly consensus that, however measured, the United States is an extreme outlier, experiencing more mass shootings than any other nation in the world by a large margin. The disagreements exist over precisely how large that margin is. (For a separate cross-national comparison of mass shootings around the world focusing on the United States as the outlier case, see Lankford 2016).

other nation in the figure above, it could be argued that it is simply more likely to experience mass shootings. Many demographic data like these for societies are provided as rates per 100,000 in the population (or per 1,000,000 people in the population for more rare phenomena) to provide a common metric to draw comparisons. In the graph on the right of **Figure 1**, we present Lemieux's (2014) data on mass shootings as a rate per 1,000,000 people in each nation's population (relying on 2013 population estimates). Presented this way, the United States, with a rate approximately double the rate of mass shootings in Canada per 1,000,000 people, no longer appears to be an extreme outlier. Instead, the outliers when Lemieux's (2014) data are presented in this way are New Zealand and Finland, nations with small populations that experienced three and two mass shootings respectively during the period of Lemieux's study.

A logical question to ask is whether frequency or rate is better to rely on when assessing the scale of a problem like mass shootings. And here, frequency offers more and better information than rate (Bridges and Tober 2019). The reason for this is that demographically, smaller populations or groups are more susceptible to random fluctuations when examining relatively rare events. This is why experiencing two or three mass shootings in a 30-year period propels some nations to the top of the list when examining the rate of mass shootings, as illustrated above by Finland and New Zealand. An instructive comparison is how medical research deals with similar phenomena. It is common practice to consider rates of particular diseases from populations lacking certain baseline frequencies to be unreliable data (see, e.g., Noordzij et al. 2010). It is simply not possible in these circumstances to distinguish random fluctuations from meaningful changes in the rate of the disease. A similar issue is at stake in examinations of mass shootings, which means that the graph on the right of **Figure 1**, albeit accurate, is a far less helpful representation of the problem of mass shootings. That graph ignores

the fact that the United States experienced almost twice the number of mass shootings in Lemieux’s sample as all of the other nations in the sample combined.

### 3. Shifts in the Frequency of Mass Shootings

Because of the lack of consensus surrounding how to define mass shootings, we also struggle answering questions about whether mass shootings are increasing in frequency. Answering the question of whether there are more of these incidents today than there used to be requires a shared definition. In this section, we present evidence documenting the increasing frequency of mass shooting-related incidents in the United States and also discuss shifts in the relative frequency of mass shootings internationally.

In 2013, US President Barack Obama signed HR2076, or the “Investigative Assistance for Violent Crimes Act of 2012,” granting the Attorney General the authority to, “at the request of an appropriate law enforcement official,” investigate mass killings and attempted mass killings, defined as “three or more killings in a single incident” with guns.<sup>7</sup> This resulted in a series of studies conducted by the FBI on what it called “active shooter incidents,” in which an individual (or, in some cases, individuals) was/were engaged in killing or attempting to kill

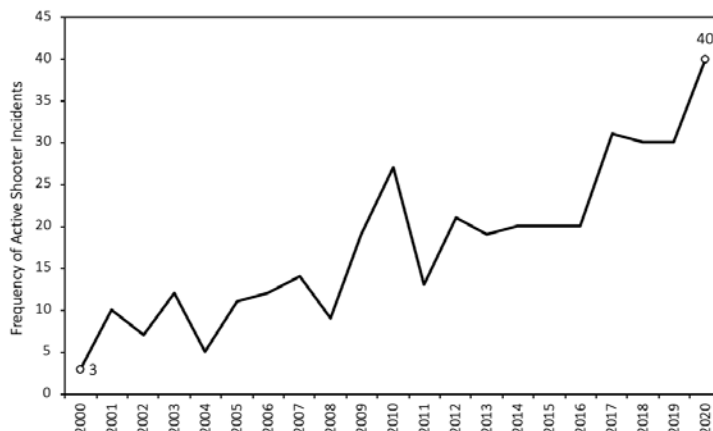
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<sup>7</sup> In 1996, Congress passed (with heavy backing from the National Rifle Association) the Dickey Amendment to an omnibus spending bill in response to efforts to treat the gun violence so rampant in the 1990s as a public health issue (Rostron 2018). The amendment forbids the Centers for Disease Control, which studies anything that has an impact on public health (not only disease), from using money to advocate or promote gun control. This was in response to a study (Kellermann et al. 1993) that found that gun ownership was a risk factor for homicide in the home. Congress also lowered the CDC budget by the exact amount it previously had spent on gun research. The Amendment did not technically forbid research about gun violence but instead restricted formal proposals that called for gun control. It did have the effect of restricting gun control, however, because it was (and is) unclear where exactly that line between research and recommendations is; and federal employees have appeared unwilling to risk their careers in order to find out. In 2011, the Dickey Amendment was extended to include both the CDC and the National Institute of Health (Rostron 2018). After the events at Sandyhook Elementary School, Obama directed the CDC to not treat the Dickey Amendment as a ban on gun violence research and signed an executive order directing the National Institute of Health (NIH) to fund research into gun violence. Congress thereafter denied the request for funds, and the program was discontinued (Zhang 2018). More recently, legislation in 2018 clearly states that federal funding can support gun research, but the line between research (allowed) and policy recommendations (not allowed) remains unclear. Even if this line is clarified, researchers in the United States are faced with an incredible lack of data because both funding and opportunity for research has been so limited.



people by firearm. These are not all mass shooting incidents but rather incidents *like* mass shootings, or incidents that might have become mass shootings, in which authorities had the opportunity to intervene to possibly change the outcome and save lives. **Figure 2** shows the frequency of active shooter incidents between 2000 and 2020 from two separate FBI reports.<sup>8</sup>

*Figure 2: Frequency of “Active Shooter” Incidents in the United States, 2000–20*



Note: In 2019, the Federal Bureau of Investigation released new figures for many of the early years for which they collected data indicating that they had undercounted incidents. These figures represent the updated data, consistent with 2019 and 2020 reports.

Sources: U.S. Department of Justice, Federal Bureau of Investigation. "Active Shooter Incidents: 20 Year Review, 2000-2019." May 2021. Available at: <https://tinyurl.com/mt53345y>.  
U.S. Department of Justice, Federal Bureau of Investigation. "Active Shooter Incidents in the United States in 2020." July 2021. Available at: <https://tinyurl.com/2p82jtdt>.

FBI active shooter reports and data demonstrate that the frequency of mass shootings and incidents like mass shootings, despite being relatively rare, has increased over time. In 2000, the FBI discovered only three incidents that qualified as incidents involving active shooters in the United States. By 2020, that figure increased more than thirteen times to 40 separate incidents.

<sup>8</sup> Despite the short span of time in which the FBI has been studying active shooter incidents, they have already changed the frequencies of incidents for years prior to 2019 in the data set because they realized they had undercounted incidents (FBI 2021a). This is important, as it speaks to the fact that estimates of mass shootings and incidents similar to mass shootings have always been conservative estimates of the actual frequency of these incidents.

And these data are consistent with other work on mass shootings showing that the frequency of mass shootings in the United States has been increasing (i.e., Follman 2014; Bridges and Tober 2019).

Comparable data are not available in other nations. But trends in the United States surrounding gun violence may simply be on a more exaggerated trajectory than many other nations. For instance, in 2020 Canada’s homicide rate was approximately 1.95 per 100,000 people; the analogous figure from the United States was 7.8 per 100,000 people (Statistics Canada 2020; National Center for Health Statistics 2020). Homicide rates in both nations increased in 2020, with Canada’s being the highest in approximately fifteen years.<sup>9</sup> And while mass shootings are much rarer in Canada than in the United States, there have been a number of highly publicized incidents in Canada since the 1989 shootings at École Polytechnique.<sup>10</sup>

#### **4. Mass Shootings, Gun Violence, and the Importance of Understanding “Gun Culture”**

The pro-gun National Rifle Association (NRA) in the United States has made the slogan “Guns don’t kill people; people kill people” famous internationally and is popularly associated with pro-gun activists and advocacy in the United States, as well as in other nations. The slogan is used to argue that guns are not the real problem when it comes to homicides, suicides, and other gun-related crimes. The slogan takes an instrumental approach to guns, suggesting that they are

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<sup>9</sup> Because of Canada’s relatively small population, the events in Nova Scotia in April 2020 account for part of the increase in the 2020 homicide rate.

<sup>10</sup> The mass shooting at École Polytechnique (Université de Montréal) in 1989 is among the mass shootings around the world that brought attention to mass shootings from gendered perspectives. The perpetrator was explicitly anti-feminist, and the incident ended with him killing fourteen women and injuring another ten women and four men. The perpetrator claimed to be “fighting feminism” as he entered a classroom on campus, separated the women and men, and began shooting. This incident prompted anti-violence activist efforts like the White Ribbon Campaign, which is now among the largest nonprofit campaigns to raise awareness and understanding surrounding gender-based violence worldwide.

nothing more than a tool. From this perspective, any harm done with guns is entirely attributable to the person who causes that harm, and not to the means they use to do so.

The problem with the slogan and the instrumental approach to gun violence is that they treat guns and the people who wield them as though they are separable in ways they are not. When humans interact with guns, the interaction is transformative because of the cultural meanings attached to guns—meanings that are not everywhere and for everyone exactly the same. In the 1960s, psychologists theorized the “law of the instrument” (Maslow 1966). Interactions between humans and technology are both complex and transformative. Maslow distilled this concept simply: “I suppose it is tempting, if the only tool you have is a hammer, to treat everything as if it were a nail” (Maslow 1966: 15–16). Maslow’s point was that holding a hammer alters the ways hammer-holders see the world around them. The act of holding the tool transforms the person holding it. When holding a hammer, the world around you takes on a distinct kind of form and shape. To someone holding a hammer, nails and nail-like things come into sharp relief. A hammer is a tool with a specific purpose, and to anyone aware of the meaning and use of the tool, holding it recommends considering those uses. Guns are similarly transformative in the way they can affect gun-users (Wade and Sharpe 2012).

Additionally, guns are transformative in a separate way: when one person is holding or pointing a firearm, or even if the threat to do so is present, the behaviors and emotions of other people in the vicinity are also transformed. This was a point made in the Supreme Court of Canada in the case of *R v Felawka*. As Justice Cory explained:

A firearm is expressly designed to kill or wound. It operates with deadly efficiency in carrying out the object of its design. It follows that such a deadly weapon can, of course, be used for purposes of threatening and intimidating. Indeed, it is hard to imagine anything more intimidating or dangerous than a brandished firearm. A person waving a gun and calling “hands up” can be reasonably certain that the suggestion will be obeyed. A firearm is quite different from an object such as a carving knife or an ice pick, which will normally be used for legitimate purposes. A firearm, however, is always a weapon. No matter what the intention may be of the person carrying a gun, the firearm itself

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presents the ultimate threat of death to those in its presence (*R v Felawka* [1993] 4 SCR 199).

Here too, as Justice Cory argued, guns are not simply instruments. They have the capacity to transform the world around them. And they are different from Maslow’s hammer too in that a hammer can be used as a weapon, but a firearm “is always a weapon.” This is important because when seeking to understand gun violence, guns are not best understood from an instrumental approach. As such, designing policies only around instrumental understandings of guns is misguided and dangerous.

The cultural significance and meanings firearms acquire are important to understand because firearms do not *mean* precisely the same things everywhere, and they take on different kinds of meaning for different groups even within a single society. And in many societies, firearms are gendered “masculine” (Levin and Madfis 2009; Bridges and Tober 2019).

As illustrated above, mass shootings must be understood in conversation with legislation surrounding gun control and ownership. Civilian firearm ownership rates and legislation surrounding gun ownership and gun control are correlated with mass shootings the world over. Simply put, nations with more civilian-owned firearms have more mass shootings (Lankford 2016). But comparing Canada and the United States is instructive in thinking about the relationship between guns and mass shootings in different nations around the world. While **Figure 3** shows that the United States is a more extreme outlier in the rate of civilian-owned firearms, Canada still has the sixth highest rate of civilian gun ownership in the world.<sup>11</sup> The United States stands out in international perspective in two ways worth highlighting here. First, the US civilian-owned firearms rate is more than twice as high as any other nation. In addition,

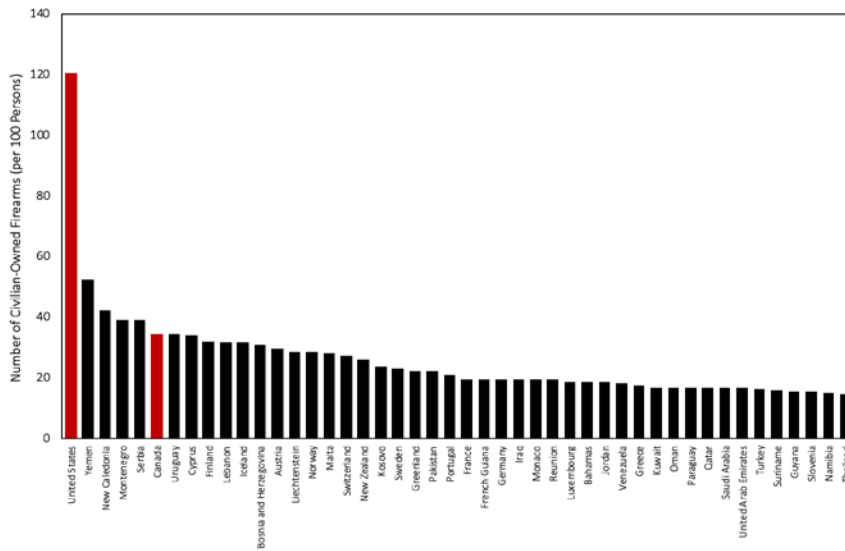
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<sup>11</sup> Internationally, civilian firearm ownership is concentrated in the United States. While US citizens account for roughly 4% of the global population, the Small Arms Survey estimates that American civilians own approximately 46% of the 857 million civilian-owned firearms in the world (Karp 2018).

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the United States stands out as the only nation where the number of civilian-owned firearms exceeds the population—a nation with more guns than people.

Figure 3: International Civilian-Owned Firearms Rates, 2017



Source: The Small Arms Survey, Civilian Firearms Holdings, 2017 (Civilian-Owned Firearms rates)  
 Note: Data presented in this figure only visualize nations with >15 civilian-owned firearms per 100 persons in the population.

Notably, despite scholarly disagreements about how to best measure mass shooting incidents, there is broad scholarly consensus that gun ownership rates are correlated with mass shooting incidents; nations with more guns, in general, experience mass shootings. Lankford (2015) found that a country’s rate of gun ownership increased the odds it would experience a mass shooting. This relationship held even when excluding the United States (an outlier) and when controlling for homicide rates (Lankford 2015). A comparison of Canada and the United States, however, illustrates that a focus only on the rate of gun ownership is insufficient to explain a social problem like mass shootings. The frequency of US mass shootings is consistent with the rate of civilian-owned firearms—there are many more guns there, and the United States

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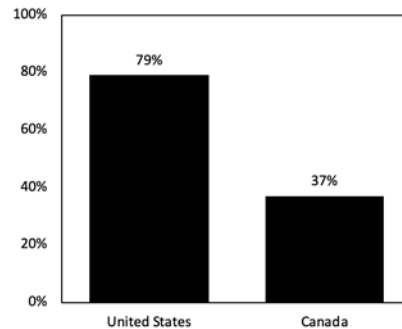
experiences many more mass shootings. But there are more civilian-owned firearms in Canada than all but five other nations in the world; yet Canada has experienced a similar number of mass shootings to nations with much lower gun ownership rates. Simply put, gun scholars (e.g., Yamane 2017; Carlson 2020) argue that guns are a necessary but insufficient explanation for various types and rates of gun violence.

Thus, firearms are only one piece of the social problem of gun violence, and research shows that guns are not the same piece of this larger social problem in Canada as they are in the United States. For example, in 2020, gun-related killings accounted for 79% of all US homicides; in Canada, gun-related killings accounted for 37% of all homicides in 2020 (see **Figure 4**).<sup>12</sup> As noted previously, in 2020, the homicide rate in the United States was approximately four times larger than the homicide rate in Canada. But even within those incidents, a much smaller share involved firearms in Canada than in the United States.

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<sup>12</sup> In fact, a study published in the *Journal of the American Medical Association* (Global Burden of Disease 2016 Injury Collaborators 2018) found the US ranked eighth in a comparison of age-adjusted rates of homicide by firearm in a dataset including 64 nations. The nations ranked above the United States were Puerto Rico (a US territory), the Bahamas, the US Virgin Islands (also a US territory), Trinidad and Tobago, Saint Kitts and Nevis, Panama, and Barbados. The same study found that Canada was ranked twentieth, with a rate roughly 12% of the US rate. The same study found that firearm injuries and deaths were more common in nations where firearms are more easily accessible. Similarly, within the United States, a comparative analysis and review of research on state legislation and firearm laws and firearm homicides found a sharp reduction in firearm homicide accompanying legislation strengthening background checks or requiring permits for the purchase of firearms (Lee et al. 2017).

*Figure 4: Gun-Related Killings as a Proportion of All Homicides in the USA and Canada, 2020*



Sources: Federal Bureau of Investigation, Crime in the United States Annual Reports, 2020; Statistics Canada, 2020.

The fact that there is a collection of nations with high rates of gun ownership yet radically different rates of gun violence has prompted scholars studying guns and society to investigate distinctions between national gun cultures. “Gun culture” is generally used to refer to specific historic and contemporary attitudes, norms, and laws surrounding gun ownership and use. Simply put, gun culture encompasses the meanings attributed to guns within specific cultural settings (Yamane 2017; Carlson 2020). As such, gun cultures vary a great deal by nation. Much scholarship examining gun cultures internationally has commented on the uniqueness of gun culture in the United States (e.g., Carlson 2015a; Carlson 2015b; Stroud 2016; Yamane 2017). Carlson’s (2015a; 2015b) comparisons of Canada and the United States are illustrative. She has suggested that something as complex as gun culture cannot be fully captured by simple variables like rates of gun ownership. For example, she has considered the most prevalent kinds of guns owned in these two countries: in Canada long guns are more commonly owned than handguns; in the United States, the reverse is true. Long guns and handguns have different meanings and uses,

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with the former more likely to be used for hunting, while the primary use of handguns is for target shooting and self-defense.<sup>13</sup>

Sociologist David Yamane (2017) has argued that this shift in the United States in types of guns was accompanied by shifting gun cultures as well. While a gun culture associated with hunting and recreation predominated in the early twentieth century, by the 1970s, the meanings associated with guns and gun ownership had shifted in the United States toward armed self-defense, an ideology Yamane has labeled “gun culture 2.0” (2017). It could be the case that the gun culture in Canada is more similar to pre-1970 US gun culture.

Yet treating nations as though guns have the same meanings for everyone who resides inside their borders is overly simplistic. In a globalized world, individuals can be influenced by gun cultures the world over, and the gun cultures of various nations are also capable of influencing each other. For instance, some research suggests that US gun culture has influenced the gun cultures in other parts of the world, including the association of guns with freedom—a connection made by gun rights advocates and activists in the United States that is now popularly celebrated around the world and influencing both gun ownership and use (see Carlson 2014). Our research also investigates whether it is possible to consider differing gun cultures as existing within the same societies, which may also help in understanding the frequencies of mass shootings by state within the United States. Following from that, we discuss the importance more generally of considering different gun cultures within a single nation as possible factors affecting mass shootings.

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<sup>13</sup> Also considering the effects of US gun culture to mass shootings in the US, Lankford (2015) did a comparative analysis of mass shooters in the United States and other countries, concluding that mass shooters in the United States are more likely to arm themselves with multiple weapons and attack places such as schools and workplaces. Shooters in other countries are more likely to strike at military sites. Lankford (2015) attributed these differences to “America’s national gun culture.”



### III. New Definitions and Research: State-Level Data from New Research on Mass Shootings in the United States

Existing research relies on varying criteria to define mass shooting incidents. But the majority of research shares a common focus on incidents defined by three broad criteria: (1) incidents involving a single shooter; (2) incidents involving at least three fatalities (not including the shooter); and (3) incidents that are not associated with family, intimate partner, or gang violence. Given these parameters and subject to additional criteria that some scholars and organizations adopt when defining incidents, there are approximately 25–30 incidents annually in the United States that meet this definition. To be clear, this number far exceeds frequencies in any other nation in the world, and we consider it to be unacceptably high. But from a research perspective, the overall sample is small, which makes identifying patterns among these incidents more challenging.

Following the shooting events at Sandyhook Elementary school in Connecticut in 2012, a new nonprofit research group called the Gun Violence Archive attempted to produce a new dataset on US mass shootings.<sup>14</sup> Rather than using highly politicized public figures, Gun Violence Archive sought to collect new data on incidents involving one or two shooters that met a minimum threshold of gun-related *injuries* (not necessarily fatalities). Data was collected from news media reports on shootings in the United States involving four or more gun-related injuries; data also incorporated incidents involving family, intimate partner, or gang violence that met

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<sup>14</sup> The United States does not systematically collect data on many different issues pertaining to guns and gun violence in the US as a result of the Dickey Amendment, as noted above in fn 7. As a result, some of the best data available have been collected by media organizations like *Mother Jones* and nonprofit organizations like Gun Violence Archive (GVA). And while Gun Violence Archive relies on the broadest definition of “mass shooting,” allowing them to collect information on a larger population of incidents, data are collected from news stories on shootings around the United States. Because of that fact, it is best understood as a conservative estimate of incidents. Despite this, these are some of the best data we have on this type of gun violence in the United States.

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these other criteria.<sup>15</sup> To these data, we have added a host of other variables that enable us to examine how incidents involving intimate partner, family, or gang violence are similar to and/or differ from other mass shooting incidents. Similarly, we have also examined how media report on different types of mass shootings, how perpetrators and victims are framed, and many other issues.

Building on the work of the Gun Violence Archive, our research provides a much larger population of mass shootings to examine. For instance, most research relies on a definition of mass shootings that would produce a population of US mass shooting incidents between 2013 and 2019 of approximately 200 separate incidents. Our cleaned version of data collected by Gun Violence Archive has a population of 2,543 separate incidents over the same period. By loosening the definitional criteria to include incidents based on injuries (not fatalities) and including incidents regardless of motive, relationship, or circumstances, these data offer a much clearer picture of the scope of gun-related mass violence in the United States.<sup>16</sup>

Given a larger population of incidents, it is also possible to look at and analyze these data in ways that would not be meaningful with datasets generated via narrower but more commonly adopted definitional criteria. And while the United States has a gun culture that is unique internationally and puts Americans at greater risk of experiencing mass shootings (see, e.g., Bridges and Tober 2016; Bridges and Tober 2019; Lankford 2016; Lemieux 2014), examining a

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<sup>15</sup> For a more detailed account of their methodology, see <https://www.gunviolencearchive.org/methodology>.

<sup>16</sup> Gun Violence Archive is intentionally more inclusionary of disparate types of gun-related incidents involving four or more of victims by firearm (fatalities or injuries). They include incidents that happen in more than a single location (referred to as “spree killings” by the FBI), gun-related instances of family violence, and intimate partner violence, in addition to gang-related or potentially gang-related shootings. That is, GVA does not differentiate victims for inclusion based on the number of fatalities involved in the incident, the circumstances in which they were shot, or the type of relationship they had with shooters. While scholarship relying on the FBI definition of “mass murders” by firearm is useful in identifying some of the most fatal events, whether or not these criteria merit the exclusion of incidents classified out of existence as “mass shootings” by such a definition inhibits a more expansive study and analysis of a much larger population of incidents.

larger number of incidents also allows us to begin to interrogate whether multiple gun cultures exist in the United States and, if so, how they might be connected with mass shooting incidents.

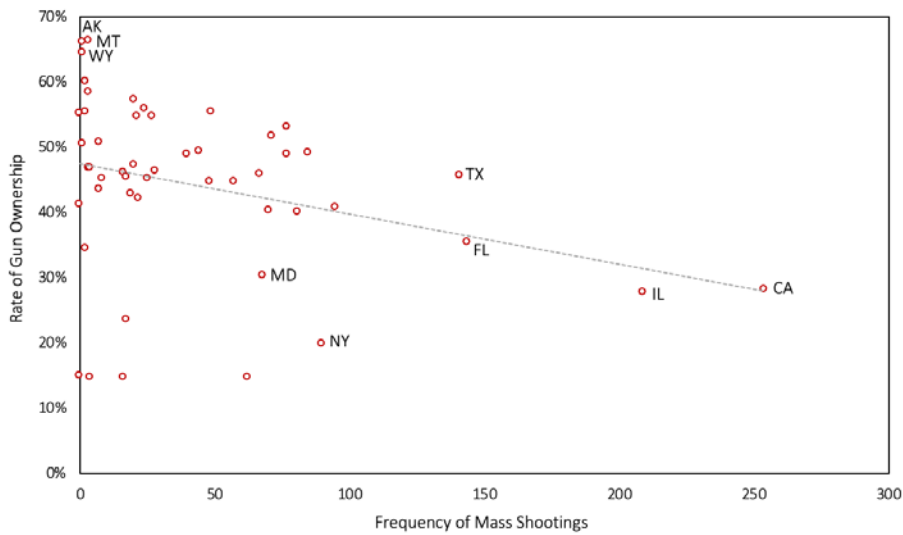
In **Figure 5** below, we plot the frequencies of mass shooting incidents from our dataset between 2013 and 2019 by US state against rates of gun ownership by state. Interestingly, states with the highest rates of gun ownership (Alaska, Wyoming, and Montana) have among the lowest numbers of mass shootings. This suggests that one way of examining gun cultures in the United States is to consider whether there are state-specific gun cultures that might differ more or less from a larger national gun culture. Alaska, Wyoming, and Montana also have among the highest proportions of their populations living in rural contexts, a factor that may affect gun culture and gun violence.<sup>17</sup>

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<sup>17</sup> This does not mean that gun violence is absent in rural contexts but rather that this particular type of gun violence may be less present in rural contexts. In other words, different types of gun violence may be typical of contexts shaped by various gun cultures. For instance, it is also the case that states with among the highest rates per capita of firearm mortality have among the lowest proportions of their populations living in urban areas. This is in part due to high rates of suicide by firearm among white men, a figure including a disproportionate number of white men living in rural areas in the United States.

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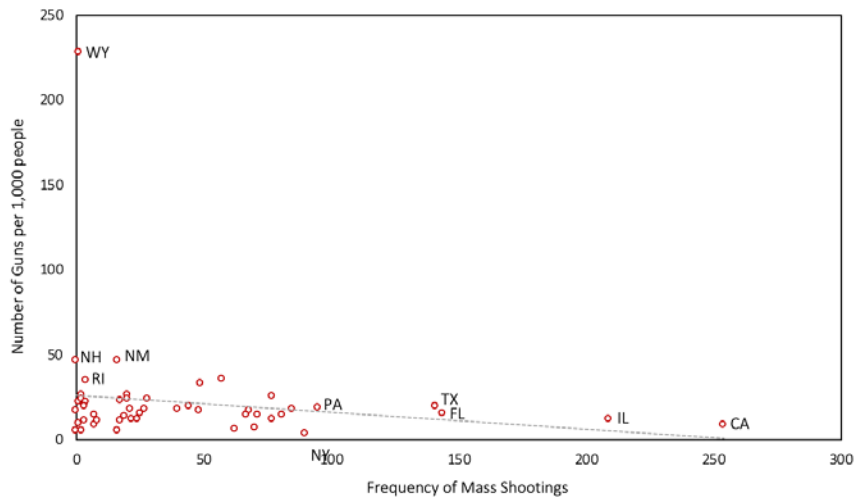
Figure 5: Frequency of Mass Shootings by State Compared to Rates of Gun Ownership, 2013–19



Sources: Tristan Bridges and Tara Leigh Tober Mass Shootings in America Database, based on data collected initially from Gun Violence Archive (mass shootings frequencies); RAND Corporation (gun ownership rates)

**Figure 5** makes clear that guns are only a piece of the problem. States with among the highest rates of gun ownership simply have too few mass shooting incidents for rates of gun ownership to be the only explanation for this social problem. Similarly, when we look at raw numbers of guns (**Figure 6**), there is less of a relationship between guns per capita by state and frequency of mass shootings than might be expected if the major issue at play were access to guns.

Figure 6: Frequency of Mass Shootings by State Compared to Guns per Capita, 2013–19



Sources: Tristan Bridges and Tara Leigh Tober Mass Shootings in America Database, 2013-2019, based on data collected initially by Gun Violence Archive (mass shootings frequencies); World Population Review, 2021 (guns per capita)

These data suggest that we ought to focus more on examining what scholars refer to as “gun culture” by, in particular, analyzing the extent to which different states may have different gun cultures. For instance, preliminary research (e.g., Reeping et al. 2019) has suggested that the relative restrictiveness/permissiveness associated with US state-level gun laws and gun ownership is significantly related to differences in state-level rates of mass shootings. Our data help us better understand the extent of the relationship between gun laws, rates of ownership, and mass shootings.

But guns alone are insufficient to explain mass shootings, as mass shootings also have to do with the meanings associated with guns. Next, we summarize what scholars refer to as “gun culture” and how this concept helps to explain the meanings and significance of guns in society. That body of scholarship has consistently shown that gender is an important factor in our understandings of firearms and gun culture more broadly. Following that, we explain what it

means to argue that scholarship shows that guns and gun cultures are gendered social phenomena.

#### **IV. Mass Shootings and Gender**

Gun ownership, gun-related fatalities, and gun violence more generally are all gendered phenomena. Men are more likely than women to own guns; men are more likely than women to die by suicide via firearms; and men commit more gun homicides than women. And these gender gaps are more extreme when it comes to mass shootings. Men commit the overwhelming majority of mass shootings worldwide, and this general trend is dramatically illustrated in the United States. Our research suggests that mass shootings are a gendered issue: they fundamentally have to do with the relationship between men, masculinity, and guns. Notably, however, men with access to guns in the rest of the world do not commit mass shootings in the same numbers or at the same rates as American men. In other words, the relationship between guns and masculinity is especially important to understanding the phenomenon of mass shootings in the United States in particular. But the relevance of gender to gun culture more generally and to mass shootings particularly is instructive for other parts of the world as well, including Canada.

Answering the question of why American men commit the overwhelming majority of mass shootings requires a two-part sociological explanation: a social psychological explanation of why men turn to this type of violence so much more frequently than women do; and a cultural explanation to clarify what it is about American masculinity that causes the United States to stand out internationally when it comes to this particular type of gun violence (Bridges and Tober 2016; Bridges and Tober 2019).

### **1. Part I: A Social Psychological Explanation of the Relationship between Mass Shootings and Masculinity**

Attempts to better understand both what gender is and how it works have resulted in an enormous body of social scientific scholarship, particularly in the last half century. Scholars in different disciplines have come up with unique ways to define the notions of “masculinity” and “femininity” and to consider what they mean and how they work. Beliefs about what it means to “be a man,” for instance, are variable. Men are not inherently more violent than women, but in many societies, social and cultural understandings of what it means to be a man are tied to violence. Because masculinity has meant different things over time and continues to have diverse meanings today, scholars such as James Messerschmidt (2000a; 2000b) have charted new intellectual ground that is particularly useful in understanding the relationship between men, masculinity, and violence. In a life history analysis of adolescent American boys, Messerschmidt examined what he has referred to as “masculinity challenges,” that is, “contextual interactions that result in masculine degradation” (2000a: 13). In other words, masculinity challenges refer to interactions in which a boy’s (or man’s) sense of himself as “masculine” is openly contested. Messerschmidt was interested in both the challenges themselves as well as how adolescent boys sought to resolve such challenges in patterned ways.

Messerschmidt has approached masculinity (and gender more broadly) from a sociological perspective, as something that is constructed socially in interactions with others (West and Zimmerman 1987), and he is particularly interested in how masculinity is accomplished in contexts and moments when boys’ claims to masculine identities are called into question. In such moments, Messerschmidt has argued that the boys in his study reached for what he terms “masculine resources” to bolster their claims to gender identities they perceived as challenged or threatened (Messerschmidt 2000a). Masculine resources refer to anything that can

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be relied upon to restore challenged masculine gender identities. What people who are invested in masculine gender identities reach for when they perceive their gender identities to be threatened provides important information about cultural understandings of masculinity in the first place.

Similarly, a small body of research also exists on what Karen Pyke (1996) has called “compensatory masculinity,” or what other scholars (e.g., Schrock and Schwalbe 2009) have referred to as “compensatory manhood acts”: the specific displays of masculinity enacted by groups of boys and men whose claim to masculine-gendered identities might be structurally or interactionally called into question. We bring this up here because it is an interesting social scientific way of attempting to study something as slippery as “masculinity.” Rather than attempting to define it, one way of getting at lay understandings of masculinity is to look at how people respond when their claims on the identity are either tenuous or have been challenged. This allows the composition of what people think of as “masculine” to change but allows social scientists to chart its varied meanings.

Following this early research, social psychologists have examined the notions of “masculinity challenges” or “compensatory masculinity” in controlled experimental settings, allowing us to subject these findings to new and different kinds of scrutiny. This type of scholarship in social psychology is concerned with “masculinity threats” (a specific form of “social identity threats”). The research in this area is predominantly experimental. People come into labs, and scholars experimentally “threaten” the gender identities of some of them while “confirming” the gender identities of others, observing how those whose gender identities were threatened respond differently and in patterned ways.



Scholarship on social identity threat has come up with a few important and testable findings. One of the most important discoveries is that when people are invested in a particular identity and that identity is called into question or challenged, responses are socially patterned: a predictable response is to engage in exaggerated behavior that might symbolically authenticate their membership in the questioned identity category (Branscombe et al. 1999). The work that has applied this specifically to masculinity tests what social psychologists refer to as the “masculine overcompensation hypothesis” (see Willer et al. 2013): the notion that men whose gender identities as “masculine” have been challenged will respond with exaggerated demonstrations of masculinity. So in consideration of what masculinity is or how we might define it, social psychological research shows that we can best understand what masculinity means to people if we find a group invested in that identity, experimentally take it away from some of them, and see what they reach for in response.

Scholarship on “masculinity threat” or the “masculine overcompensation hypothesis” has relied on a few different methods to experimentally “threaten” some men’s gender identities. For example, Munsch and Willer (2012) brought a range of participants into a lab and asked them to complete a “Gender Identity Survey” (with questions drawn from existing psychological surveys on gender differences, such as the Bem Sex Role Inventory). Subsequently, the participants were randomly assigned to receive either gender-confirming feedback from the survey (indicating that they scored in the average range for men) or gender-disconfirming feedback (indicating that they scored within the average range for women). This latter condition is the “masculinity threat” condition.<sup>18</sup> These two groups were subsequently asked to complete different kinds of tasks in

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<sup>18</sup> While not all research on “masculinity threat” has utilized the same threat measure, this is the measure that has proven most reliable across studies in the body of scholarship on the topic (see, e.g., Willer et al. 2013; Munsch and Willer 2012).

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order for the researchers to study differences between the groups' responses to subsequent tests and tasks. Examining what it is that men whose masculinity has been experimentally threatened reach for to "over-demonstrate" masculinity offers a unique window into what is understood as masculine in the first place. Simply put, using Messerschmidt's (2000a) language, masculine resources are easier to identify when we examine responses to masculinity challenges.

Research on masculinity threats is ongoing, but existing research has produced a collection of disturbing results that help us better understand the relationship between masculinity and violence. For instance, Munsch and Willer (2012) had men read scenarios involving sexual coercion or force by men against women and found that men whose masculinity had been experimentally threatened were less likely to identify sexual coercion as sexually coercive and more likely to blame the women victimized in the scenario. Similarly, Willer et al. (2013) subjected the masculinity overcompensation thesis to a larger number of issues, discovering that men whose masculinity had been threatened were more supportive of violence and war as a solution to problems, more likely to agree with male supremacist statements, more supportive of prejudice toward gay men, more likely to identify as Republican, and even more likely to say that they wanted to purchase a sport utility vehicle. This research suggests that violence is a masculine resource on which men are more likely to rely when their masculinities have been challenged. Indeed, as Levin and Madfis have argued, "In American culture, the masculine role is frequently defined by elements of dominance, violence, and militarism" (2009: 1242). Social psychological research on masculinity threat offers us new methods of appreciating this relationship.

Moreover, some work specifically links threats to gender identity with guns in the United States. For instance, a recent study found that worsening economic conditions for men are

associated with increased gun sales, and men who perceive higher levels of masculinity threat are less supportive of gun control measures (Cassino and Besen-Cassino 2020). As an extensive body of scholarship ties masculinity to work, occupations, and career (for a summary, see Bridges, Taylor, and Robinson 2020), worsening economic conditions structurally provide fewer opportunities for men to demonstrate masculinity via paychecks and provision. When fulfilling the gendered role of “provider” becomes less available, scholars have found that some men shift their understandings of masculinity to support another gendered role in society—the “protector” (see Carlson 2015a; Stroud 2012; Warner et al. forthcoming). From this perspective, worsening economic conditions can serve as cultural-level masculinity threats. Cassino and Besen-Cassino (2020) have found that owning or carrying a gun is a symbolic gendered enactment among American men—it helps men construct and affirm their gendered identities (see also Carlson 2015a and Stroud 2012). And other research on guns as a masculine resource has helped to explain men’s relationships with guns and the relationship between mass shootings and masculinity in particular (Levin and Madfis 2009; Madfis 2014; Pfaffendorf, Davis, and Kinney 2021).

Identifying patterns in the motivations of mass shooters is challenging from a sociological perspective. One way that sociologists examining US mass shootings have sought to do this is to analyze public “manifestos” of mass shooters, as many incidents have involved such statements. Using topic modelling and textual analysis, Pfaffendorf, Davis, and Kinney (2021) have recently analyzed publicly available mass shooter manifestos from the United States and discovered that masculine overcompensation, ritualistic responses to exclusion, and racialized status threat (concerns over the status of white people ) were patterned motives mentioned in these documents. Their study provides new empirical support for our framework for

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understanding the relationship between masculinity and mass shootings (see also Bridges and Tober 2016; Bridges and Tober 2019). Madfis's (2014) findings among school shooters also reveals that interactional-level masculinity challenges are important factors in explaining these events.

Mencken and Froese (2019) have found that men in the United States, particularly white men, who have recently experienced an economic setback or even fear experiencing one are more likely to see owning a gun as emotionally and morally empowering. And while the most popular response justifying gun ownership among American men is "protection" (Parker et al. 2017), Warner et al. (forthcoming) have recently discovered that men who are parents and/or partners are no more likely to rely on this justification of gun ownership than men who are not, a fact Warner et al. argue implies that protective gun ownership and men's relationships with guns in the United States are less about protecting one's family and more about protecting claims to masculinity and gendered forms of power and authority. Both Mencken and Froese (2019) and Warner et al. (forthcoming) have found that among men in the United States, economic precarity is meaningfully related to guns—both interest in owning guns and understanding them as emotionally empowering. This suggests that masculinity threats not only happen interpersonally and in individual interactions but might also be something we can study at the cultural level (see also Carian and Sobotka 2018).<sup>19</sup>

From a public health perspective, understanding whether and how work, career, and notions of "providership" are tied to notions of masculinity for men in different cultural contexts and groups is important. Research on guns in the United States suggests that as "providership"

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<sup>19</sup> Research on guns in the United States suggests that as "providership" becomes a more challenging identity for men to claim as the economy transforms in ways that create more opportunities in economic sectors dominated by women and fewer in those dominated by men, men turn to "protection" to demonstrate their gender identities (see Carlson 2015a).

becomes a more challenging identity for men to claim as the economy transforms in ways that create more opportunities in economic sectors dominated by women and fewer in those dominated by men, men turn to “protection” to demonstrate their gender identities (see Mencken and Froese 2019; Carlson 2015a; Carlson 2015b; Stroud 2012; Warner et al. forthcoming).

Messerschmidt’s (2000a) research with young boys also supports the notion that masculine threats provoke violence. He found that violence is not simply a masculine resource but *the* resource boys and young men turn to in a crisis. More recently, Willer et al.’s (2013) experimental research has supported the finding that violence remains an important resource that men turn to in order to demonstrate masculinity when they perceive a challenge to this identity.<sup>20</sup> Understanding mass shootings as an extreme manifestation of the violent gendered behavior documented by social psychologists helps explain why crimes like mass shootings are so overwhelmingly committed by men—these crimes are often productively understood as enactments of masculinity in response to perceived masculinity threats. Less work has explicitly considered the ways masculinity challenges can also occur at structural and cultural levels. But larger, more macro-level cultural shifts help to explain the increasing frequency of such violence in ways that a social psychological perspective alone cannot and also help to answer a separate question: why *American* men? That question requires a cultural explanation.

## **2. Part II: A Cultural Explanation of the Relationship between Mass Shootings and American Masculinity**

Certainly, American boys and men are not the only boys and men who have their gender identities threatened. A full explanation of the relationship between masculinity and mass

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<sup>20</sup> Importantly, scholarship on masculinity threat has primarily been conducted on men in the United States. Because we know that understandings of masculinity are different around the world, whether men in different societies would also respond to experimental threats to their gender identities and whether they would respond in ways that are similar to the documented responses among US samples of men is something we need more research to confirm.

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shootings has to account for why American boys and men in particular commit these crimes more than boys and men anywhere else in the world. This question requires a cultural explanation—one that attends to the unique role that American culture plays in influencing boys and young men in the United States to turn to this type of violence at such higher rates than boys and men elsewhere. Addressing this requires shifting our attention away from the individual characteristics of the shooters themselves to focus on the sociocultural contexts in which violent masculinities are both produced and valorized (see Carlson 2014; Carlson 2015a; Tonso 2009).

In tracing the history of the use and sociocultural meanings associated with firearms in the United States, sociologist David Yamane has helped to outline what a sociological analysis of gun culture might look like and how it might be useful. According to Yamane (2017), colonial-era Americans regarded guns as tools that were necessary for life on the frontier,<sup>21</sup> but this relationship changed over time as sport hunting and shooting, as well as activities like gun collecting, came into fashion as pastimes and lifestyle pursuits for American men. Indeed, among the unique elements of gun ownership and culture in the United States is the fact that the average gun owner owns far more firearms than the average gun owner in other comparable societies around the world—gun-owning households in the United States own an average of about eight guns (Ingraham 2018).<sup>22</sup>

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<sup>21</sup> This is significant as it relates to Maslow's law of the instrument, discussed above, as it pertains to firearms. It is possible to view guns as tools, as Yamane's (2017) overview of the changing meanings of guns attests. Though even here, tools are transformative in the ways Maslow suggested. But the meanings associated with firearms when they were primarily understood as tools is distinct from subsequent periods.

<sup>22</sup> Note that the average calculation is not entirely useful here, as outliers with extremely large collections skew the data. The Pew Research Center has found that among gun owners in the United States, about one third own only a single firearm; another third owns between two and four guns; and the final third of American gun owners own five or more guns (Parker et al. 2017). Available data suggest that this latter share of gun owners is much larger in the United States than in comparable nations around the world.

And while Yamane has argued that these recreational meanings associated with guns and gun culture are still present in the United States, the meanings associated with guns shifted again more recently (starting in the 1970s) toward notions of armed self-defense—something Yamane (2017) refers to as “Gun Culture 2.0.” Surveys of American gun owners have documented this shift as well. In 2017, the Pew Research Center found that among American gun owners, only 8% claimed to own a gun for work, 13% claimed to be collectors, 30% owned guns for sport shooting, 38% for hunting, but a full 67% stated that their major reason for owning a gun was “for protection” (Parker et al. 2017).<sup>23</sup> Indeed, what sociologists now refer to as “protective gun ownership” is on the rise, and (as further explained below) important research has documented the gendered ways men in particular lean on this new logic (e.g., Stroud 2012; Stroud 2016; Carlson 2015a; Carlson 2015b). Both Carlson (2015a) and Stroud (2016) have also commented on the racialized nature of this discourse, noting that white men in particular lean on this logic of gun ownership and armed protection: white men in the United States are much more likely than white women to own guns, but also more likely than men of colour (Parker et al. 2017).<sup>24</sup>

In Jennifer Carlson’s research on gender and American gun ownership (2015a; 2015b), many men she interviewed spoke about a very specific kind of “nostalgic longing for a particular version of America” (2015b: 390). Some invoked it by name, referring to it as “Mayberry,” referencing the fictional US town from the 1960s American family sitcom *The Andy Griffith*

<sup>23</sup> A separate representative survey of American gun owners conducted by Gallup in three waves (2000, 2005, and 2021) found that when owners were asked, the reasons they gave for owning guns shifted substantially even over the two decades. In 2000, 65% of gun owners surveyed claimed to own guns “for protection”; by 2021, 88% claimed to own guns for the same reason (Gallup 2021).

<sup>24</sup> Pfaffendorf, Davis, and Kinney’s recent study of mass shooter manifestos (2021) has discovered that gendered racism was a patterned claimed motivation in the dataset. Their work supports a larger finding that gendered racism among white men in the United States is consistently connected not just with mass shootings committed by white men (Bridges and Tober 2016; Bridges and Tober 2019) but also with gun ownership in the United States by white men more broadly (see Stroud 2012; Stroud 2016; Carlson 2015a; Carlson 2015b; Carlson 2020; Mencken and Froese 2019).

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*Show*, which depicted a family's life in a small white community of suburban single-family homes, and the safety and security associated with that community. Carlson has argued that Mayberry represents a symbolic image of what is perceived as "lost" among the gun-owning American men she studied. The men in Carlson's study were living through the evaporation of the manufacturing economy that may have afforded previous generations of men like them an ability to accomplish masculinity through economic provision but no longer offered them the same economic security. Carlson found that some white men used guns to symbolically and emotionally negotiate this social, cultural, and economic transition. Less able to accomplish masculinity through the "provider" role, Carlson found gun-owning American men increasingly leaning on "protection" as a way of accomplishing masculinity—white men in particular (see also Stroud 2012; Stroud 2016).

Yamame (2017) has argued that Gun Culture 2.0 is uniquely American, emerging alongside early victories by the civil rights movement and shifts in understandings of inequality and privilege in America. Indeed, Madfis (2014) has shown that boys and young men who have committed school shootings disproportionately belong to privileged groups in society: young, white, heterosexual, class- and education-privileged.<sup>25</sup> Madfis (2014) has argued that different forms of privilege and entitlement on the basis of gender, race, class, and sexuality converge in many instances of mass murder, noting, for instance, that while homicides in the United States are committed by men more than women, mass murders are the only category of US homicides disproportionately committed by white, heterosexual men. Gun Culture 2.0 emerged right around the same time that the intersecting privileges associated with these identity categories started to

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<sup>25</sup> While similar data for mass shootings in Canada is difficult to come by, Tonso (2009) has summarized a collection of seventeen school shooting incidents between 1966 and 2008 collected by the Canadian Broadcast Corporation (six of which occurred in Canada). Mass shooters in Canada, from these data, are similar to US mass shooters on demographic characteristics: they were all young, white men.



become more visible and more contested. As sociologist Raewyn Connell has written, these shifts have produced “a major loss of legitimacy for patriarchy,” and “different groups of men are now navigating that loss in very different ways” (Connell 1995: 202). Karen Tonso (2009) too has argued that many young men in the United States experience a sense of shame and humiliation that stems in part from their perceived loss of privilege. Similarly, as Mencken and Froese have written, “white men in economic distress find comfort in guns as a means to reestablish a sense of individual power and moral certitude in the face of changing times” (2019: 22).

Gun culture in the United States, as well as in other nations, shifts over time, and understanding this fact is important in making sense of mass shootings. For instance, as detailed above, mass shootings are more prevalent in the United States than in other nations and have increased in frequency over time. There are potentially varied drivers of these trends, including the greater availability of certain kinds of guns and the relative lack of restrictions for obtaining firearms in and throughout the United States in comparison to other nations with high rates of guns per capita. But a sociocultural exploration of why American men commit mass shootings more than any other group suggests that guns are a necessary but insufficient explanation for rates of mass shootings. It isn’t simply guns or simply masculinity. Explaining the relationship between American men, masculinity, and mass shootings requires an understanding of US gun culture. And this same attention is necessary when examining mass shootings in other nations as well.

## **V. Conclusion**

The scale and scope of mass shootings as a social problem are unique to the United States. But as the events that led to the present Commission illustrate, such incidents impact societies

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elsewhere. Research shows that rates of gun ownership and access to firearms contribute to the rate of mass shootings. But a large body of research has also suggested that attention must be paid not only to the guns involved but also to the people wielding the guns and, further, to the gun cultures within which mass shootings occur. Gender and social/national contexts are important components of our understanding.

National and international efforts to create larger datasets with methodologically defensible parameters will thus give us more data to better understand mass shootings. The database of “active shooter” incidents collected by the FBI in the United States is an important step in this direction. A more inclusive definition of “mass shootings” will enable us to examine a much larger number of incidents, and with that number comes an ability to identify patterns that are less visible with the small samples typically used in research on mass shootings. Nations should actively invest in producing publicly available data on mass shootings that occur within their borders. Suitably inclusive definitions might also enable an examination of where mass shootings occur within specific nations, as well as where they do not, in order to more systematically identify where and how gun cultures vary by context, even within societies, in ways that better explain how gun cultures are related to the problem of mass shootings more broadly.

Policies hoping to address mass shootings must take gun legislation into account, but research suggests that this is insufficient. The preponderance of research on mass shootings has shown that they are productively understood as enactments of masculinity. But guns and masculinity must first be recognized as fundamentally connected with each other, as are masculinity and violence. The research canvassed in this report suggests that men who are otherwise unable to access a gendered sense of status in their social hierarchies may turn to guns

or other forms of violence as masculine resources in societies in which guns or violence are culturally associated with or understood as “proof” of masculinity. Men enact masculinity in these ways in cultural contexts in which these enactments are culturally legitimized and granted status and authority. In such a context, real change will require *cultural* change as well, and this is much more challenging.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

# **The History of Gun Control in Canada**

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## I. INTRODUCTION

This report provides a legal history of firearm regulation to help understand the current debate over gun control policy in Canada, particularly regarding semi-automatic firearms. Debate over the regulation of such guns has been particularly heated since 1 May 2020, when Prime Minister Justin Trudeau announced that the federal cabinet had issued an Order in Council (PC 2020-298) to ban several models of semi-automatic firearms.<sup>1</sup> This report describes some of the key technological developments in handguns and long guns that have spurred debates about the kinds of firearms that should be available for certain uses in Canada. It identifies weapons employed in mass casualty events in Canada with reference to specific examples and notes the policy response to those events. The report explains the legislative tools used to address the dangers associated with semi-automatic firearms and considers the public policy debates about these regulatory approaches. It also identifies the strengths and shortcomings of past legislative approaches and considers policy options concerning the availability of semi-automatic weapons.

This report demonstrates that the federal government has used a somewhat piecemeal approach to regulating handguns and semi-automatic firearms. Governments have historically sought to balance public safety and the interests of gun collectors, hunters, and target shooters. Efforts to limit the availability of some kinds of firearms have often resulted from their use in domestic and international mass shootings. Changes in firearm technology have contributed to attempts to limit the ownership or use of firearms deemed especially dangerous. The federal government has prohibited some semi-automatic rifles, declared others to be restricted firearms,

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<sup>1</sup> Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted, PC 2020-298 (1 May 2020), Canada Gazette, Part II, vol 154, extra edition, p. 53 (SOR/2020-96), <https://gazette.gc.ca/rp-pr/p2/2020/2020-05-01-x3/html/sor-dors96-eng.html>.

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and left others as non-restricted firearms. This has complicated the enforcement of Canada's gun laws. It has also permitted firearms with the capability to cause substantial harm to remain in circulation. Similarly, the federal government has prohibited some handguns but left many others available for purchase, thus contributing to the movement of firearms from the legal market to those wanting handguns for illegal purposes.

## II. FIREARM TECHNOLOGY

### 1. Long Guns

Changing firearm technology has been an important factor in the history of gun control in Canada. At the beginning of the nineteenth century, long guns were generally single-shot, smooth-bore firearms loaded through the muzzle, which were slow to load, inaccurate beyond approximately 100 metres, and often misfired. More accurate rifled firearms had long existed but tended to build up residue that fouled the barrel, until the introduction of new conical ammunition that expanded upon being fired. In the mid- to late nineteenth century, breech-loading guns replaced muzzle-loaded weapons. These technological developments made long guns more dependable, faster to load, and more accurate at longer ranges.

Gun manufacturers in the nineteenth century also developed firearms with internal **magazines** that could hold several rounds of ammunition. Typically, these guns used a manual-action system (often "lever-action" or "bolt-action" designs) to load fresh cartridges into the chamber of the barrel. This manual process for putting a new round in the chamber limited the speed with which such guns could be fired (although the rate at which such guns could be fired was much faster than the weapons that preceded them). Lever-action repeating rifles, like the Winchester Model 1873 (see **Figure 1**) contained internal magazines that had a loading gate on the side of the frame that allowed shooters to reload the rifle by individually inserting new

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cartridges until the magazine was full. Most Canadian hunters and target shooters long used, and still use, lever-action or bolt-action rifles.<sup>2</sup>



*Figure 1: Winchester 1873 Rifle*

Source: Wikipedia Commons, [https://en.wikipedia.org/wiki/Winchester\\_rifle#/media/File:Winchester\\_1873\\_Rifle.jpg](https://en.wikipedia.org/wiki/Winchester_rifle#/media/File:Winchester_1873_Rifle.jpg)

**Semi-automatic** rifles were a major technological innovation in firearm design. Such rifles automatically reload a cartridge into the chamber after discharge. Each pull of the trigger discharges a single round from a semi-automatic firearm. In comparison, an **automatic** firearm will shoot continuously so long as the trigger is depressed (until the weapon runs out of ammunition). Gunmakers began to develop the first semi-automatic rifles in the late nineteenth century.<sup>3</sup>

<sup>2</sup> Nineteenth-century industrialization allowed the firearms industry to produce huge numbers of weapons in its factories. Gun manufacturers developed retailing networks throughout North America and sought to expand the market for firearms beyond people who needed them for practical purposes like protecting livestock from predators or subsistence hunting. Historian Pamela Haag has examined the development of industrial firearms production in the United States and the business techniques used to broaden the market for guns. Haag has shown that low demand meant that gun makers had to develop markets: “From the gun industrialist’s perspective, supply creates the need for demand: volume production required volume consumption.” This meant targeting different segments of the market and creating a desire for guns among people whose livelihood did not depend on them. Pamela Haag, *The Gunning of America: Business and the Making of American Gun Culture* (New York: Basic Books, 2016) xiv. See also Douglas McCalla, “Upper Canadians and Their Guns: An Exploration via Country Store Accounts (1805–1861)” *Ontario History* (2005) 97(2): 121–37; Douglas McCalla, *Consumers in the Bush: Shopping in Rural Upper Canada* (Montreal: McGill-Queen’s University Press, 2015) 101–7; Robert A. Henning and Terrence H. Witkowski, “The Advertising of E. Remington & Sons: The Creation of an Iconic Brand, 1854–1888” *Journal of Historical Research in Marketing* (2013) 5(4): 418–48.

<sup>3</sup> David Westwood, *Rifles: An Illustrated History of Their Impact* (Santa Barbara: ABC-CLIO, 2005).

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Most militaries employed bolt-action rifle designs well into the twentieth century. For example, the Canadian military used bolt-action firearms as its standard infantry rifle in the First World War (the Ross rifle and Lee-Enfield rifle), Second World War (Lee-Enfield rifle), and the Korean War (Lee-Enfield rifle). From the mid-1950s to the mid-1980s, the Canadian military issued a semi-automatic rifle, the C1A1 (a Canadian version of the Belgium designed FN FAL), as its standard infantry weapon. Canada did not adopt a standard infantry rifle that had the ability to fire in single-fire, semi-automatic fire, or fully automatic modes until the mid-1980s, when it adopted the C7.<sup>4</sup> The ability to adjust a firearm to fire in different modes, including automatic fire, is commonly referred to as a “**select fire**” capability.

Some Canadian hunters began using semi-automatic rifles after World War II, as reflected in advertisements of major retailers that sold firearms to hunters. Retailers such as Eaton’s, the Hudson’s Bay Company, Sears, and Simpson’s advertised mostly manual-action firearms into the 1970s and 1980s (and such guns remain popular today).<sup>5</sup> By the 1960s, these retailers sold some small-calibre (“.22 calibre”) semi-automatic rifles that fired **rim-fire ammunition**. Rim-fire cartridges are limited to low pressures because they require a thin case so that the firing pin can crush the rim and ignite the primer. Rim-fire ammunition was inexpensive,

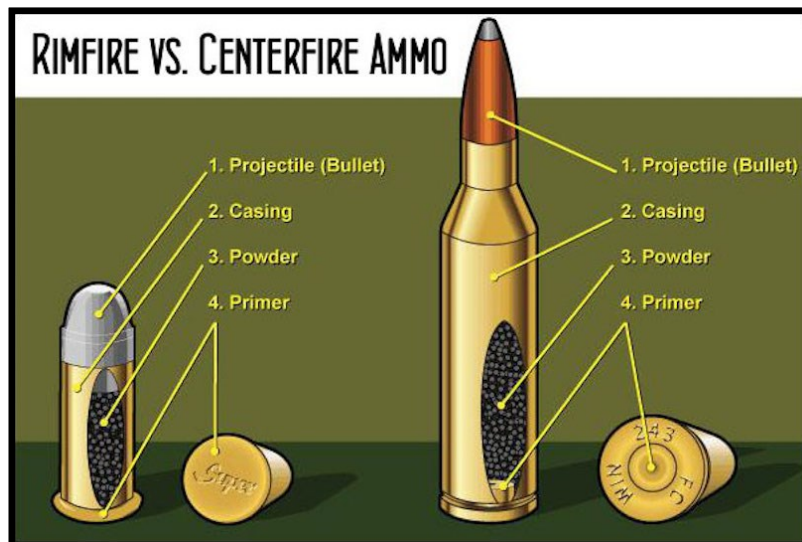
<sup>4</sup> J.L. Granatstein, *Canada’s Army: Waging War and Keeping the Piece*, 2nd edn. (Toronto: University of Toronto Press, 2011) 54, 92–93, 339, and 378; Doug Knight and Clive M. Law, *Tools of the Trade: Equipping the Canadian Army* (Ottawa: Service Publications, 2005) 29–33; Andrew Godefroy, *In Peace Prepared: Innovation and Adaptation in Canada’s Coldwar Army* (Vancouver: UBC Press, 2014) 143.

<sup>5</sup> For a small sample of examples, see *Eaton’s Fall 1948 and Winter 1949 Catalogue*, 459, <https://www.bac-lac.gc.ca/eng/discover/postal-heritage-philately/Canadian-mail-order-catalogues/Pages/item.aspx?PageId=6536> (accessed 24 February 2022); *Simpson’s Spring and Summer 1965 Catalogue*, 274, <https://www.bac-lac.gc.ca/eng/discover/postal-heritage-philately/Canadian-mail-order-catalogues/Pages/item.aspx?PageId=11256&> (accessed 24 February 2022); “Simpsons-Sears,” *Calgary Herald*, 13 September 1968, 28; “Simpsons-Sears,” *Ottawa Citizen*, 9 October 1970, 12; “Canadian Tire,” *Whig Standard*, 28 August 1974, 17; “Canadian Tire,” *Ottawa Citizen*, 10 September 1974, 53; “Simpsons,” *Leader-Post*, 29 August 1975, 22; “Canadian Tire,” *Ottawa Journal*, 11 October 1977, 29; “Sears,” *Sault Star*, 26 September 1979, 16. Also see R. Blake Brown, “Should Canada Ban Assault-style Firearms?” *The Conversation Canada*, 14 January 2019, <https://theconversation.com/should-canada-ban-assault-style-firearms-109536> (accessed 27 December 2021).

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and thus .22 calibre semi-automatic rifles were popular among hunters shooting at small game or for killing animals that farmers deemed pests, such as gophers.

In comparison (see **Figure 2**), few semi-automatic hunting rifles firing “**centre-fire**” **ammunition** appeared in the advertisements of major retailers before the 1970s. A centre-fire cartridge has a primer located in the centre of the cartridge case head. Centre-fire cartridges can withstand higher pressures, allowing them to give a bullet greater velocity and energy. Common centre-fire cartridges include the .223 Remington and .308 Winchester. In the 1960s and 1970s some mainstream retailers offered for sale a modest number of semi-automatic centre-fire rifles. These guns tended to use small magazines (such as the Remington Model 740 or the Winchester Model 100 .308, each of which had a four-round magazine). They were often more expensive than bolt- or lever-action designs.



*Figure 2: Rimfire versus Centrefire Ammunition*

Source: Jason J. Brown, “A ‘Primer’ About Rimfire Vs. Centerfire Ammunition,” NRA Blog, <https://www.nrablog.com/articles/2017/11/a-primer-about-rimfire-vs-centerfire-ammunition/> (accessed 2 January 2022)



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In the 1970s, semi-automatic, centre-fire rifles that accepted large-capacity magazines and were often based on military designs, such as the AR-15 (see **Figure 3**), began to enter the Canadian civilian market. Such firearms were produced without a “select-fire” capability, so they could not fire in a fully automatic mode. These “**assault-style**” firearms could be reloaded much faster than rifles like the Winchester repeating rifle.<sup>6</sup> They typically accepted large-capacity magazines and could be quickly reloaded by removing an empty magazine and inserting a loaded one. Writing in the mid-1970s, the author of *Modern Firearms* described the production and marketing of such guns: “Basically these are guns derived from existing assault rifles, called different names, and modified in such a way that they are only semi-automatic.”<sup>7</sup>



Figure 3: “What Makes a Typical AR-15?”

Source: David Heath, Elise Hansen, and AJ Willingham, “How an ‘Ugly,’ Unwanted Weapon Became the Most Popular Rifle in America,” *CNN Health*, 14 December 2017, <https://www.cnn.com/2017/12/14/health/ar15-rifle-history-trnd/index.html>.

<sup>6</sup> For a discussion of the terminology used to describe semi-automatic rifles, see the section below “A Note on Terminology: Assault-Style Firearms.”

<sup>7</sup> Yves Cadiou Alphonse Richard, *Modern Firearms*, Simon Pleasance, trans. (Toronto: McClelland and Stewart, 1977) 118.

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*Figure 4: Models of Ruger Mini-14s*

Source: "Ruger Announces New Mini-14 Tactical Models," Guns.com, 6 October 2019, <https://www.guns.com/news/2019/10/07/ruger-announces-new-mini-14-tactical-models> (accessed 22 March 2022).

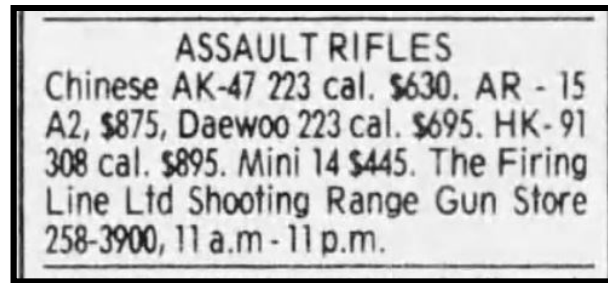
*i) A Note on Terminology: Assault-style Firearms*

Today, there is substantial debate about what to call these firearms. My research suggests that in advertising semi-automatic, centre-fire rifles with large-capacity magazines in the 1970s and 1980s, Canadian retailers and gun owners often referred to firearms such as the AR-15, Mini-14 (see **Figure 4**), and FN-FAL as "assault rifles." This indicates a widely held though colloquial understanding that an assault rifle was a semi-automatic, centre-fire firearm capable of receiving a large-capacity magazine that was often a civilian version of a gun originally designed for military service. A few examples of gun owners and businesses referring to "assault rifles" in their advertisements illustrate the use of the term "assault rifle" by the Canadian gun community. In the *Calgary Herald* in 1976, a seller offered an "AR-15 semi-automatic assault rifle."<sup>8</sup> In 1978, the *Montreal Gazette* published an advertisement for a FN-FAL semi-automatic "assault

<sup>8</sup> *Calgary Herald*, 5 January 1976, 44.

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rifle.”<sup>9</sup> In 1982, an Edmonton company, MilArm, advertised “assault rifles,” including AR-15s and Ruger Mini-14s.<sup>10</sup> Klondike Arms & Antiques of Edmonton sold the “Colt AR-15 Semi Auto Assault rifle” in 1983.<sup>11</sup> The *Montreal Gazette* ran an advertisement for an “AR-15A2 semi-automatic assault rifle” in 1985.<sup>12</sup> In 1986, the Firing Line Ltd Shooting Range Gun Store in Calgary sold “assault rifles,” including the AR-15 and Mini-14 (see **Figure 5**).<sup>13</sup> Kingsway Firearms of Vancouver sold “assault rifles” such as the AR-15 in 1987 (see **Figure 6**).<sup>14</sup> By contrast, firearm owners and retailers did not describe shotguns or bolt- or lever-action hunting guns as “assault rifles.”<sup>15</sup>



*Figure 5: Firing Line Ltd. Shooting Range Gun Store (Calgary) Advertisement for “Assault Rifles” (1986)*

Source: *Calgary Herald*, 11 May 1986, 43.

<sup>9</sup> *Montreal Gazette*, 7 October 1978, 47.

<sup>10</sup> *Edmonton Journal*, 31 March 1982, E12.

<sup>11</sup> *Edmonton Journal*, 29 October 1983, E3.

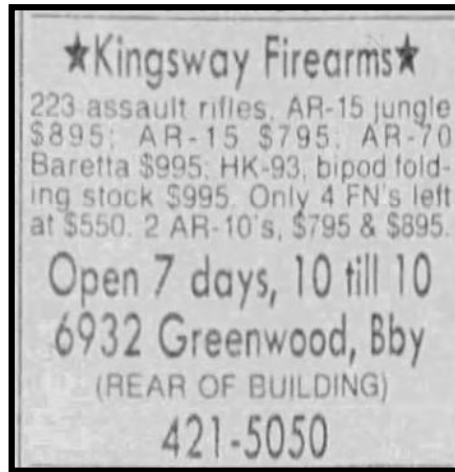
<sup>12</sup> *Montreal Gazette*, 12 July 1985, 22.

<sup>13</sup> *Calgary Herald*, 11 May 1986, 43.

<sup>14</sup> *Vancouver Sun*, 28 February 1987, H3.

<sup>15</sup> R. Blake Brown, “Gun Advocates’ Changing Definition of ‘Assault Rifles’ Is Meant to Sow Confusion,” *Globe and Mail*, 21 May 2020; Erica Goode, “Even Defining ‘Assault Rifles’ Is Complicated,” *New York Times*, 16 January 2013.

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*Figure 6: Kingsway Firearms (Vancouver) Advertisement (1987)*

Source: *Vancouver Sun*, 28 February 1987, H3.

However, by the early 1990s, the firearms community developed an aversion to calling any civilian firearm an “assault rifle” (or the synonym “assault weapon”). The gun community instead began to label such rifles “modern sporting rifles,” “black rifles,” or “tactical rifles.” This shift in terminology occurred soon after the murder of fourteen women at the École Polytechnique in 1989 by a man armed with a Ruger Mini-14, which was followed by the United States Congress passing an “assault weapons ban” in 1994 (discussed below). Professor Robert J. Spitzer of the State University of New York has described this shift in how the firearms industry described semi-automatic centre-fire rifles with large detachable magazines in the United States. He has concluded that gun manufacturers and retailers often referred to these rifles as “assault rifles” in the 1980s and marketed them by highlighting the military lineage of the guns’ designs. However, by the early 1990s, “both the gun industry and National Rifle Association abruptly changed course in their reference to such weapons as pressure built on Congress and in some

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states to enact curbs.”<sup>16</sup> This led to the “remarketing and rebranding of such weapons as no different from typical, traditional hunting weapons that also fired in semi-automatic fashion. That effort has persisted to the present, with terms like “tactical rifles” and “modern sporting rifles” typically offered by gun organizations, including the National Rifle Association (NRA) and National Shooting Sports Foundation (NSSF), as preferred terms for such weapons.”<sup>17</sup> A similar effort to rebrand civilian “assault rifles” as “modern sporting rifles” also occurred in Canada.

For the purposes of this report, I use the term “assault-style rifle” to refer to semi-automatic, centre-fire rifles that can receive a detachable magazine and that often originated from a military design. In the debates about gun control in Canada, however, these firearms have at various times been referred to as “paramilitary” rifles, “military-style” rifles, “modern sporting rifles,” “black rifles,” “assault weapons,” and “assault rifles.”<sup>18</sup>

Critics of limitations on the use or ownership of assault-style firearms frequently claim that these guns are regulated simply because they have a supposedly threatening appearance. For example, a 2016 petition submitted to Parliament demanded that the classification of the AR-15 rifle be lowered from restricted to non-restricted. The petitioners asserted that the AR-15 had been “restricted purely because of [the] cosmetic appearance of the rifle which does not make the rifle more dangerous.”<sup>19</sup> However, American writer Tom Diaz has emphasized that the look of

<sup>16</sup> Robert J. Spitzer, *Guns Across America: Reconciling Gun Rules and Rights* (New York: Oxford University Press, 2015), 81.

<sup>17</sup> *Ibid.*

<sup>18</sup> For example, in 2013 the current CEO of the Canadian Coalition for Firearm Rights, Rod Giltaca, uploaded a YouTube video in which he described the evolution of his interest in firearms. He noted that he had developed a strong interest in “military-style” firearms. “Canadian Gun Culture 101, Episode 1: How I Met the Firearm” (at 8:40), YouTube, uploaded by Civil Advantage, 27 Mar 2013, <https://www.youtube.com/watch?v=qDw1NeW9XU4&t=542s> (accessed 3 May 2021).

<sup>19</sup> Petition to the Minister of Public Safety and Emergency Preparedness, e-111 (Firearms), Presented to House of Commons, 13 May 2016 (Petition No. 421-00292), <https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-111> (accessed 22 February 2022). Also see Matt DeMille, “What Firearms are Reasonable and Proportionate for

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assault-style rifles is not cosmetic but is rather designed to ensure that the person wielding the firearm can discharge it quickly and accurately:

The assault weapon’s physical appearance is the result of design following function. All assault weapons—military and civilian alike—incorporate specific features that were designed to provide a specific combat function. That function is laying down a high volume of fire over a wide killing zone, also known as “hosing down” an area. Civilian assault weapons keep the specific design features that make this deadly spray-firing easy.<sup>20</sup>

After the 1994 American assault weapons ban expired in 2004, gun makers identified assault-style rifles as a growth market. While many hunters continued to use manual-action firearms, gun manufacturers and retailers marketed semi-automatic rifles often derived from military weapons designs.<sup>21</sup>

The precise number of assault-style firearms in Canada is unknown because many such guns are classified as non-restricted firearms and thus are not registered. Estimates differ of the number of assault-style firearms prohibited by the 1 May 2020 Order in Council. In 2021, the RCMP estimated that roughly 150,000 firearms were affected.<sup>22</sup> A gun industry lobby group, the Canadian Sporting Arms and Ammunition Association (CSAAA), in comparison, pegged the number of newly prohibited firearms at 518,000.<sup>23</sup> Regardless of which estimate is correct, the number of firearms prohibited in 2020 represents a fraction of the total number of guns owned by civilians in Canada and, as discussed below, is only a portion of the number of semi-automatic

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Hunting in Canada: An Examination of Previously Non-restricted Firearms Prohibited under SOR/2020-96.” Ontario Federation of Anglers and Hunters (2021), [https://www.ofah.org/insider/wp-content/uploads/2021/10/Firearms\\_Affidaviddt\\_Report\\_Public\\_FINAL-1.pdf](https://www.ofah.org/insider/wp-content/uploads/2021/10/Firearms_Affidaviddt_Report_Public_FINAL-1.pdf), 14–15.

<sup>20</sup> Tom Diaz, *The Last Gun: How Changes in the Gun Industry Are Killing Americans and What It Will Take to Stop It* (New York: New Press, 2013) 156–57.

<sup>21</sup> A.J. Somerset, “Our Secret Love Affair with Assault Rifles,” *Walrus*, 24 June 2016, <https://thewalrus.ca/dont-be-smug-we-love-assault-weapons-too/>; Diaz, *The Last Gun*, 141–67.

<sup>22</sup> See Parliamentary Budget Officer, “Cost Estimate of the Firearm Buy-Back Program,” Office of the Parliamentary Budget Officer (29 June 2021), <https://distribution-a617274656661637473.pbo-dpb.ca/4196f91c9ca790eba879bf359fc2535b02af838191712fcef827a0643d71b4a7> (accessed 22 March 2022).

<sup>23</sup> See Parliamentary Budget Office, 7.

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centre-fire rifles in circulation. Estimates of the number of firearms in private hands in Canada vary widely. The federal Department of Justice website includes an estimate that there are approximately seven million privately-owned firearms in Canada, while the international Small Arms Survey estimated the total number of civilian-held legal and illicit firearms in Canada in 2017 at 12,700,000.<sup>24</sup>

## 2. Handguns

**Handguns**, like long guns, have undergone a technological transformation since the early nineteenth century. At the beginning of that century, most handguns were muzzle-loaded weapons. Samuel Colt began producing a pistol designed with multiple rounds of ammunition held in a revolving cylinder. This became the basic design for other “revolvers,” with several companies producing such guns by the 1860s.<sup>25</sup>

Additional technological innovations improved the rate of fire of handguns, increased the speed with which such guns could be reloaded, and allowed for handguns to be loaded with more rounds of ammunition. Early revolvers generally used a “single-action” mechanism. This meant that the user of the firearm had to manually pull back the hammer of the revolver. This cocked the hammer so that pressing the trigger made the hammer strike the primer of the ammunition. Cocking also rotated the cylinder of the revolver so that a new round was moved into position to fire. By the late-nineteenth century, “double-action” revolvers became widely available (see

<sup>24</sup> Yvon Dandurand, “Firearms, Accidental Deaths, Suicides, and Violent Crime: An Updated Review of the Literature with Special Reference to the Canadian Situation,” Department of Justice Report, October 1999, s II, [https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/wd98\\_4-dt98\\_4/p2.html](https://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/wd98_4-dt98_4/p2.html) (accessed 22 April 2021); Aaron Karp, “Estimating Global Civilian-held Firearms Numbers.” Small Arms Survey (2018), <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Civilian-Firearms-Numbers.pdf>, 4.

<sup>25</sup> Priya Satia, *Empire of Guns: The Violent Making of the Industrial Revolution* (Stanford: Stanford University Press, 2018); David A. Hounshell, *From the American System to Mass Production, 1800–1932: The Development of Manufacturing Technology in the United States* (Baltimore: Johns Hopkins University Press, 1984) 46–50; W.Y. Carman, *A History of Firearms, from Earliest Times to 1914* (London: Routledge, 1955).

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**Figure 7).** Revolvers with this action automatically rotated the cylinder, cocked the hammer, and fired by just pulling the trigger. Double-action revolvers had a higher rate of fire than single-action pistols.



*Figure 7: British Bull Dog Revolver (c. 1889), a “double-action” revolver*

Source: *Stark's Catalogue*, Charles Stark Co. (Toronto, c.1889) 237.

All revolvers were limited in their potential lethality by the number of rounds that their cylinders could hold (often between five and seven). Revolvers tended to be slow to load. Initial designs required the user of the firearm to remove the spent shell casings from each chamber in the revolver's cylinder and then manually and individually insert new ammunition into each chamber. Gun manufacturers looked for ways to increase the speed with which such guns could be reloaded. For example, some developed revolvers that had hinges that allowed for users to expose the chambers of the cylinders and thus more quickly reload (so-called “top-break” revolvers). Other manufacturers employed swing-out cylinders with “extractors” that allowed all shell casings to be removed quickly.



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The development of semi-automatic handguns in the late nineteenth century would eventually prove significant, as they substantially increased the rate of fire of handguns, allowed handguns to carry more ammunition, and made them faster to reload. These handguns generally employed some of the key features of double-action revolvers, including that depressing the trigger both fired the weapon and loaded a new round into the gun's chamber. Unlike revolvers, which contained ammunition in cylinders that made them slow to load, semi-automatic handguns generally held ammunition in a magazine inserted into the handle of the weapon. (See **Figure 8**.) Once an operator discharged all the ammunition in the magazine, the operator could quickly remove the empty magazine and replace it with a full one.



*Figure 8: United States Pistol, Caliber .45, M1911*

Source: Wikipedia commons, [https://en.wikipedia.org/wiki/M1911\\_pistol#/media/File:M1911A1.png](https://en.wikipedia.org/wiki/M1911_pistol#/media/File:M1911A1.png) (accessed 20 December 2021).

Inexpensive, mass-produced revolvers entered the Canadian market in large numbers in the last third of the nineteenth century. By the late 1880s, consumers could purchase revolvers for as little as one to two dollars. There were initially no legal limits on who could buy a handgun and few limits on when they could be carried. This led to a spike in concerns about the

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availability of handguns in Canada. Critics of easy access to handguns said that they led to criminal activity and shooting accidents.<sup>26</sup> Politicians and newspaper editors warned about the inherent dangers of revolvers, noting that they were easily concealed and allowed a shooter to quickly discharge several rounds of ammunition. Concern about handguns continued into the twentieth century. Various newspapers published appeals for strictly regulating or even banning pistols. Some commentators, fuelled by anti-immigrant sentiments, warned that certain ethnic groups tended to carry pistols. Heightened worries about crime during the Depression and the practice of some soldiers to bring guns home as war souvenirs also created concerns.

High-profile shootings involving handguns have sparked appeals to prohibit such firearms. In 1992, a professor at Concordia University used handguns to kill four employees of the university. This resulted in a petition that garnered over 200,000 signatures demanding that handguns be prohibited.<sup>27</sup> In 2005, a shooting on Yonge Street in Toronto resulted in the death of fifteen-year-old Jane Creba. Several bystanders were also wounded in the incident.<sup>28</sup> The shooting added fuel to the debate over the civilian ownership of handguns, which was already part of the ongoing federal election because Prime Minister Paul Martin had promised to ban

<sup>26</sup> This paragraph is based on several sources, including R. Blake Brown, *Arming and Disarming: A History of Gun Control in Canada* (Toronto: University of Toronto Press, 2012) 63–79, 118–30, and 147–52; R. Blake Brown, “‘The Largest Stock of Guns in Canada’: Charles Stark and Firearm Retailing in Late-Nineteenth-Century Toronto” *Ontario History*, forthcoming; R. Blake Brown, “‘Pistol Fever’: Regulating Revolvers in Late-Nineteenth-Century Canada,” *Journal of the Canadian Historical Association* (2009) 20(1): 107–38; R. Blake Brown, “‘Every Boy Ought to Learn to Shoot and to Obey Orders’: Guns, Boys, and the Law in Canada from the late Nineteenth Century to the Great War” *Canadian Historical Review* (2012) 93: 196–226; Andrew Burtch, “Dead Man’s Gun: True Crime in Post War Ottawa, 1945–1946” *Ontario History* (2010) 102: 1–19.

<sup>27</sup> Patrick Lejtenyi, “The Toxic Masculinity Behind One of Canada’s First University Shootings,” *Vice*, 6 April 2017, <https://www.vice.com/en/article/gve754/the-toxic-masculinity-behind-one-of-canadas-first-university-shootings> (accessed 2 March 2022); “Rock Accepts Petition to Ban Handguns,” *Ottawa Citizen*, 25 March 1994, 4; Stephen Bindman, “Rock Talks of Barring Guns from Cities—or Altogether,” *Montreal Gazette*, 12 April 1994, B1.

<sup>28</sup> Chris Wattie, Melissa Leong, and Kelly Patrick, “Seven People Shot, Teen Bystander Killed near Yonge and Dundas: Police,” *National Post*, 27 December 2005, A1.

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handguns.<sup>29</sup> In July 2018, a shooter armed with an illegal handgun killed two people and injured thirteen others in the Toronto Danforth area. The incident contributed to the creation of two new gun control organizations, the Danforth Families for Safe Communities and Doctors for Protection from Guns, both of which urged a national handgun ban.<sup>30</sup>

### III. LEGAL USES OF ASSAULT-STYLE RIFLES

As noted earlier, some semi-automatic centre-fire rifles have been sold in Canada for decades, but historic sporting literature and advertisements suggest that the majority of hunters and target shooters traditionally used manual-action firearms (with the exception of semi-automatic .22 calibre rifles firing low-powered rim-fire ammunition, which seem to have become relatively common by the 1960s).

Most target shooters also traditionally did not use assault-style rifles. Target shooting has old roots in Canada.<sup>31</sup> Rifled firearms developed in the mid-nineteenth century allowed for participants to aim at targets placed hundreds of meters away. Some military planners believed that a well-trained militia using rifles could effectively defend against a more numerous enemy. This was a popular idea in British North America given the recurring threat of United States

<sup>29</sup> “Liberals Vow to Ban Handguns,” *CBC News*, 8 December 2005; Mohammed Adam, “Handgun Ban Widens Rural–Urban Divide,” *Ottawa Citizen*, 9 December 1995, A3.

<sup>30</sup> Danforth Families for Safe Communities, <https://www.danforthfamilies.com/> (accessed 8 March 2022); Doctors for Protection from Guns, <https://www.doctorsforprotectionfromguns.ca/> (accessed 8 March 2022); Jeremiah Rodriguez, “Families Affected by Danforth Shooting Want Ban on Handguns, Assault Rifles,” *CTV News*, 22 February 2019, <https://www.ctvnews.ca/canada/families-affected-by-danforth-shooting-want-ban-on-handguns-assault-rifles-1.4308261>; Muriel Draaisma, “Doctors Take Stand against Gun Violence, Call for Stronger Firearm Laws,” *CBC News*, 11 February 2019, <https://www.cbc.ca/news/canada/toronto/canadian-doctors-for-protection-from-guns-campaign-stronger-firearm-laws-1.5014081>; Matthew B. Stanbrook, “Gun Control: A Health Issue for which Physicians Rightfully Advocate” *Canadian Medical Association Journal* (23 April 2019) 191(16): E434–E435.

<sup>31</sup> Information in this paragraph is drawn from Kevin Wamsley, “Cultural Signification and National Ideologies: Rifle-shooting in Late 19th-Century Canada” *Social History* (1995) 20: 63–72; Brown, *Arming and Disarming: A History of Gun Control in Canada*, 47–52; R. Blake Brown, “The State and Organized Rifle Shooting in Nova Scotia in the 1860s” *Borealia*, 24 August 2020, <https://earlycanadianhistory.ca/2020/08/24/the-state-and-organized-rifle-shooting-in-nova-scotia-in-the-1860s/> (accessed 27 December 2021).

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aggression. In the 1860s, rifle shooting competitions became common throughout much of what became Canada. Colonial governments, and then the Canadian government after Confederation, supported rifle shooting by providing infrastructure, rifles, financial support to pay for ammunition and transportation, and prizes. The Dominion of Canada Rifle Association, formed in 1868, was an outgrowth of this desire to encourage men to shoot to help defend the nation.

The popularity of rifle shooting waxed and waned over time, though Canadians have often participated in local, provincial, and international shooting events. In 1907, the International Shooting Union formed, becoming the world governing body for shooting. (The organization changed its name to the International Shooting Sport Federation (ISSF) in 1998.) Shooting also became part of the modern Olympics games in 1896. The number of Olympic shooting events has varied over the years. In the early Olympic games, for example, there were events for army rifles and military service pistols. In recent Olympics, however, events have been limited to pistol competitions, small-bore rifle, air rifle, trapshooting, and skeet shooting. The rifle shooting competition at the Olympics uses .22 calibre rim-fire ammunition and requires participants to fire at relatively short distances (a maximum of 50 meters).<sup>32</sup> The Olympics does not include competitions that require the use of assault-style rifles.

Many shooting competitions use small-calibre rim-fire ammunition because it has a low recoil. For example, the Canadian Shooting Sports Association lists several rifle-shooting disciplines on its webpage.<sup>33</sup> Most events do not use semi-automatic, centre-fire rifles. Other shooting associations hold events using various models of rifles. For example, the Ontario Rifle

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<sup>32</sup> See the official Olympics website, <https://www.olympic.org/shooting> (accessed 27 April 2021).

<sup>33</sup> See the website of the Canadian Shooting Sports Association, <https://cssa-cila.org/shooting-sports/rifle-shooting-disciplines/> (accessed 11 January 2022).

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Association advertises several rifle-shooting events. Some of these events allow the use of assault-style rifles, though this does not seem to be a requirement to participate in most events.<sup>34</sup>

Shooting competitions that require the use of assault-style rifles, such as “multi-gun” (or “3-Gun”) competitions, are of relatively recent lineage. 3-Gun requires shooters to use three firearms (a handgun, a semi-automatic rifle, and a shotgun). The event replicates battlefield conditions by requiring competitors to aim and fire at targets placed at relatively short distances while moving through a course in as little time as possible. Participants use firearms available to average gun owners rather than the specialized rifles of Olympic shooters, and speed is valued as highly as accuracy. The roots of these multi-gun competitions can be traced to matches first organized by the American *Soldier of Fortune* magazine at its annual convention in 1980, which simulated combat with pistols, semi-automatic rifles, and shotguns. Participants in the 1980 event used models of semi-automatic rifles such as the Heckler & Koch 91. *Soldier of Fortune* held 3-Gun competitions at subsequent conventions, and shooting organizations throughout the United States began to host similar events.<sup>35</sup> Some Canadian gun clubs experimented with 3-Gun in the 1980s, but the activity did not substantially grow in popularity until around 2000. In 2012, the *Edmonton Journal* reported that about three hundred Albertans regularly competed in 3-Gun.<sup>36</sup> PC 2020-298 prohibited some assault-style rifles used in multi-gun competitions, though

<sup>34</sup> Ontario Rifle Association, “Disciplines,” <https://ontariorifleassociation.ca/> (accessed 28 August 2020).

<sup>35</sup> R. Blake Brown, “Back in the Holster: Sport Shooting, 3-Gun, and the Ban on Assault-style Rifles,” *Canadian Dimension*, 25 August 2021, <https://canadiandimension.com/articles/view/back-in-the-holster-sport-shooting-3-gun-and-the-ban-on-assault-style-rifles> (accessed 8 November 2021); Bryce M. Towsley, “3-Gun!” *Military.com*, 2022, <https://www.military.com/outdoor-guide/3-gun.html> (accessed 22 March 2022); Dave Anderson, “Three-gun Competition: Winning This Game Means Proficiency with Rifle, Pistol, and Shotgun,” *Guns Magazine*, February 2005, 40; Philip Alpers and Josh Sugarman, “Gold Medal Gunslingers: Combat Shooting Targets the Olympic Games,” *Violence Policy Center study* (July 1999), <https://apo.org.au/sites/default/files/resource-files/1999-07/apo-nid70545.pdf>.

<sup>36</sup> Shelley Bindon, “Black Guns, White Hot,” *Edmonton Journal*, 30 June 2012, G1–G2.

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other non-restricted and restricted semi-automatic rifles that can be used in such events remain on the market.

### IV. CRIMINAL USES OF ASSAULT-STYLE RIFLES

Assault-style firearms have been employed in criminal activity in Canada. Press stories and reported legal cases indicate that individuals involved in the illegal drug trade are sometimes found to possess assault-style firearms. Shooters have also used semi-automatic rifles in several mass shootings, hostage takings, bank robberies, and police killings in Canada.<sup>37</sup> Some of the criminal incidents involving semi-automatic rifles in Canada are well-known; others have largely been forgotten. Here is a sample of some incidents in Canadian history:

- **1962:** During a bank robbery in Montreal, three men armed with semi-automatic rifles, including a FN rifle, killed two police officers.<sup>38</sup> (The FN rifle was made a prohibited firearm in Canada in 1992.)
- **1967:** Arthur Towell, 35, armed himself with a Beretta BM 59 semi-automatic rifle and began firing at people from his parents' home in Vancouver. Towell killed two people in their backyard, shot another person across the street, and shot a fourth person walking on the street.<sup>39</sup> (The Beretta BM 59 was made a prohibited firearm in 1995.)

<sup>37</sup> Semi-automatic firearms are frequently the weapons used to mass shooting events in the United States. See Jack Levin, "The Role of Firearms in Mass Shootings" in Jaclyn Schildkraut (ed.), *Mass Shootings in America: Understanding the Debates, Causes, and Responses* (Santa Barbara: ABC-CLIO, 2018) 4; Christopher S. Koper, "Assessing the Potential to Reduce Deaths and Injuries from Mass Shootings Through Restrictions on Assault Weapons and Other High-Capacity Semiautomatic Firearms" *Criminology and Public Policy* (2020) 19(1): 147–70; Christopher S. Koper, William D. Johnson, Jordan L. Nichols, Ambrozine Ayers, and Natalie Mullins, "Criminal Use of Assault Weapons and High-Capacity Semiautomatic Firearms: An Updated Examination of Local and National Sources" *Journal of Urban Health* (2018) 95(3): 313–21; Rosanna Smart and Terry L. Schell, "Mass Shootings in the United States," RAND Corporation (15 April 2021), <https://www.rand.org/research/gun-policy/analysis/essays/mass-shootings.html>.

<sup>38</sup> Al Palmer and Paul Dubois, "'Santa' Bandit Team Kills Two for Less Than \$2,000," *Montreal Gazette*, 15 December 1962, 1; "Slaying Weapon Found," *Montreal Gazette*, 18 April 1963, 1; Jana G. Pruden, "When the Santa Claus Bandit Struck Montreal in 1962, 'Christmas Was Never the Same'," *Globe and Mail*, 26 December 2021, <https://www.theglobeandmail.com/canada/article-when-the-santa-claus-bandit-struck-montreal-in-1962-christmas-was/> (accessed 2 January 2022).

<sup>39</sup> R. Blake Brown and Rudy Bartlett, "'A Fusillade of Shots in the Quiet Neighbourhood': The 1967 Vancouver Mass Shooting and Gun Control in the late 1960s" *BC Studies*, forthcoming; "Sniper Suspect Held for Mental Check," *Vancouver Sun*, 8 July 1967, 1; "Doctor Tells Inquest: 'I Feared His Guns'," *Vancouver Sun*, 12 July 1967, 1, 2; "Take His Guns, Warned Doctor," *Province*, 12 July 1967, 1.

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- **1975:** Peter Ian Wood, 22, dressed in army fatigues and shot several people at the Jericho Youth Hostel in British Columbia using a 7.62 mm semi-automatic rifle.<sup>40</sup>
- **1977:** A gunman walked into a Montreal bar and murdered two staff and three patrons with an M-1 semi-automatic rifle. The shooter was never identified.<sup>41</sup>
- **1982:** Saskatoon police killed an eighteen-year-old hostage-taker after a lengthy standoff. The shooter was dressed in fatigues and armed with an AR-15 semi-automatic rifle. He fired 50 rounds during the standoff, injuring a hostage.<sup>42</sup> (PC 2020-298 (SOR/2020-96) made the AR-15 a prohibited firearm.)
- **1984:** An eighteen-year-old from Etobicoke dressed in army fatigues and armed himself with a Heckler-Koch HK-91 semi-automatic rifle with the intent of killing his ex-girlfriend. When stopped by police, the teenager opened fire, killing one officer and injuring two others.<sup>43</sup> (The Heckler-Koch HK-91 became a prohibited firearm in 1995.)
- **1989:** Marc Lépine used a Ruger Mini-14 semi-automatic rifle to kill fourteen women and injure more than a dozen others at the École Polytechnique in Montreal.<sup>44</sup> (PC 2020-298 (SOR/2020-96) made the Ruger Mini-14 a prohibited firearm.)
- **1990:** Harnek Lalli, 33, used his legally owned AK-47 to murder two people attending a cultural event at a Delta, British Columbia secondary school.<sup>45</sup> (The AK-47 was made a prohibited firearm in 1995.)

<sup>40</sup> Mark Buckshon, "Rifleman Runs Amok in Hostel," *Province*, 3 March 1975, 1; "Gunman Intended to Kill Someone, Police Testify," *Vancouver Sun*, 18 December 1975, 12. The media did not identify the model of the firearm.

<sup>41</sup> Bill Kokesch, "Gunman Kills 5 in North-End Bar," *Montreal Gazette*, 14 March 1977, 1; "Cold Trail and Few Leads in Montreal Bar Shooting," *Windsor Star*, 14 March 1977, 1; "Police Have Gun, No Motive for Gaiete Bar Slayings," *Montreal Gazette*, 15 March 1977, 3.

<sup>42</sup> "Sharpshooters Kill Rifle-toting 'Weirdo'," *Regina Leader-Post*, 15 December 1982, 1; "Gunman Had 'Pretty Potent Weapon'," *Saskatoon Star-Phoenix*, 15 December 1982, 3; "Landrie's Gun to be Held until Investigation Finished," *Saskatoon Star-Phoenix*, 17 December 1982, 3.

<sup>43</sup> R. Blake Brown, "The Murder of Constable David Dunmore & the Long Debate over whether to Ban 'Military-Style' Rifles," *Active History*, 4 December 2019, <https://activehistory.ca/2019/12/the-murder-of-constable-david-dunmore-long-debate-over-whether-to-ban-military-style-rifles/> (accessed 27 December 2021).

<sup>44</sup> Teresa K. Sourour, "Report of Coroner's Investigation" (1991); Mélissa Blais, *"I Hate Feminists!": December 6, 1989, and Its Aftermath*, Phyllis Aronoff and Howard Scott, trans. (Halifax: Fernwood, 2014); Josée Boileau, *Because They Were Women: The Montreal Massacre*, trans. Chantal Bilodeau (Toronto: Second Story Press, 2020).

<sup>45</sup> Salim Jiwa, "Mourners Demand Answers," *Province*, 4 December 1990, 5; Tom Watt, "Man Bought AK-47: Witness," *The Province*, 10 April 1992, A23; Tom Watt, "Life Sentence for Delta Killer," *The Province*, 30 April 1992, A29.

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- **1991:** A licensed gun owner purchased a variant of an AK-47 at a Calgary gun store and then murdered three people.<sup>46</sup> (The AK-47 was made a prohibited firearm in 1995.)
- **2005:** James Roszko used a HK-91 semi-automatic rifle to murder four members of the RCMP in Myerthorpe, Alberta.<sup>47</sup> (The Heckler-Koch HK-91 became a prohibited firearm in 1995.)
- **2006:** Kimveer Singh Gill, armed with a Beretta Cx4 Storm semi-automatic rifle, a handgun and a shotgun, opened fire at Dawson College in Montreal. One person was killed, and another nineteen were injured.<sup>48</sup> (PC 2020-298 (SOR/2020-96) made the Beretta Cx4 Storm a prohibited firearm.)
- **2012:** Richard Bain attacked a Montreal building hosting the leader of the Parti Québécois on the evening of the provincial election. Bain fired a single shot from his CZ 858 semi-automatic rifle before it jammed, killing one stage technician and seriously injuring another person.<sup>49</sup> (PC 2020-298 (SOR/2020-96) made the CZ 858 a prohibited firearm.)
- **2014:** Justin Bourque, 24, dressed in camouflage and used a Norinco M305 semi-automatic rifle (a variant of the M14 rifle) to murder three members of the RCMP and injure two others in Moncton.<sup>50</sup> (PC 2020-298 (SOR/2020-96) made the Norinco M305 a prohibited firearm.)
- **2014:** Robbers used an M14 semi-automatic rifle to murder Matthew Anthony Hennigar and Calvin Andy in Anahim Lake, BC.<sup>51</sup> (PC 2020-298 (SOR/2020-96) made the M14 a prohibited firearm.)

<sup>46</sup> Kim Lunman, "Suspect Bought Gun, Trial Told," *Calgary Herald*, 22 May 1992, B2; "Man Guilty of Killing Three in Parking Lot," *Edmonton Journal*, 2 June 1992, A7.

<sup>47</sup> Daniel R. Pahl, "Report to the Attorney General: Public Inquiry into the Deaths of Cst. Anthony Gordon, Cst. Lionide Johnston, Cst. Brock Myrol, Cst. Peter Schiemann and Mr. James Roszko," Alberta Justice and Attorney General (3 March 2011), <https://open.alberta.ca/dataset/b1360153-b288-41a3-8637-112e0786d79b/resource/5556b599-6eb2-4ec6-bb79-eb19b7eb3bf8/download/2015-fatality-report-mayerthorpercmp.pdf> (accessed 11 January 2022).

<sup>48</sup> Stéphanie Marin, "10 Years after Dawson Shooting, Killer's Weapon Is More Accessible than in 2006," *CBC News*, 11 September 2016.

<sup>49</sup> *Bain c. R.*, 2019 QCCA 460 (CanLII), <https://canlii.ca/t/hz7gj>.

<sup>50</sup> RCMP, "Independent Review: Moncton Shooting, June 4, 2014," <https://www.rcmp-grc.gc.ca/en/independent-review-moncton-shooting-june-4-2014> (accessed 23 April 2021).

<sup>51</sup> Keith Fraser, "Slayings that Shocked Remote BC Community Result in 10 Years for Accused," *Vancouver Sun*, 15 March 2018; *R. v Jongbloets*, 2018 BCSC 403 (CanLII), <https://canlii.ca/t/hr076>.



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- **2016:** Lionel Desmond legally purchased a SKS semi-automatic rifle, then killed his wife, daughter, and mother (and himself) in Nova Scotia.<sup>52</sup>
- **2017:** Alexandre Bissonette, 27, killed six people at the Islamic Cultural Centre of Quebec City. He was armed with a semi-automatic Vz. 58 rifle. After the rifle jammed, he carried out the murders using a 9-mm semi-automatic pistol.<sup>53</sup> (PC 2020-298 (SOR/2020-96) made the Vz. 58 a prohibited firearm.)
- **2017:** Matthew Vincent Raymond shot and killed four people, including two police officers, in Fredericton, New Brunswick. Raymond possessed a SKS semi-automatic rifle.<sup>54</sup>
- **2019:** Bryer Schmegelsky, 18, and Kam McLeod, 19, legally purchased a SKS semi-automatic rifle in British Columbia, killed three people, and sparked a massive manhunt before they died by suicide.<sup>55</sup>
- **2020:** A perpetrator, aged 51, killed 22 people in Nova Scotia. The Mass Casualty Commission has obtained evidence suggesting that the perpetrator possessed several firearms, including a semi-automatic Mini-14 and an AR-15 style rifle.<sup>56</sup> (PC 2020-298 (SOR/2020-96) made the Mini-14 and the AR-15 prohibited firearms.)
- **2020:** Corey Hurren rammed the gates at the Governor General's residence in Ottawa. He possessed several firearms, including a semi-automatic variant of the M14 rifle.<sup>57</sup> (PC 2020-298 (SOR/2020-96) made the M14 rifle a prohibited firearm.)

<sup>52</sup> Desmond Fatality Inquiry, "Transcript: In the Matter of the Fatality Investigations Act, SNS 2001, c 31," 29 January 2020, [https://desmondinquiry.ca/transcript\\_files/2020-Jan-29-Desmond.pdf](https://desmondinquiry.ca/transcript_files/2020-Jan-29-Desmond.pdf) (accessed 22 March 2022), 61; Laura Fraser, "Lionel Desmond Looked 'Like a Normal Guy' as He Bought a Gun to Kill His Family: Psychiatrist," *CBC News*, 5 February 2020.

<sup>53</sup> Les Perreax, "Quebec City Mosque Shooter Alexandre Bissonette Confessed during 911 Call, Court Hears," *Globe and Mail*, 12 April 2018; *Bissonette c. R.*, 2020 QCCA 1585 (CanLII), <https://canlii.ca/t/jbth0>.

<sup>54</sup> Hadeel Ibrahim, "Firearms Expert Says Rifle Used in Fredericton Shooting Designed 'to Kill,' Mostly Used for Hunting," *CBC News*, 30 September 2020.

<sup>55</sup> Jonathon Gatehouse, "Inside the RCMP's Cross-country Manhunt for Admitted Killers Bryer Schmegelsky and Kam McLeod," *CBC News*, 20 December 2019.

<sup>56</sup> Mass Casualty Commission, "Foundational Documents: Firearms (Draft)," 3 February 2022; Andrew Russell, "Colt Carbine, Ruger Mini-14 among Illegally Obtained Firearms used by Nova Scotia Shooter, Docs Show," *Global News*, 20 November 2020.

<sup>57</sup> Canadian Press, "Corey Hurren, Alleged Rideau Hall Intruder, Pleads Guilty to 8 Charges," *Global News*, 5 February 2021.

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Internationally, assault-style rifles have also been involved in many mass shootings—too many to list here. Some of the most recent mass shootings involving such firearms in the United States include:<sup>58</sup>

- **2012:** Sandy Hook Elementary School shooting, Connecticut (27 fatalities). Shooter possessed an AR-15-type rifle.
- **2012:** Aurora theatre shooting, Colorado (twelve fatalities). Shooter possessed an AR-15-type rifle.
- **2015:** San Bernardino shooting, California (fourteen fatalities). Shooters possessed AR-15-type rifles.
- **2016:** Orlando Nightclub shooting, Florida (49 fatalities). Shooter possessed a Sig Sauer MCX semi-automatic rifle.
- **2017:** Las Vegas music festival shooting, Nevada (58 fatalities). Shooter possessed 24 firearms, including AR-15-type rifles and AR-10-type rifles.
- **2017:** Sutherland Springs First Baptist Church shooting, Texas (26 fatalities). Shooter had an AR-15-type rifle.
- **2018:** Marjory Stoneman Douglas High School shooting, Florida (seventeen fatalities). Shooter possessed an AR-15-type rifle.
- **2018:** Pittsburgh synagogue shooting, Pennsylvania (eleven fatalities). Shooter possessed an AR-15-type rifle.
- **2019:** El Paso Walmart shooting, Texas (23 fatalities). Shooter used an AK-47-type rifle.
- **2019:** Dayton entertainment district shooting, Ohio (nine fatalities). Shooter possessed an AR-15-type weapon.
- **2021:** Boulder, Colorado shooting at a King Soopers supermarket (ten fatalities). Shooter was armed with a Ruger AR-556 pistol (an AR-15-type weapon).
- **2021:** Indianapolis FedEx shooting, Indiana (nine fatalities). Shooter was armed with a Ruger AR-556 pistol (an AR-15-type weapon) and a HM Defense HM15F semi-automatic rifle.

<sup>58</sup> Details on the mass shooting incidents in the United States come from Mark Follman, Gavin Aronsen, and Deanna Pan, “US Mass Shootings, 1982–2021: Data From Mother Jones’ Investigation,” *Mother Jones*, updated 30 November 2021, <https://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data/> (accessed 11 January 2022).

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Mass shootings using semi-automatic rifles have also occurred in other developed nations, though with less frequency than in the United States. Some of the most notable include:

- **1987:** Hungerford school shooting, England (sixteen fatalities). Shooter possessed Norinco Type 56S and M1 semi-automatic rifles.
- **1990:** Aramoana shooting, New Zealand (thirteen fatalities). Shooter possessed several semi-automatic rifles, including .223-calibre Norinco Type 84s, a Norinco SKS semi-automatic rifle, and a .22-calibre Squires and Bingham Model 16 semi-automatic rifle.<sup>59</sup>
- **1996:** Port Arthur shooting, Australia (35 fatalities). Shooter possessed AR-15 and SKS rifles.<sup>60</sup>
- **2011:** 22 July shooting, Norway (67 fatalities). Shooter possessed a semi-automatic Ruger Mini-14 rifle.<sup>61</sup>
- **2019:** Christchurch mosque shooting, New Zealand (51 fatalities). Shooter possessed several firearms, including two semi-automatic rifles.<sup>62</sup>

## V. CONCERNS WITH SEMI-AUTOMATIC FIREARMS AND SUPPORT FOR GUN CONTROL

The presence of semi-automatic rifles often based on military designs in the Canadian consumer market began to spark concerns in the 1970s. In the early 1970s reports that the Front de libération du Québec (FLQ) had legally purchased semi-automatic rifles led to calls from several Parliamentarians that the federal government make it more difficult for civilians to acquire such weapons. In 1970, MP Warren Allmand told the House of Commons that the kidnappers of

<sup>59</sup> Bill O'Brien, *Aramoana: Twenty-Two Hours of Terror* (Auckland: Penguin, 1991).

<sup>60</sup> Austin Ramzy, Michelle Innis, and Patrick Boehler, "How a Conservative-Led Australia Ended Mass Killings," *New York Times*, 4 December 2015.

<sup>61</sup> Unni Turrettini, *The Mystery of the Lone Wolf Killer: Anders Behring Breivik and the Threat of Terror in Plain Sight* (New York: Pegasus Crime, 2015).

<sup>62</sup> Royal Commission of Inquiry into the Terrorist Attack on Christchurch Masjidain on 15 March 2019, "Ko tō tātou kāinga tēne: Report of the Royal Commission," vol. 1 (26 November 2020), <https://christchurchattack.royalcommission.nz/assets/Report-Volumes-and-Parts/Ko-to-tatou-kainga-tenei-Volume-1-v2.pdf>, 40; Kurt Bayer and Anna Leask, "Christchurch Mosque Terror Attack Sentencing: Gunman Brenton Tarrant Planned to Attack Three Mosques," *New Zealand Herald*, 23 August 2020, <https://www.nzherald.co.nz/nz/christchurch-mosque-terror-attack-sentencing-gunman-brenton-tarrant-planned-to-attack-three-mosques/Y5ROAIRQY6TJTU7XI63YHBT7YI/> (accessed 8 March 2022).

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Pierre Laporte “were able to go down to Notre Dame Street and obtain several machine guns and/or repeater rifles.” He thus asked if the government was “considering the introduction of further legislation regarding the control of guns, or tightening the administration of the present legislation?”<sup>63</sup> NDP MP Lorne Nystrom also asked in the House of Commons, “In view of recent activities of the FLQ and the increased sales of M-1 rifles in Montreal, will the Prime Minister inform the House whether the government is planning any amendments to the Criminal Code to make it more difficult to purchase fire arms?”<sup>64</sup> (The semi-automatic M-1 Garand rifle was the standard infantry weapon of the United States Army in the Second World War.) In 1971, a Quebec bank robber with a Commando Mark III semi-automatic rifle killed a police constable. The Commando Mark III was a semi-automatic version of the Thompson automatic rifle, which Allied forces used extensively in World War Two. Police urged that access to the Commando Mark III be limited.<sup>65</sup> In March 1973, Justice Minister Otto Lang indicated that the government might introduce a Criminal Code amendment to address the use of firearms like the M-1 semi-automatic rifle, as he noted concerns about “quasi-machine guns” and the “more exotic types of firearms.”<sup>66</sup> Some Canadians expressed apprehension about the introduction of the AR-15 into the civilian market. The *Windsor Star*, for instance, warned in 1975 that criminals “might very well show some interest in the high-powered AR-15.”<sup>67</sup> In 1976, a thirteen-year-old boy mail-

<sup>63</sup> Debates, House of Commons, 9 November 1970, p. 994, [https://parl.canadiana.ca/view/oop.debates\\_HOC2803\\_01/996?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC2803_01/996?r=0&s=1).

<sup>64</sup> Debates, House of Commons, 25 February 1971, p. 3733, [https://parl.canadiana.ca/view/oop.debates\\_HOC2803\\_04/375?r=0&s=3](https://parl.canadiana.ca/view/oop.debates_HOC2803_04/375?r=0&s=3).

<sup>65</sup> “Gunman Frees Girl Hostage after 9 Hours, Gives Self Up,” *Montreal Gazette*, 13 October 1971, 1; Eddie Collister, “Probe Demanded of Release System,” *Montreal Gazette*, 28 October 1971, 3; “Machinegun Replica No ‘Fun Gun’ to Police,” *Province*, 4 September 1974, 1; “Vancouver Police Wary of Gun,” *Star Phoenix*, 5 September 1974, 22.

<sup>66</sup> Pat Best, “Lang Poised to Ban More Guns,” *Ottawa Citizen*, 19 March 1973, 1; “Semi-automatic Gun Ban Eyed,” *Montreal Gazette*, 20 March 1973, 1; “‘Exotic-Type’ Guns Face Ban,” *Victoria Times*, 20 March 1973, 1.

<sup>67</sup> Paul Patterson, “The Deadliest Weapon is the Easiest to Buy,” *Windsor Star*, 20 September 1975, 3.

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ordered an AR-15 from an Edmonton gun dealer. The incident drew attention to the availability of the AR-15 and led to calls for stronger gun controls.<sup>68</sup> One Alberta columnist asserted, “I don’t believe a weapon like the AR-15 should be allowed to be sold in Alberta—or Canada—to anyone, no matter what their age... We don’t need AR-15 rifles around any more than we need tanks for the people.”<sup>69</sup>

Some representatives of hunters’ organizations expressed concerns about the use of firearms like the AR-15. For example, in 1977, Jack O’Dette of the Ontario Federation of Anglers and Hunters complained about some hunters using M-1s and AR-15s. O’Dette contributed to conservation efforts for decades, serving as president of Canadian Wildlife Federation and the Ontario Federation of Anglers and Hunters, and was a strong proponent of hunting and an opponent of gun control. However, he said stopping the use of guns like the AR-15 would “do much to convince the anti-gun segment of the public that we are responsible and should be allowed to enjoy our sport as our forefathers did.”<sup>70</sup> O’Dette warned about the public relations problem caused by assault-style rifles, noting that “if press pictures show more and more unconventional guns, approaching military weapons in configuration and appearance, we are going to have continuous agitation [sic] to do away with firearms.” O’Dette noted that the public associated guns like the AR-15 with armed conflict and insurrections and said he believed that weapons such as the AR-15 “are police or security or military weapons.”<sup>71</sup> O’Dette’s comments highlight a traditional reluctance of some hunters to adopt assault-style rifles—a

<sup>68</sup> “Boy’s Purchase of Rifle ‘Tells Need for Controls,’” *Vancouver Sun*, 10 November 1976, 44; “Tougher Federal Gun Laws Urged,” *Fort McMurray Today*, 10 November 1976, 2; “13-Year-Old Bought Rifle,” *Regina Leader-Post*, 12 November 1976, 24.

<sup>69</sup> Eric Denhoff. Untitled column, *Albertan*, 11 November 1976, 8.

<sup>70</sup> Jack O’Dette to L.H. Nicholson, 5 October 1977, Library and Archives Canada, Leonard Nicholson fonds, R4932-0-1-E, volume 9, file 4.

<sup>71</sup> *Ibid.*

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reluctance that to some extent continues to exist. For example, in 2021, a former firearms and hunter safety training instructor, Don Pajot, suggested that “Canadian hunters should raise the bar and aim to support the ban on ‘assault-style firearms,’ which have no legitimacy in our hunting gear. We should speak out for our time-honoured traditions and legitimate firearms ownership, but also for the greater good and public safety.”<sup>72</sup>

In the early to mid-1970s, increasing crime rates sparked interest in strengthening Canada’s gun control regime. Advocates of stronger gun laws pointed to the substantial number of murders involving long guns and noted that Canada lacked a screening process for those wishing to purchase most firearms. In response, the federal government introduced and passed Bill C-51 in 1977, which required new purchasers to acquire a Firearms Acquisition Certificate (FAC). As discussed below, Bill C-51 also included efforts to limit access to and use of some assault-style firearms.

### 1. Responses to the Montreal Massacre

The 1989 Montreal Massacre created widespread public awareness of the dangers of semi-automatic assault-style firearms. Students of École Polytechnique helped to organize a petition demanding a ban on the civilian possession of “military or paramilitary weapons.” This petition garnered over 560,000 signatures.<sup>73</sup> In the aftermath of the École Polytechnique shooting, many federal politicians from all parties expressed concern about the availability of assault-style rifles.

<sup>72</sup> Don Pajot, “Where Hunters Should Aim in Discussing Bill C-21 on Gun Control,” *Ottawa Citizen*, 15 April 2021. On the debate within the hunting community about whether to adopt assault-style rifles, see A.J. Somerset, *Arms: The Culture and Credo of the Gun* (Windsor: Biblioasis, 2015), 163–67.

<sup>73</sup> Heidi Rathjen and Charles Montpetit, *December 6: From the Montreal Massacre to Gun Control—The Inside Story* (Toronto: McClelland & Stewart, 1999).

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Progressive Conservative MP Jean-Pierre Blackburn stated in the House of Commons on 8 December 1989:

Fourteen young women, in the flower of their youth, killed by a maniac with a semi-automatic weapon. Why are weapons of this kind allowed in Canada? Why do we let people own such dangerous and destructive weapons? For recreation purposes? That doesn't make sense.<sup>74</sup>

Blackburn thus urged Parliament “to take action to ban the possession of such weapons in Canada.” In early 1990, Blackburn told the House of Commons that since the Montreal Massacre, “there [had] been a major movement across the country against the use of semi-automatic weapons. Thousands of Canadians are demanding changes in the existing legislation in order to limit the sale and possession of such weapons in Canada.”<sup>75</sup> Progressive Conservative MP Barbara Greene urged her party to “bring forward gun control legislation to prohibit the sale or possession of automatic or semi-automatic weapons with the exception of those required by police forces.”<sup>76</sup> Greene later told the House of Commons, “People throughout Canada do not want a proliferation of powerful weapons capable of firing bullets in rapid succession for extended periods of time.”<sup>77</sup> Progressive Conservative MP Pauline Browes noted that the Montreal Massacre had “focused public attention on the availability of guns in our society. For under \$500, a 16-year-old in Canada can buy an AK-47 assault rifle that has been converted from fully automatic to semi-automatic.”<sup>78</sup> Liberal MP Warren Allmand, a former Solicitor

<sup>74</sup> Debates, House of Commons, 8 December 1989, p. 6660, [https://parl.canadiana.ca/view/oop.debates\\_HOC3402\\_05/904?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3402_05/904?r=0&s=1).

<sup>75</sup> Debates, House of Commons, 31 January 1990, p. 7646, [https://parl.canadiana.ca/view/oop.debates\\_HOC3402\\_06/410?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3402_06/410?r=0&s=1).

<sup>76</sup> Debates, House of Commons, 11 December 1989, p. 6745, [https://parl.canadiana.ca/view/oop.debates\\_HOC3402\\_05/989?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3402_05/989?r=0&s=1).

<sup>77</sup> Debates, House of Commons, 2 May 1990, p. 10913, [https://parl.canadiana.ca/view/oop.debates\\_HOC3402\\_08/865?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3402_08/865?r=0&s=1).

<sup>78</sup> Debates, House of Commons, 13 December 1989, p. 6856, [https://parl.canadiana.ca/view/oop.debates\\_HOC3402\\_05/1100?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3402_05/1100?r=0&s=1).

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General of Canada, reminded the Minister of Justice in April 1990 that “the gun that was used to kill those 14 women at the University of Montreal was a Ruger semi-automatic rifle, which could fire up to 50 rounds of ammunition and which is now used by several police SWAT squads and military forces.”<sup>79</sup>

Many newspapers across Canada advocated for the federal government to take steps to limit access to assault-style rifles after the Montreal Massacre. For example, the *Montreal Gazette* wrote:

What hunter really needs a rifle that can fire 30 rounds in four seconds? Why, in fact, should anyone outside of the military or police need such a weapon, or be allowed to own one.... These powerful semi-automatics should be added to the list of weapons—mainly handguns and automatic rifles—that can be purchased only by holders of a Restricted Weapons Registration Certificate.<sup>80</sup>

The *Calgary Herald* urged the federal government to consider “restrictions, if not an outright ban, on the type of weapon used in the Montreal shooting.”<sup>81</sup> In June 1990, the *Edmonton Journal* suggested that the federal government should prohibit all semi-automatic rifles, declaring that there was “no rational justification” for allowing people to possess semi-automatic rifles:

Let’s be brutally clear: if a deranged person goes on a rampage with a single-shot weapon, he may possibly be disarmed. If the killer has a semi-automatic weapon—as Montreal killer Marc Lepine had—the result is likely to be a massacre.... [S]emi-automatic weapons can serve no useful purpose in such sports as hunting.<sup>82</sup>

<sup>79</sup> Debates, House of Commons, 25 April 1990, p. 10652, [https://parl.canadiana.ca/view/oop.debat.es\\_HOC3402\\_08/604?r=0&s=1](https://parl.canadiana.ca/view/oop.debat.es_HOC3402_08/604?r=0&s=1).

<sup>80</sup> “Control the Guns,” *Montreal Gazette*, 9 December 1989, B2.

<sup>81</sup> “Ban Rapid-fire Guns,” *Calgary Herald*, 9 December 1989, A4.

<sup>82</sup> “Guns that Massacre,” *Edmonton Journal*, 27 June 1990, 14. In the years since the École Polytechnique shooting, some newspapers have periodically urged the federal government to limit access to semi-automatic rifles. For example, on the tenth anniversary of the Montreal Massacre, the *Montreal Gazette* declared, “Effective gun control will only come when more guns are put on the prohibited list. Semi-automatic weapons designed for military use have no place on the streets of a civilized society like Canada’s.” “Gun Law Needs Fine-tuning,” *Montreal Gazette*, 8 December 1999, B2.



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At a 1990 meeting of the Federation of Canadian Municipalities, delegates unanimously approved a motion calling on the federal government to “take immediate action to forbid the sale, possession and use of military and paramilitary combat weapons in Canada with the exception of members of the Canadian Forces and law enforcement officers in the fulfillment of their duties.”<sup>83</sup> In 1994, the Canadian and Quebec teachers’ federations issued a joint statement demanding stronger gun controls, including a prohibition on the possession of semi-automatic firearms.<sup>84</sup>

## 2. Views of Canadian Police Organizations

The Canadian Association of Chiefs of Police (CACP) has passed resolutions since the 1970s calling for governments to limit access to potentially dangerous long guns, including automatic firearms and semi-automatic rifles.<sup>85</sup> In 1973, the CACP passed a resolution declaring that “automatic rifles and machine guns are dangerous.” The Association resolved to recommend to Parliament that such firearms should be made **prohibited devices** under the Criminal Code. The CACP also expressed concern with the availability of semi-automatic rifles in the mid-1970s: “Evidence has been brought forward on a good number of occasions that hold-up men, in particular those that are holding up banks and other financial institutions, are armed with semi-automatic or fully automatic rifles or machine guns.”<sup>86</sup> The CACP pointed to several especially

<sup>83</sup> Philip Authier, “Municipalities Support Montreal’s Demand for Combat-weapons Ban,” *Montreal Gazette*, 6 June 1990, A5.

<sup>84</sup> Richard Mackie, “Tighter Gun Laws Demanded,” *Globe and Mail*, 25 November 1994, A11.

<sup>85</sup> For summaries of the CACP resolutions concerning firearms, see Canadian Association of Chiefs of Police (CACP), “Resolutions Summaries,” updated 2003, [https://www.cacp.ca/status-report-government-responses.html?asst\\_id=538](https://www.cacp.ca/status-report-government-responses.html?asst_id=538) (accessed 22 March 2022), pp. 34–38. Copies of the CACP resolutions are available at the CACP head office. They are also in the possession of the author.

<sup>86</sup> Canadian Association of Chiefs of Police (CACP), “Supplementary Position Paper on Gun Control Laws, Prohibited and Restricted Weapons” (1974), 6.

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concerning models of firearms, including the M-1 semi-automatic rifle: “this type of firearm is of no particular value to hunters.”<sup>87</sup> The CACP also expressed concern about the appearance of the semi-automatic version of the M16 rifle (i.e., the AR-15) in Canada:

The M16 fires a .223 calibre bullet, which is notorious for its easy deflection by brush or other obstruction. Nevertheless, it was adopted by the United States Army because of its characteristic of nosediving in flesh with subsequent massive shock and wounding. Additionally, the small cartridge allowed the carrying of many more rounds, desirable in the field. The easy bullet deflection prevents its realistic use as a short-range woods weapon of the eastern forests and the rifle’s basic construction prevents the affixing of a telescopic sight to allow its use as a plains or “varmint” rifle. This rifle has no place in the civilian world.<sup>88</sup>

In 1977, the CACP passed a resolution stating that “semi-automatic firearms are basically designed as an instrument of war” and have “no sporting use either in the cultural or recreational sense.” The association urged that all such guns be classified as restricted firearms, since naming only some models as restricted allowed for others to remain available. In 1986, the CACP passed another resolution, noting that there was a “worldwide surplus of automatic and semi-automatic weapons primarily designed for purposes of warfare now finding their way into the Canadian market place.” The proliferation of such guns (and handguns) led the association to urge the federal government to “take the steps necessary to end this increase in available weapons.”

In 1988 (shortly before the Montreal Massacre), the CACP expressed concern over the “alarming rate with which military weapons are being imported into Canada, particularly originally manufactured automatic weapons that have been modified to fire in a semi-automatic mode.” The CACP declared that “these weapons can be readily converted to fully automatic mode of fire.” The CACP thus requested that the federal government stop the importation of such guns and that the federal minister of justice “take immediate steps to amend the Criminal

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<sup>87</sup> *Ibid.*, 9.

<sup>88</sup> *Ibid.*, 12.

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Code banning the importation and possession of such weapons.” In 1994, the CACP declared that “military assault rifles are manufactured for the sole purpose of killing people in large numbers,” and said the minister of justice should “ban all military assault rifles except for law-enforcement and military purposes.”

Police organizations have offered mixed views about recent efforts to prohibit assault-style rifles. In September 2019, the Ontario Association of Chiefs of Police expressed its support for a “prohibition on all military-designed assault rifles.” The Association asserted that “these weapons have no place in our communities and should be reserved for use by Canada’s military and law enforcement.”<sup>89</sup> The Canadian Association of Chiefs of Police has not released an official policy position on the 1 May 2020 Order in Council. In a statement, the CACP indicated that it “supports improving safety for frontline police officers and the public” and appreciates “the federal government’s commitment to this issue.”<sup>90</sup> However, it planned to review the Order in Council and subsequent legislation. The new bargaining agent for RCMP members below the rank of Inspector, the National Police Federation, issued a position statement opposing the May 2020 Order in Council, in part because the Federation believed the program to collect newly prohibited firearms would draw on RCMP resources.<sup>91</sup>

<sup>89</sup> Ontario Association of Chiefs of Police, “Statement: The Control of Firearms and the Impact of Gun Violence on our Communities” (25 September 2019), <https://www.oacp.ca/en/news/statement-the-control-of-firearms-and-the-impact-of-gun-violence-on-our-communities.aspx> (accessed 11 January 2022).

<sup>90</sup> Canadian Association of Chiefs of Police, “CACP Statement: Ban on Assault-Style Firearms,” 1 May 2020, [https://cACP.ca/index.html?asst\\_id=2144](https://cACP.ca/index.html?asst_id=2144) (accessed 2 March 2022).

<sup>91</sup> National Police Federation, “Gun Violence and Public Safety in Canada” (November 2020), <https://npfcontent.ca/wp-content/uploads/2020/11/Gun-Violence-and-Public-Safety-in-Canada-PS-Final-EN.pdf> (accessed 22 March 2022).

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**3. Public Opinion Polling**

Professionally conducted public opinion polls have historically shown high levels of support for strengthening gun control laws in Canada, as the following sample of polls illustrates:

- **1975:** Gallup found that 83 per cent of Canadians favoured the registration of all firearms.<sup>92</sup>
- **1977:** Gallup reported that 85 per cent of Canadians wanted to see a law that would require a person to acquire a police permit before buying a gun.<sup>93</sup>
- **1979:** Gallup reported that 66 per cent of Canadians wanted the law governing the purchase of firearms to be more restrictive. (28 per cent wanted existing gun laws retained, while 4 per cent wanted less restrictive firearm laws.)<sup>94</sup>
- **1982:** Gallup found that 70 per cent of Canadians wanted the law governing the purchase of firearms to be more restrictive. (24 per cent wanted existing gun laws retained, while 4 per cent wanted less restrictive firearm laws.)<sup>95</sup>
- **1989:** Angus Reid found that 72 per cent of Canadians agreed with the statement that “Canada’s gun laws should be changed to make it more difficult to purchase deadly weapons.” Twenty-six per cent disagreed with this statement, and only 2 per cent had no opinion.<sup>96</sup>
- **1991:** Gallup found that 79 per cent of Canadians favoured more restrictive gun laws. (17 per cent wanted to maintain the current law, 2 per cent wanted the law to be less restrictive, and 3 per cent had no opinion.)<sup>97</sup>
- **1991:** Angus Reid asked if Canada’s gun laws should be changed to make it more difficult to purchase weapons. 80 per cent agreed that Canada’s gun laws should be changed to make it more difficult to purchase firearms. 16 per cent disagreed, and 4 per cent were unsure.<sup>98</sup>

<sup>92</sup> “Tougher Gun Laws Backed,” *Ottawa Citizen*, 9 August 1975, 7.

<sup>93</sup> “Gun Permit Favored,” *Ottawa Citizen*, 30 March 1977, 7.

<sup>94</sup> “Tighter Gun-buying Legislation Favoured,” *Montreal Gazette*, 24 October 1979, 16.

<sup>95</sup> “Most Favour Tighter Gun Controls: Poll,” *Montreal Gazette*, 6 February 1982, A8.

<sup>96</sup> Eric Beauchesne, “Massacre Points to Need for Tougher Laws,” *Edmonton Journal*, 29 December 1989, 3.

<sup>97</sup> “Public Favours Tougher Gun Control Law,” *Toronto Star*, 15 April 1991, A15.

<sup>98</sup> Allan McRae, “Canadians Want Tougher Gun Laws: Poll,” *Montreal Gazette*, 30 January 1991, 6.

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- **1994:** Angus Reid reported that 70 per cent of Canadians wanted tougher gun laws. (23 per cent wanted no change in the laws, 5 per cent wanted fewer restrictions, and 2 per cent did not know.)<sup>99</sup>

The only period in Canadian history since the 1970s when popular support for strengthening gun controls waned was when cost overruns bedevilled the long-gun registry. In 1995, the Liberals passed Bill C-68, which expanded the registration system to include all firearms and required existing owners of non-restricted guns (not just people wishing to acquire firearms) to apply for licenses. Polling initially suggested high rates of public support for the long-gun registry, though eventually the high cost of the program led some Canadians to see the registry as a fiscal issue rather than a public safety issue.<sup>100</sup> A 2004 poll showed that 52 per cent of Canadians favoured scrapping the registry, while only 43 wanted it retained.<sup>101</sup>

Strong popular support for strengthening gun control, however, is seen in recent polls:

- **2017:** Ekos found that 69 per cent of Canadian supported banning guns in urban areas.<sup>102</sup>
- **2019:** Leger found that 77 per cent of Canadians favoured stricter gun controls. 17 per cent were opposed to stricter gun laws, and 7 per cent did not know or refused to answer.<sup>103</sup>

<sup>99</sup> Doug Fischer, “National Gun Poll Triggers Regional Reactions,” *Calgary Herald*, 12 October 1994, 3.

<sup>100</sup> For a summary of polls showing support for the long-gun registry prior to 2001, see Karin Stein, “Public Perceptions of Crime and Justice in Canada: A Review of Opinion Polls,” Research and Statistics Division, Department of Justice (November 2001), [https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr01\\_1/rr01\\_1.pdf](https://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr01_1/rr01_1.pdf) (accessed 22 March 2022), 23–24.

<sup>101</sup> Kim Lunman, “Martin Health Plan Gets 48% Support,” *Globe and Mail*, 2 February 2004, A4.

<sup>102</sup> Ekos, “Here’s a Simple Idea: Most Canadians Want a Strict Ban on Guns in Our Cities,” *Ekos Politics*, 4 December 2017, <http://www.ekospolitics.com/index.php/2017/12/heres-a-simple-idea-most-canadians-want-a-strict-ban-on-guns-in-our-cities/> (accessed 11 January 2022).

<sup>103</sup> Leger, “Canadians’ Opinions on Key Issues” (26 April 2019), <https://leger360.com/wp-content/uploads/2019/04/Federal-Politics-April-26-2019-hot-topics.pdf> (accessed 11 January 2022).

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- **2021:** Leger found that 66 per cent of Canadians favoured stricter gun controls. In comparison, 19 per cent said gun laws should stay the same, 10 per cent said gun laws should be less strict, and 5 per cent did not know or refused to answer.<sup>104</sup>

Moreover, several polls have shown substantial support for limiting access to or banning assault-style rifles:

- **1993:** Angus Reid found that 84 per cent of Canadians supported a ban on assault rifles and even 71 per of gun owners favoured a ban on such rifles.<sup>105</sup>
- **2006:** Leger and Ipsos Reid determined that 81 per cent of people in Quebec supported banning semi-automatic firearms, and 68 per cent of people in the rest of Canada supported such a ban. 59 per cent of gun owners in Quebec agreed that such guns should be banned, as did 44 per cent in the rest of Canada.<sup>106</sup>
- **2018:** Environics Research Group found that 81 per cent of Canadians supported the statement “Private ownership of semi-automatic assault weapons for recreational purposes should not be legal in Canada.”<sup>107</sup>
- **2019:** Angus Reid reported that 77 per cent of Canadians agreed that more needed to be done to limit access to assault weapons, and 75 per cent supported a complete ban on assault weapons. (55 per cent of current or former gun owners agreed that assault weapons should be banned.)<sup>108</sup>
- **2020:** Angus Reid reported that 78 per cent of Canadians supported a complete ban on civilian possession of assault weapons. (45 per cent of current gun owners and 70 per cent of former gun owners supported such a ban.)<sup>109</sup>

<sup>104</sup> Leger, “Leger’s North American Tracker” (29 March 2021), <https://acs-aec.ca/wp-content/uploads/2021/03/Legers-North-American-Tracker-March-29th-2021.pdf> (accessed 3 May 2021).

<sup>105</sup> Terrance Wills, “Canadians Want Stronger Gun Controls, Survey Shows,” *Montreal Gazette*, 1 October 1993, 11.

<sup>106</sup> Hubert Bauch, “Ban Semi-automatics, Quebecers Say,” *Montreal Gazette*, 21 October 2006, 1.

<sup>107</sup> Tim Naumetz, “Canadians Support Ban on Semi-auto Assault Sport Rifles: Environics Poll,” *iPolitics*, 9 March 2018, <https://ipolitics.ca/2018/03/09/canadians-support-ban-on-semi-auto-assault-sport-rifles-environics-poll/> (accessed 3 May 2021).

<sup>108</sup> Angus Reid Institute, “Amid Concern over Spread of Gun Violence, Majorities Support Ban on Handguns, Assault Weapons” (24 May 2019), <http://angusreid.org/gun-control-handgun-ban/> (accessed 3 May 2021).

<sup>109</sup> Angus Reid Institute, “Four in Five Canadians Support Complete Ban on Civilian Possession of Assault-style Weapons” (1 May 2020), <http://angusreid.org/assault-weapons-ban/> (accessed 3 May 2021).

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- **2020:** Ipsos determined that 82 per cent of Canadians supported the federal government’s ban on assault-style weapons.<sup>110</sup>

Several key points can be drawn from the above discussion. First, scientific public polling indicates that a strong majority of Canadians have long supported stricter gun controls, including steps that would reduce the availability of assault-style rifles. In fact, even a large percentage of gun owners agree that assault-style firearms should be prohibited. Second, some newspapers, police organizations, politicians, and municipalities have at various times urged the federal government to limit access to assault-style rifles.

Recently, several organizations, municipalities, and newspapers have renewed the effort to regulate assault-style firearms more strictly. In 2018, the Federal Ombudsman for Victims of Crime recommended “a total ban on handguns and assault rifles, in conjunction with a buyback program.”<sup>111</sup> In 2018, Montreal’s city council passed a motion asking Ottawa to prohibit all “private possession of assault rifles and handguns, except in the case of the Canadian Armed Forces, police forces and other authorities mandated to possess firearms.”<sup>112</sup> Some newspapers have also recently called for a ban on assault-style firearms. In 2019, the *Globe and Mail* urged the federal government to limit access to semi-automatic firearms: “At the very least, all of them should be classified as restricted weapons, regardless of bullet size or design heritage. But given the threat they pose, there’s a strong argument for banning them altogether.”<sup>113</sup> In 2019, the

<sup>110</sup> Ipsos, “Eight in Ten (82%) Canadians Support Federal Government’s Ban on Military-Style Assault Weapons” (28 May 2020), <https://www.ipsos.com/en-ca/news-polls/Eight-in-Ten-Canadians-Support-Federal-Governments-Ban-on-Military-Style-Assault-Weapons> (accessed 3 May 2021).

<sup>111</sup> Federal Ombudsman for Victims of Crime, “Submission to the Engagement Process on Reducing Violent Crime: A Dialogue on Handguns and Assault Weapons” (November 2018), <https://www.victimsfirst.gc.ca/vv/VC-CV/index.html> (accessed 11 January 2022).

<sup>112</sup> Kalina Laframboise, “Montreal Urges Ottawa to Issue National Ban on Handguns, Assault Weapons,” *Global News*, 20 August 2018.

<sup>113</sup> “After Christchurch, It’s Time for Canada to Ban Semi-automatic Weapons,” *Globe and Mail*, 28 March 2019.

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*Toronto Star* lauded New Zealand for banning many semi-automatic rifles, saying “no civilian needs to possess military-grade assault rifles designed specifically to maximize an attacker’s death toll.”<sup>114</sup>

### VI. THE REGULATION OF FIREARMS

Gun control in Canada has a long history. In the pre-Confederation period, some colonies and local governments passed legislation or issued bylaws that regulated when and where firearms could be carried or used.<sup>115</sup> Federal politicians have historically sought to limit access to or regulate the use of firearms that are deemed particularly dangerous.

#### 1. The Regulation of Handguns

Concerns with handguns contributed to a series of legislative enactments to limit the ownership and use of such weapons and to institute registration systems. In 1877, the Liberals required that a person could carry a pistol only if he had a reasonable fear of assault or injury to himself, his family, or his property.<sup>116</sup> In 1892, the Conservatives required individuals to possess a “certificate of exemption” to carry a pistol unless the owner had cause to fear assault or injury. It also became an offence to sell a pistol to anyone under sixteen years of age. Businesses selling pistols had to keep records of the purchaser, the date of sale, and information on the gun.<sup>117</sup> In 1913, the Conservatives increased the potential penalty for carrying a handgun outside the home or place of business without a permit. The 1913 legislation replaced the “certificate of

<sup>114</sup> Star Editorial Board, “New Zealand’s Ban on Military-style Weapons Is an Example of Using a Crisis Wisely,” *Toronto Star*, 21 March 2019.

<sup>115</sup> R. Blake Brown, “‘Possession of Arms among These Men ... Might Lead to Serious Consequences’: Regulating Firearms in the Canadas, 1760–1867” in Blaine Baker and Donald Fyson, eds., *Essays in the History of Canadian Law, Volume XI: Quebec and the Canadas* (Toronto: University of Toronto Press, 2013) 503–37.

<sup>116</sup> An Act to Make Provision against the Improper Use of Firearms, SC 1877, c. 30.

<sup>117</sup> Criminal Code of Canada, SC 1892, c. 29, ss. 105 and 106.



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exemption” system with a requirement that those wanting to carry *or buy* a handgun have a “Form 76” permit. A permit was now required to carry a handgun regardless of whether there was reasonable cause to fear an assault.<sup>118</sup>

Parliament passed several important changes to Canada’s gun control regime regarding handguns in the 1930s. Minister of Justice Hugh Guthrie said in 1933 that the federal government was taking action in response to the “many requests which have come from municipal bodies, boards of trade and various other societies throughout Canada, asking that more drastic legislation be passed in regard to the use or carrying of pistols and revolvers.”<sup>119</sup> In 1933, the Conservatives provided that handgun permits could be issued on the grounds that the owner needed to protect life or property, or if the pistol would be used at a shooting club. The punishment for carrying a handgun without a permit was also increased.<sup>120</sup> In 1934, the federal government passed a statute to establish a registration system for handguns. The 1934 legislation required the recording of the handgun owner’s name, address, and occupation, as well as details of the firearm, including the purposes of its proposed usage. However, these records were not centralized. Rather, the Commissioner of the RCMP or designated police departments made firearms registries and kept records.<sup>121</sup> In 1951, Parliament amended the Criminal Code to require the Commissioner of the RCMP to create and maintain a centralized registry system for handguns. Minister of Justice Stuart Garson emphasized that handguns were particularly dangerous firearms and thus needed to be regulated closely. He noted that the government was “dealing with instruments which are not only deadly weapons in themselves but which are used

<sup>118</sup> Criminal Code Amendment Act, 1913, SC 1913, c. 13.

<sup>119</sup> Debates, House of Commons, 29 March 1933, p. 3512, [https://parl.canadiana.ca/view/oop.debates\\_HOC1704\\_04/56?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC1704_04/56?r=0&s=1).

<sup>120</sup> An Act to Amend the Criminal Code (Offensive Weapons), SC 1933, c. 25.

<sup>121</sup> An Act to amend the Criminal Code, SC 1934, c. 47, s. 3.

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in the great majority of the crimes of violence that take place throughout the country.” It was thus “very much in the interests of everyone that the strictest sort of provision be made regarding the registration of firearms generally.”<sup>122</sup> The 1951 act provided that a centralized registry was to keep a “record of every firearms registration certificate that is issued under the authority of this Act.”<sup>123</sup>

In 1969, Parliament passed an omnibus criminal law reform bill that included provisions related to the use and classification of firearms. The changes included the creation of a classification system for all firearms. Guns were classified as (1) “firearms” (today called “**non-restricted firearms**”); (2) “restricted weapons”; or (3) “prohibited weapons.” Handguns were classified as “restricted weapons,” as the 1969 legislation made restricted “any firearm designed, altered or intended to be aimed and fired by the action of one hand.”<sup>124</sup>

The federal government made some additional changes to the regulation of handguns in Bill C-51 (1977). Bill C-51 required all gun purchasers to have a Firearms Acquisition Certificate (FAC). It required a formal background check to acquire a FAC, and a registration certificate for a handgun could only be issued if the applicant had a FAC.<sup>125</sup> Bill C-51 also removed defence of property as a ground for possessing a handgun. It was possible to acquire a restricted weapons certificate if the handgun was required by the applicant to protect life, for use in connection with a lawful profession or occupation, or for use in target practice. *A bone fide*

<sup>122</sup> Debates, House of Commons, 25 June 1951, p. 4658, [https://parl.canadiana.ca/view/oop.debates\\_HOC2104\\_05/640?r=0&s=2](https://parl.canadiana.ca/view/oop.debates_HOC2104_05/640?r=0&s=2).

<sup>123</sup> An Act to Amend the Criminal Code, SC 1951, c. 47, s. 7.

<sup>124</sup> Criminal Law Amendment Act, 1968–69, SC 1969, c. 38, s. 6(1).

<sup>125</sup> Criminal Law Amendment Act, 1977, SC 1977, c. 53, s. 3.

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gun collector could also get a registration certificate.<sup>126</sup> Justice Minister Ron Basford explained to the House of Commons why protection of property had been removed as a ground for permission to have a restricted weapon: “Police authorities across the country have said, and we believe, that protection of property with firearms is not a desirable thing. People trying to protect themselves and their property with sidearms are usually more of a menace to themselves than to an intruder.”<sup>127</sup>

Following the 1989 Montreal massacre, the Progressive Conservatives required purchasers to provide more background information and legislated safe storage and transportation guidelines in Bill C-17.<sup>128</sup> The Liberals later reclassified some handguns as prohibited weapons. Bill C-68 (1995) declared as prohibited any handgun that had a barrel equal to or less than 105 millimeters in length or that was designed or adapted to discharge a .25 or .32 calibre cartridge.<sup>129</sup> Parliament’s goal was to prohibit short-barreled handguns that were easily concealed. In introducing this measure, Minister of Justice Allan Rock asserted that the Government would ban the “further sale of most handguns because we have determined they have no legitimate sporting purpose.”<sup>130</sup> He later noted that the “category of handguns that this

<sup>126</sup> Ibid. The federal government has generally not provided statistics on the number of permits issued to carry handguns to protect life, but the literature suggests few such permits were issued. See Donna Lea Hawley, *Canadian Firearms Law* (Toronto: Butterworths, 1988) 27–29. In 1972, the *Ottawa Citizen* reported that “Only police officers, some security guards and a few private investigators receive permits to carry handguns on a regular basis.” “Should We Shoot ... for Better Gun Laws,” *Ottawa Citizen*, 27 May 1972, 45. Writing in 1992, David Kopel concluded that in Canada it was “virtually impossible for an ordinary citizen to obtain a permit to carry a loaded handgun for self-defense.” David B. Kopel, *The Samurai, The Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?* (Buffalo: Prometheus Books, 1992) 146.

<sup>127</sup> Debates, House of Commons, 12 July 1977, p. 7600, [https://parl.canadiana.ca/view/oop.debat.es\\_HOC3002\\_08/250?r=0&s=1](https://parl.canadiana.ca/view/oop.debat.es_HOC3002_08/250?r=0&s=1).

<sup>128</sup> An Act to Amend the Criminal Code and the Customs Tariff in Consequence Thereof, SC 1991, c. 40.

<sup>129</sup> Firearms Act, SC 1995, c. 39, s. 139. The ban on these handguns did not include any such firearms used in international sporting competitions governed by the rules of the International Shooting Union.

<sup>130</sup> Debates, House of Commons, 30 November 1994, p. 8484, [https://parl.canadiana.ca/view/oop.debat.es\\_HOC3501\\_07/410?r=0&s=1](https://parl.canadiana.ca/view/oop.debat.es_HOC3501_07/410?r=0&s=1).

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government proposes to ban is not broadly used in legitimate sporting activities. Instead, these small handguns we propose to ban are cheaply made, easily concealed and commonly used in crime. That is why we are banning them.”<sup>131</sup> He estimated that almost 60 per cent of the handguns registered in Canada fell within the new definition of **prohibited firearms**. The decision to prohibit firearms based on barrel length and calibre meant that firearms with barrels longer than 105 millimeters and that used cartridges other than .25 and .32 calibre remained available for purchase in Canada as restricted weapons.

These legislative steps have probably contributed to a smaller percentage of Canadians owning handguns than Americans. While the United States has just under nine times the population of Canada, it has over 100 times more handguns.<sup>132</sup>

### 2. The Regulation of Assault-Style Rifles

The roots of the federal government’s current approach to regulating long guns can be found in the late 1960s. As the below summary of key legislative provisions highlights, the federal government gradually made it easier for the Governor in Council to restrict or prohibit firearms

<sup>131</sup>Debates, House of Commons, 1 December 1994, p. 8549, [https://parl.canadiana.ca/view/oop.debates\\_HOC3501\\_07/475?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3501_07/475?r=0&s=1).

<sup>132</sup> The exact number of handguns in circulation in Canada and the United States is uncertain. The most recent Commissioner of Firearms Report indicates that there are 1,057,418 restricted firearms in Canada. This figure includes both restricted handguns and restricted rifles, but unfortunately, the Commissioner of Firearms does not provide a breakdown of the kinds of weapons included in the restricted category. See Commissioner of Firearms, “2019 Report,” Royal Canadian Mounted Police (2020), <https://www.rcmp-grc.gc.ca/en/firearms/2019-commissioner-firearms-report> (accessed 22 March 2022). However, Deputy Commissioner of the RCMP Stephen White recently told the Standing Committee on Public Safety and National Security that “we have a total of approximately 1.1 million registered firearms, and 96.7% of them are handguns. Basically, approximately one million handguns are registered in Canada.” Minutes of Proceedings and Evidence, Standing Committee on Public Safety and National Security (1 February 2022), First Session of the Forty-Fourth Parliament, 11, <https://www.ourcommons.ca/Content/Committee/441/SECU/Evidence/EV11535431/SECUEV04-E.PDF> (accessed 23 February 2022). The number of handguns in the United States is more difficult to estimate. A 2012 study prepared for the Congressional Research Service estimated that by 2009 there were 114 million handguns in the United States. William J. Krouse, *Gun Control Legislation* (Washington, DC: United States Congressional Research Service, 2012), 8–9.

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deemed dangerous and has used its authority to limit the availability to the public of many models of firearms, including many assault-style firearms.

*i. Criminal Law Amendment Act, 1968–69, SC 1969, c. 38*

As noted earlier, in 1969 Parliament created a classification system for all firearms. Guns were classified as (1) “firearms”; (2) “restricted weapons”; or (3) “prohibited weapons.” In addition to making all handguns restricted, the 1969 legislation classified as a restricted weapon any firearm that that was “capable of firing bullets in rapid succession during one pressure of the trigger” (i.e., automatic weapons) and any firearm that was less than 26 inches (660 millimeters) in length or that was designed to be fired when reduced to a length of less than 26 inches by folding or telescoping. The legislation also provided authority to the Governor in Council to place firearms in the restricted category. A **restricted firearm** was a “weapon of any kind, not being a shotgun or rifle of a kind commonly used in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a restricted weapon.”<sup>133</sup> In other words, the legislation made some firearms restricted weapons based on their physical characteristics, while also allowing Cabinet to declare other firearms to be restricted so long as they were not a shotgun or rifle of a kind commonly used in Canada for hunting or shooting purposes.

The 1969 legislation also allowed the Governor in Council to declare models of firearms to be prohibited. A prohibited weapon was a weapon “not being a restricted weapon or a shotgun or rifle of any kind commonly used in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a prohibited weapon.”<sup>134</sup> The 1969 legislation thus established the power of the Governor in Council to classify firearms not commonly used for

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<sup>133</sup> Criminal Law Amendment Act, 1968–69, SC 1969, c. 38, s. 6.

<sup>134</sup> Ibid.

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hunting or sporting purposes as restricted or prohibited. In the early to mid-1970s, the federal government used this authority to classify firearms as restricted or prohibited sparingly.<sup>135</sup> For example, in 1974, the federal government issued an Order in Council making the Commando Mark III (a semi-automatic version of the Thompson 1927A-1, or “Tommy gun”) a restricted weapon (see **Figure 9**).<sup>136</sup> In 1976, the federal government declared the High Standard Model 10 Series “A” and the High Standard Model 10 Series “B” semi-automatic shotguns to be restricted weapons.<sup>137</sup>



*Figure 9: Advertisement for the Commando Mark III Semi-automatic Rifle*  
This rifle was made a restricted firearm in 1974 and then a prohibited firearm in 1995.  
Source: Volunteer Enterprises, Inc. (n.d.)

<sup>135</sup> M.L. Friedland, “Gun Control: The Options” *Criminal Law Quarterly* (1975) 18: 37–38.

<sup>136</sup> Restricted Weapons Order, PC 1974-2186 (1 October 1974), *Canada Gazette*, Part II, vol. 108, no. 20, p. 2716 (SOR/74-570).

<sup>137</sup> Restricted Weapons Order (No. 2), PC 1976-1796 (13 July 1976), *Canada Gazette*, Part II, vol. 110, no. 14, p. 2137 (SOR/76-472).

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*ii. Criminal Law Amendment Act, 1977, SC 1976–77, c. 53*

In 1977, the federal government addressed the introduction of assault-style rifles into the Canadian consumer market in a revision to the Criminal Code. The legislation retained the 1969 classification system for firearms but changed the definition of “restricted” and “prohibited” weapons. Justice Minister Ron Basford explained to Parliament that the changes were part of an effort to prevent dangerous users from acquiring firearms, to encourage responsible gun ownership, and to discourage the criminal use of firearms. One way this would be done was “by prohibiting certain particularly dangerous firearms which have no legitimate sporting purposes, and restricting others.”<sup>138</sup>

The “restricted weapon” definition retained the 1969 wording but added that the category included any firearm that was not prohibited that had a barrel of less than 18.5 inches (470 millimeters) and was capable of “discharging centre-fire ammunition in a semi-automatic manner.”<sup>139</sup> This did not restrict all semi-automatic firearms, just short-barrelled ones. Long-barrelled semi-automatic firearms remained non-restricted unless otherwise prescribed. Minister Basford made clear to the House of Commons that this provision was intended to make many assault-style firearms restricted:

The purpose of this provision is to restrict rapid-fire, concealable weapons. Obviously, a weapon with a short barrel is easily concealable under a raincoat or a trench coat if the stock has been sawed off. Police records indicate that a large number of short-barrelled guns are being used for criminal purposes. The M1 was developed during the Second World War as a personnel stopper. The AR-15 was designed and produced for use in the Vietnam war and these guns are now being used widely by criminal elements in the United States and in this

<sup>138</sup> Debates, House of Commons, 11 May 1977, p. 5525, [https://parl.canadiana.ca/view/oop.debates\\_HOC3002\\_06/135?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3002_06/135?r=0&s=1).

<sup>139</sup> Criminal Law Amendment Act, 1977, SC 1976–77, c. 53, s. 3.

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country. Therefore, as a matter of public policy it seems to me that we should endeavour to restrict their availability and use in Canada as much as possible.<sup>140</sup>

Minister Basford asserted that “there is no proper hunting use for these guns.”<sup>141</sup> He explained:

Many of these guns are of low calibre and would wound more deer than they would ever kill. Some of them are quite inaccurate in terms of target. They are not good shooting weapons. I could bring before the House a stack of textbooks on rifles and guns indicating that these particular weapons serve no useful hunting purpose.<sup>142</sup>

The power of the Governor in Council to declare specific firearms as restricted weapons was expanded greatly with the 1977 legislation. It removed the 1969 Criminal Code provision that said a restricted firearm was a “weapon of any kind, not being a shotgun or rifle of a kind commonly used in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a restricted weapon.” Instead, the 1977 legislation declared that a restricted firearm was:

a weapon of any kind, not being a prohibited weapon or a shotgun or rifle of a kind that, *in the opinion of the Governor in Council, is reasonable for use in Canada for hunting or sporting purposes*, that is declared by order of the Governor in Council to be a restricted weapon.<sup>143</sup>

This new provision was designed to expand the authority of the Governor in Council to make certain firearms restricted. Henceforth, it was possible for the Governor in Council to act if it was of the *opinion* that a model of firearm was *unreasonable* for use as a hunting or sporting arm. Later governments used this provision to restrict many firearms. Minister Basford explained to Parliament’s Standing Committee on Legal and Constitutional Affairs that it was necessary for the federal government to use Orders in Council to restrict models of firearms. He opposed a

<sup>140</sup> Debates, House of Commons, 30 June 1977, p. 7209, [https://parl.canadiana.ca/view/oop.debates\\_HOC3002\\_07/845?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3002_07/845?r=0&s=1).

<sup>141</sup> Ibid, p. 7210.

<sup>142</sup> Ibid.

<sup>143</sup> Criminal Law Amendment Act, 1977, SC 1976–77, c. 53, s. 3 (emphasis added).



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proposed amendment to the 1977 legislation that would “force the government to list in the legislation each weapon that is to be restricted. If we are going to list the .30 calibre M1 carbine, there are at least five weapons which should be listed. I suggest that it is not practical to require an amendment each time that a weapon was to be restricted.”<sup>144</sup> He also noted that if legislation included the makes and models of restricted firearms, then the gun industry could avoid the restrictions by slightly altering weapons to create new models that avoided the restricted classification: “To list the .30 calibre M1—this would be easily avoided by having a slightly different calibre. Then it would not be restricted and yet would be readily available on the market, and as I say, readily adapted for criminal purposes.”<sup>145</sup>

The “prohibited weapon” definition was also expanded in the 1977 legislation. All automatic weapons were henceforth prohibited, although owners of automatic weapons could retain them as restricted firearms if they registered them by the time the legislation came into force. Ownership of automatic firearms was thus “**grandfathered**” with this provision, but the commercial sale of automatic guns was prohibited.<sup>146</sup> The 1977 ban on automatic firearms is frequently cited by opponents of gun control today as the moment when Canada prohibited “assault rifles,” which they define as only including rifles with a “select-fire” capability allowing them to fire in a fully automatic mode. But as noted earlier, many gun makers in the 1970s had

<sup>144</sup> Minutes of Proceedings and Evidence on Justice and Legal Affairs, respecting Bill C-51, Criminal Law Amendment Act, No. 22 (16 June 1977), Second Session of the Thirtieth Parliament, pp. 21–22, [https://parl.canadiana.ca/view/oop.com\\_HOC\\_3002\\_9\\_2/729?r=0&s=3](https://parl.canadiana.ca/view/oop.com_HOC_3002_9_2/729?r=0&s=3).

<sup>145</sup> Ibid, p. 222, [https://parl.canadiana.ca/view/oop.com\\_HOC\\_3002\\_9\\_2/729?r=0&s=3](https://parl.canadiana.ca/view/oop.com_HOC_3002_9_2/729?r=0&s=3).

<sup>146</sup> The 1977 legislation also prohibited any rifle or shotgun that was altered so that its barrel was less than 18 inches or had an overall length of less than 26 inches (such as “sawed-off” shotguns). Criminal Law Amendment Act, 1977, SC 1976–77, c. 53, s. 3.

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begun producing semi-automatic military-style firearms that lacked the option of firing with a fully automatic action.<sup>147</sup>

The fact that the legislation made length an important factor in rendering a firearm restricted proved controversial, in part because semi-automatic centre-fire rifles that barely exceeded the statutory provision regarding length were not restricted. In addition, the 1977 legislation did not prevent the introduction of new and potentially dangerous firearms. For example, in 1981 the press reported that a semi-automatic version of the UZI submachine gun had appeared on the Canadian market and had been classified as a restricted firearm.<sup>148</sup> The decision to restrict only semi-automatic centre-fire rifles with barrels less than 18.5 inches became an issue almost immediately. In December 1977, the federal cabinet issued an Order in Council listing five firearms as restricted on the ground that “in the opinion of the Governor in Council” none were “reasonable for use in Canada for hunting or sporting purposes.” The five restricted weapons were listed in the 1977 OIC as:

- (a) the semi-automatic carbine known as the “Commando Mark III”;
- (b) the auto-loading twelve-gauge shotgun known as the “High Standard Model 10, Series ‘A’” or “High Standard Model 10, Series ‘B’”;
- (c) the semi-automatic action rifle known as the “Commando Mark V”;
- (d) the semi-automatic action rifle known as the “Thompson Model 27A-1”;
- and
- (e) the semi-automatic action rifle known as the “Colt Model AR-15”.<sup>149</sup>

<sup>147</sup> The federal government also slightly altered the power of the Governor in Council to declare a firearm a prohibited weapon. The legislation provided that a prohibited weapon was a firearm “of any kind, not being an antique firearm or a firearm of a kind commonly used in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a prohibited weapon.” The 1977 legislation thus slightly expanded the limitation on the ability of the Governor in Council to prohibit firearms. If a firearm was an antique or was commonly used for hunting or sporting purposes (and was not a shortened firearm or an automatic firearm) it could not be prohibited. Criminal Law Amendment Act, 1977, SC 1976–77, c. 53, s. 3.

<sup>148</sup> Damian Inwood, “Picasso of Guns Hits Market,” *Province*, 7 June 1981, A9; Darcy Henton, “New Gun in Town Worries Officials,” *Edmonton Journal*, 17 June 1981, A3.

<sup>149</sup> Restricted Weapons Order, PC 1977-3667 (22 December 1977), Canada Gazette, Part II, vol. 112, no. 1 (SOR/78-42).

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The Parliamentary Secretary to the President of the Privy Council, Yvon Pinard, explained to the House of Commons in January 1978 why the government chose to restrict the AR-15:

This decision was taken by the government because it is of the view that the AR-15 has no legitimate sporting use and is closely modelled along military lines. It was felt that weapons of this kind should not be readily available to anyone, and that control should be exercised over those who possess them.<sup>150</sup>

Owners of AR-15 rifles were upset with the classification of this firearm as a restricted weapon, and in 1979 the Progressive Conservative government of Prime Minister Joe Clark issued an Order in Council re-classifying the AR-15 as a firearm rather than as a restricted weapon.<sup>151</sup> Then, in late 1980 a new Order further reduced the list of firearms made restricted by the 1977 OIC, retaining only the “High Standard Model 10, Series ‘A’” and “High Standard Model 10, Series ‘B’” semi-automatic shotguns as restricted firearms.<sup>152</sup> In 1982, however, the federal government issued a new Order in Council that restricted the semi-automatic FN-FAL rifle (Canada’s standard infantry weapon at the time), “including any reproductions thereof or modifications thereto.”<sup>153</sup> The Canadian Association of Chiefs of Police explained that this addition was a preventive measure, as the FN-FAL was a “military weapon” and “designed for combat.” It had been discontinued by several foreign militaries, which meant that the rifle “could potentially flood the gun market by selling at low cost.”<sup>154</sup>

<sup>150</sup> Debates, House of Commons, 24 January 1978, p. 2178, [https://parl.canadiana.ca/view/oop.debates\\_HOC3003\\_02/1074?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3003_02/1074?r=0&s=1).

<sup>151</sup> Restricted Weapons Order, Amendment, PC 1979-2893 (25 October 1979), Canada Gazette, Part II, vol. 113, no. 21 (SOR/79-779).

<sup>152</sup> Restricted Weapons Order, PC 1980-3372 (11 December 1980), Canada Gazette, Part II, vol. 114, no. 24, p. 4220 (SOR/80-954).

<sup>153</sup> Restricted Weapons Order, Amendment, PC 1982-3964 (23 December 1982), Canada Gazette, Part II, Vol. 117, no. 1, p. 345 (SOR/83-69); Restricted Weapons Order, Amendment, PC 1983-1888 (23 June 1983), Canada Gazette, Part II, vol. 117, no. 13, p. 2674 (SOR/83-550).

<sup>154</sup> “Restricted Weapons Order,” *Canadian Police Chief* (February 1983) 2(2): 7. Also see John Picton, “Police Fear Growth of Weapons Influx,” *Vancouver Sun*, 4 May 1983, A11.

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By the mid-1980s, pressure began to mount on the federal government to address the availability of semi-automatic assault-style rifles. The Progressive Conservative government of Prime Minister Brian Mulroney considered legislation before the occurrence of the Montreal Massacre. In the spring of 1989, the government announced its intention to prohibit firearms that had originally been manufactured as automatic weapons but had been converted to semi-automatics to comply with the 1977 ban on automatic rifles. This proposal stemmed from a fear that criminals could reconvert such semi-automatic rifles to fire automatically.<sup>155</sup> However, before the Progressive Conservative took this step, the Montreal Massacre occurred on 6 December 1989, highlighting the damage that could be caused by semi-automatic assault-style rifles and drawing attention to their availability in Canada.

*iii. An Act to Amend the Criminal Code and the Customs Tariff..., SC 1991, c. 40*

The government of Prime Minister Mulroney responded to the Montreal Massacre with new gun controls. Its first legislative effort, Bill C-80, died on the Order Paper, but many of the proposals in Bill C-80 were subsequently included in Bill C-17. Bill C-17 made several meaningful changes to Canada's gun laws. These included strengthening background checks, imposing a mandatory 28-day waiting period for a Firearms Acquisition Certificate (FAC), requiring mandatory safety training, and increasing penalties for firearm-related crimes. Bill C-17 also targeted the use of some assault-style rifles in Canada.<sup>156</sup> Parliament sought to mitigate the

<sup>155</sup> Brown, *Arming and Disarming*, 203; Paul McKeague, "Canada Considers Assault Rifle Ban," *Windsor Star*, 20 May 1989, B1; "Ottawa to Introduce Ban on Assault Weapons," *Vancouver Sun*, 28 October 1989, A12.

<sup>156</sup> Samuel A. Bottomley, "Locked and Loaded: Gun Control Policy in Canada" in Robert M. Campbell, Leslie A. Pal, and Michael Howlett (eds.), *The Real Worlds of Canadian Politics: Cases in Process and Policy* (Peterborough: Broadview Press, 2004) 30–33. Bill C-17 slightly revised the "prohibited weapon" definition, providing that a prohibited weapon was a "weapon of any kind, not being an antique firearm or a firearm of a kind commonly used in Canada for hunting or sporting purposes, or a part, component or accessory of such a weapon, or any ammunition, that is declared by order of the Governor in Council to be a prohibited weapon." An Act to Amend the Criminal Code and the Customs Tariff in Consequence Thereof, SC 1991, c. 40, s. 2(3).

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dangers of assault-style firearms by prohibiting large-capacity cartridge magazines for such firearms (discussed below). Further, Parliament prohibited automatic firearms that had been converted to avoid the 1978 prohibition, though possession of these guns was grandfathered, thus allowing genuine gun collectors to retain them.

The Progressive Conservative government targeted rifles manufactured as semi-automatics that used designs based on modified fully automatic firearms. At the second reading of the bill, Minister of Justice Kim Campbell carefully explained the government's desire to limit access to what she called "modern semi-automatic military assault weapons." Minister Campbell's remarks reflected the popular demand for action on semi-automatic assault-style rifles, as well as demonstrating the way in which Parliamentarians have long used the language of "assault rifles," the history of concerns about the availability of semi-automatic firearms based on military designs, and the perceived appropriateness of using Orders in Council to restrict or prohibit particular models of firearms. Minister Campbell declared, "All Canadians are aware of the need for changes to Canada's gun control system."<sup>157</sup> She addressed the growing problem of assault-style rifles in civilian hands and asserted that Parliament needed to focus on more strictly regulating "types of firearms associated with the greatest risk to public safety, and relatively few, if any, legitimate sporting uses."<sup>158</sup> She explained that this meant more stringently regulating assault-style firearms:

There have been concerns raised about the increasing prevalence of military and high fire-power firearms in Canada since the law was last amended in 1978. Hon. members will recall that effective controls on fire power were a major component of my earlier legislative proposals.

There are still serious concerns about these firearms that this House must address, and they remain a key element of the current proposals. These firearms

<sup>157</sup> Debates, House of Commons, 6 June 1991, p. 1249, [https://parl.canadiana.ca/view/oop.debates\\_HOC3403\\_01/1151?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3403_01/1151?r=0&s=1).

<sup>158</sup> *Ibid.*, p. 1253.

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represent a much greater danger to the public than others and they are dealt with accordingly.

Those who own military or paramilitary firearms, fully automatic or converted fully automatic firearms face a much greater degree of restriction than others because their guns are much more dangerous. They are designed and intended for military, not sporting uses.<sup>159</sup>

However, the Progressive Conservative government was interested in not only more strictly regulating automatic firearms that had been converted to semi-automatics. Minister Campbell told the House that the government also intended to target the use of other semi-automatic rifles:

When I initially introduced Bill C-80, I indicated that it was also my intention to designate other types of military or paramilitary firearms as restricted or prohibited weapons.

This is intended to restrict the availability of the most dangerous firearms, and at the same time, underscore the traditional Canadian idea that firearms in society are more properly regarded as tools for hunting or sporting purposes and not weapons for personal or civil defence. These roles are very capably performed by the police and the armed forces of Canada and should not serve as a justification for the private ownership of firearms.

It is not my intention, however, to restrict or prohibit every single type of firearm that has ever seen military service. I recognize that many older-style military guns have seen valuable service as hunting firearms.

What I am concerned about, and what the legislation seeks to control, are *modern military firearms that contain high firepower, fast-firing mechanisms, large capacity cartridge magazines, and other characteristics that make them very dangerous weapons, and have little or no place in legitimate sporting activities*. Where there are relatively few legitimate uses for these firearms, they would be prohibited altogether.

Where they are used for some forms of legitimate target shooting, they may be designated as restricted weapons, which would allow the activity to continue, but protect the public by registering and tracking the guns and their owners.

I want to reassure those who own obsolete military firearms such as the Lee Enfield that this proposal is intended to reduce access to the most *modern semi-automatic military assault weapons*.<sup>160</sup>

Minister Campbell then addressed the reasons the government would continue to use Orders in Council to restrict or prohibit models of firearms rather than legislation:

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<sup>159</sup> Ibid.

<sup>160</sup> Ibid, p. 1254 (emphasis added).

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As Canadian firearms owners are aware, a portion of the gun control system is enacted by a combination of regulations and Orders in Council made under the legislative authority of the Criminal Code. This combined approach makes for a better system for all concerned because it allows for flexibility and clarity which would not be possible using the statute alone.<sup>161</sup>

Minister Campbell explained that the use of regulations was vital to ensuring that the gun control regime was sufficiently nimble and flexible:

[T]he fundamental goal of gun control in Canada is to protect the public from firearms violence, while at the same time preserving the interests of legitimate firearms owners and users as much as possible. Regulatory powers are an important tool for this task.

The use of regulations allows the law to focus closely on the firearms, individuals, and situations that raise public safety concerns.

Regulations allow for flexibility in the law to achieve effective gun control in ways that can still permit legitimate activities to continue.

Statutory powers are much broader. Attempting to use them to accomplish regulatory controls on firearms would result in a much less responsive and effective gun control system.<sup>162</sup>

Minister Campbell noted that the government's bill did not include a list of firearms to be restricted or prohibited because the existing legislation already allowed the government to act through Orders in Council: "The prohibition or restriction of military or paramilitary firearms is not in the Bill. This is because the power to do this by Order in Council already exists in the statute itself. No statutory amendment was necessary."<sup>163</sup>

Cabinet subsequently issued Orders in Council prohibiting or restricting many assault-style rifles (as well as some long-range sniper rifles, shotguns, and handguns). In the "Explanatory Note" regarding the prohibition of many firearms that accompanied Prohibited Weapons Order, No. 11, the federal government indicated that this classification was made under the Criminal Code provision allowing for firearms to be prohibited if not normally used for

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<sup>161</sup> Ibid, p. 1256.

<sup>162</sup> Ibid, p. 1257.

<sup>163</sup> Ibid.

## The History of Gun Control in Canada

hunting or sporting purposes. The prohibition orders were “an important component of the policy of limiting firepower to levels that are reasonably required for hunting or sporting purposes in Canada.”<sup>164</sup> The federal government explained that:

Firearms form a continuum ranging from common hunting and target-shooting guns to high-powered, military or para-military guns having little or no legitimate sporting purpose. Canada’s gun control scheme places increasing restrictions on access to firearms, up to and including complete prohibition, as firepower increases and sporting utility declines.<sup>165</sup>

Prohibited Weapons Order No. 11 listed seventeen models of rifles “and any variant or modified version thereof” as prohibited weapons. The order also prohibited three models of shotguns and their variants or modified versions, and fifteen models of semi-automatic pistols and their variants and modified versions. An additional three models of rifles and three models of pistols (plus variants) were also prohibited in Prohibited Weapons Order No. 12, although they could be retained if they had been registered as restricted weapons by 1 October 1992.<sup>166</sup> Some of the prohibited semi-automatic firearms were based on military designs that had been limited to semi-automatic functioning, such as the Steyr AUG rifle and UZI, and their variants. The prohibition orders also included some long-range sniper/anti-material rifles, such as the .50 calibre Barrett “Light Fifty” Model 82A1 and Iver Johnson AMAC. Another Order in Council classified 24 models of firearms (and their variants and modified versions) as restricted. Many of these models were semi-automatic versions of standard military assault rifles. These models included the AK-47 and M-16 (including AR-15).<sup>167</sup>

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<sup>164</sup> Prohibited Weapons Order No. 11, PC 1992-1668 (16 July 1992), Canada Gazette, Part II, Vol. 126, no. 17, p. 3446 (SOR/92-465).

<sup>165</sup> Ibid.

<sup>166</sup> Prohibited Weapons Order No. 12, PC 1992-1669 (16 July 1992), Canada Gazette, Part II, Vol. 126, no. 17 (SOR/92-466).

<sup>167</sup> Restricted Weapons Order, PC 1992-1670 (16 July 1992), Canada Gazette, Part II, Vol. 126, No. 17 (SOR/1992-467).



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Bill C-17 and the subsequent Orders in Council were significant steps in limiting access to assault-style firearms. However, critics noted that the actions of the Progressive Conservative government still left some models of centre-fire semi-automatic rifles as non-restricted firearms, including the Ruger Mini-14 model used in the Montreal Massacre. This meant that potentially dangerous semi-automatic centre-fire rifles remained widely available, either as non-restricted or restricted firearms. A 1990 study prepared on Progressive Conservative legislative proposals by the Research Branch of Library of Parliament concluded: “It must be acknowledged that even weapons designed and manufactured as semi-automatic hunting and recreational shooting rifles and shotguns can be used to create carnage. The Montreal tragedy bears dramatic witness to this potential.”<sup>168</sup>

*iv. Liberal Gun Controls*

After the 1993 federal election, the new Liberal government pursued additional gun control measures. The Cabinet issued a new Order in Council in 1994 declaring more models of firearms to be prohibited firearms.<sup>169</sup> Minister of Justice Allan Rock announced that the government intended to prohibit a “wide variety of military type weapons,” including “several types of military and paramilitary firearms that are designed to imitate weapons used by the army and the police and are intended not for hunting or farming but for combat.”<sup>170</sup> Minister Rock also promised that the Liberal Government would eventually prohibit the Ruger Mini-14 model used

<sup>168</sup> William Bartlett, “Gun Control: Analysis of the Government’s 1989 Proposal.” Research Branch, Library of Parliament (April 1990) 7.

<sup>169</sup> Prohibited Weapons Order No. 13, PC 1994-1974 (29 November 1994), Canada Gazette, Part II, Vol. 128, no. 25 (SOR/94-741).

<sup>170</sup> Debates, House of Commons, 30 November 1994, p. 8484, [https://parl.canadiana.ca/view/oop.debates\\_HOC3501\\_07/410?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3501_07/410?r=0&s=1).

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in the Montreal Massacre (though this was not done by the end of Jean Chrétien’s term as Prime Minister).

In the “Regulatory Impact Analysis Statement” that accompanied the 1994 Order in Council, the federal government indicated that the Order would move “23 semi-automatic variants of assault rifles” from the list of restricted weapons and to the list of prohibited weapons.<sup>171</sup> The impact statement explained that this would affect approximately 10,000 firearms. Owners of the newly prohibited rifles could retain them, but the firearms could not be transferred, meaning that when the existing owner died or wanted to dispose of the prohibited firearm, the firearm had to be destroyed, deactivated, exported, or given to a museum. The 23 firearms and their variants that became prohibited under 1994 OIC (effective 1 January 1995) were:

- AK-47
- Armalite AR-180
- Beretta AR-70 assault rifle
- BM 59 rifle
- Bushmaster Auto Rifle
- Cetme Sport Auto Rifle
- Daewoo K1 rifle
- Demro Tac-1M Carbine
- Eagle Apache Carbine
- FN-FNC rifle
- FN-FAL rifle
- G3 rifle
- Galil assault rifle
- Goncz High-Tech Carbine
- Heckler and Koch HK 33 rifle
- J & R Eng M-68 carbine
- Leader Mark Series Auto Rifle
- MP5
- PE-57 rifle
- SIG SG-550 rifle / SG-551 carbine
- SIG AMT rifle
- Springfield Armoury SAR-48
- Thompson Submachine gun

<sup>171</sup> Prohibited Weapons Order No. 13, PC 1994-1974 (29 November 1994), Canada Gazette, Part II, Vol. 128, no. 25 (SOR/94-741).

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The 1994 OIC was the last major Order prohibiting models of semi-automatic, assault-style rifles prior to PC 2020-298, though the regulations listing restricted and prohibited firearms were consolidated in 1998.<sup>172</sup>

The Liberal government passed a major new piece of gun control legislation, Bill C-68, which received Royal Assent on 5 December 1995. Bill C-68 included Criminal Code amendments affecting firearms and created the Firearms Act to take many administrative and regulatory aspects of firearm licensing and registration out of the Criminal Code. Bill C-68 included a universal licensing system and a requirement that the registration system be expanded to include all long guns (as noted earlier, handguns had been registered since the 1930s). In addition, the legislation provided harsher penalties for certain serious crimes using firearms.

Bill C-68 made an important change in the definitions of “restricted firearms” and “prohibited firearms” in the Criminal Code, removing the qualifier about hunting or sporting purposes. Instead, a “prohibited firearm” became “any firearm that is prescribed to be a prohibited firearm.” Similarly, a “restricted weapon” became “a firearm of any other kind that is prescribed to be a restricted weapon.”<sup>173</sup> However, Bill C-68 also included a provision (which became s. 117.15 of the Criminal Code) indicating that in making regulations, the Governor in Council

may not prescribe anything to be a prohibited firearm, a restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or prohibited ammunition if, in the opinion of the Governor in Council, the thing to be prescribed is reasonable for use in Canada for hunting or sporting purposes.<sup>174</sup>

<sup>172</sup> Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted, PC 1998-1662 (16 September 1998), (SOR/98-462).

<sup>173</sup> Firearms Act, SC 1995, c. 39, s. 139.

<sup>174</sup> *Ibid.*

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Section 117.15 thus significantly expanded the authority of the Governor in Council to prohibit firearms by adopting the same language that had allowed the government to restrict firearms. Henceforth, the Governor in Council could prohibit firearms if it was of the *opinion* that a firearm was *not reasonable* for use in Canada for hunting or sporting purposes.

The government's intention in expanding the authority to prohibit firearms was explained to the House of Commons Standing Committee on Justice and Legal Affairs by Minister Rock, who noted that the provision would address a loophole in the legislation that had allowed an individual to bring a new model of firearm into Canada, create a shooting event in which to use the firearm, and then rely on that event as evidence that the firearm was commonly used in order to defeat the power of the Governor in Council to prohibit the firearm:

Now, at the moment it's possible for someone to bring a firearm into Canada most people would agree that is not appropriate for such purposes [sporting or hunting purposes] and then, using that firearm, to create shooting events, and then to rely on that event as evidence that it's commonly used, in order to defeat the prohibition power.

The change is intended to overcome that tactic by providing that the order may be made to prohibit firearms that are not reasonable for such purposes.

I think that reflects what Canadians want to see. We don't want to have military-type assault weapons in this country that are justified only because someone has invented a shooting contest to rely upon as evidence that they can't be prohibited.<sup>175</sup>

The legislative change was thus intended to allow Government to prohibit more easily "military-type assault weapons designed only for the purpose of combat and killing." Section 117.15 would provide that if a firearm was "not reasonable for use in hunting and sporting purposes, then it can be prohibited."<sup>176</sup>

<sup>175</sup> Minutes of Proceedings and Evidence, Standing Committee on Justice and Legal Affairs, respecting Bill C-68, No. 147 (19 May 1995), First Session of the Thirty-Fifth Parliament, p. 0955, [https://www.ourcommons.ca/Content/Archives/Committee/351/jula/evidence/147\\_95-05-19/jula147\\_blk-e.html](https://www.ourcommons.ca/Content/Archives/Committee/351/jula/evidence/147_95-05-19/jula147_blk-e.html).

<sup>176</sup> Ibid.

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*v. Post-1995 Legislative Action*

Following the passage of Bill C-68, much of the political debate and public discussion about gun control concerned the new licensing regime and, especially, the long-gun registry. While the governments of Prime Ministers Jean Chrétien and Paul Martin defended the long-gun registry, the Conservative government of Prime Minister Stephen Harper passed legislation in 2012 to eliminate it.<sup>177</sup>

The use of Orders in Council to identify some semi-automatic models of rifles as restricted or prohibited firearms rather than classifying all semi-automatic centre-fire rifles the same proved increasingly problematic as many new models of such guns entered the Canadian market. As a result, new models of assault-style rifles with barrels longer than 470 millimeters or that were more than 660 millimeters in total length were often classified as non-restricted firearms, unless they were deemed variants of a restricted or prohibited model of firearm.

Gun control advocates pressed the federal government to take steps to prohibit or restrict new firearm models that were functionally the same as guns that had been restricted or prohibited in the 1990s. The Governments of Prime Minister Martin and Prime Minister Harper, however, did not take this step. In fact, the Government of Prime Minister Harper issued an Order in Council in 2015 that downgraded the classifications of two models of semi-automatic rifles (the CZ 858 rifle and certain Swiss Arms firearms) after gun owners complained about the classification of these rifles as prohibited firearms. In 2014, the federal government first provided an amnesty period for these prohibited firearms, then in 2015 passed the Common Sense Firearms Licensing Act.<sup>178</sup> This legislation amended s. 84(1) of the Criminal Code to

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<sup>177</sup> Ending the Long-gun Registry Act, SC 2012, c. 6, [https://laws-lois.justice.gc.ca/eng/annualstatutes/2012\\_6/page-1.html](https://laws-lois.justice.gc.ca/eng/annualstatutes/2012_6/page-1.html).

<sup>178</sup> Common Sense Firearms Licensing Act, SC 2015, c. 27, [https://laws-lois.justice.gc.ca/eng/annualstatutes/2015\\_27/page-1.html](https://laws-lois.justice.gc.ca/eng/annualstatutes/2015_27/page-1.html).

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stipulate that a non-restricted firearm was “a firearm that is neither a prohibited firearm nor a restricted firearm” or was “a firearm that is prescribed to be a non-restricted firearm.”<sup>179</sup> The Common Sense Firearms Licensing Act amended s. 117.15 of the Criminal Code by adding subsections stating:

(3) Despite the definitions “prohibited firearm” and “restricted firearm” in subsection 84(1), a firearm that is prescribed to be a non-restricted firearm is deemed not to be a prohibited firearm or a restricted firearm.

(4) Despite the definition “prohibited firearm” in subsection 84(1), a firearm that is prescribed to be a restricted firearm is deemed not to be a prohibited firearm.<sup>180</sup>

In other words, the Conservative Government allowed for the overriding of the statutory definition of restricted and prohibited firearms through Orders in Council. The federal government then issued an Order in Council that reclassified the CZ 858 and Swiss Arms rifles from prohibited and made them either non-restricted or restricted firearms (depending on the length of the firearms).<sup>181</sup>

The Liberal Party under Justin Trudeau declared a desire to limit the availability of assault-style firearms. In 2015, the Party’s election platform included a promise to “get handguns

<sup>179</sup> Ibid, s. 18.

<sup>180</sup> Ibid, s. 34. Steven Blaney, the Minister of Public Safety and Emergency Preparedness, told the House of Commons that the 2015 legislation would allow the federal government to reclassify firearms to a less restrictive class, notwithstanding the definitions in the Criminal Code, through Orders in Council:

The common-sense firearms licensing act would end the ability of the Canadian firearms program to make a final decision on the reclassification of firearms without the oversight of an elected member of Parliament. We are doing this because the owners of the Swiss Arms and the CZ firearms are law-abiding citizens and should not be treated as criminals. This is why we are bringing this legislation forward for that specific part. Therefore, the government would have an oversight mechanism for decisions on the classification of firearms.

Minister Blaney’s comments suggested that the Conservative Party believed that Cabinet should have authority to classify firearms to a less restrictive class. Debates, House of Commons, 26 November 2014, p. 9833, <https://www.ourcommons.ca/Content/House/412/Debates/149/HAN149-E.pdf>.

<sup>181</sup> Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted, PC 2015-1177 (31 July 2015), Canada Gazette, Part II, Vol. 149, no. 16 (12 August 2015) (SOR/2015-213), <https://gazette.gc.ca/rp-pr/p2/2015/2015-08-12/html/sor-dors213-eng.html>.

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and assault weapons off our streets.”<sup>182</sup> In 2019, the federal government passed Bill C-71, An Act to Amend Certain Acts and Regulations in Relation to Firearms.<sup>183</sup> Bill C-71 repealed the parts of the Common Sense Firearms Licensing Act that had provided authority to override the firearms classification definitions in section 84 of the Criminal Code. Bill C-71 also allowed for the reversal of the regulations that had revised the classification of the Swiss Arms rifles and CZ 858 rifles. However, the Bill used a grandfathering provision for some models of the CZ and Swiss Arms firearms to allow owners to retain them.

Another controversial topic related to the classification of firearms has been the use of the term “variant” in the Orders in Council listing restricted and prohibited firearms. Some gun owners have complained that “variant” is not defined in Canada’s firearms legislation. However, reliance on a common understanding of the term “variant” is a deliberate feature of the statutory scheme. As noted earlier, since the late 1970s the federal government has expressed concern that listing prohibited or restricted models of firearms in legislation would allow gun manufacturers to circumvent the rules by slightly altering firearms, thereby avoiding the higher classification assigned to those firearms. The same concern has led federal authorities listing restricted and prohibited firearms in Orders in Council to include variants of those weapons. A comprehensive list of firearm descriptions and classifications is provided by the RCMP in the Firearms Reference Table (FRT), which is available to law enforcement, gun retailers, and, since 2019, the public.<sup>184</sup>

<sup>182</sup> Liberal Party, *A New Plan for a Strong Middle Class* (2015), 54, <https://liberal.ca/wp-content/uploads/sites/292/2020/09/New-plan-for-a-strong-middle-class.pdf> (accessed 30 April 2021).

<sup>183</sup> An Act to Amend Certain Acts and Regulations in Relation to Firearms, SC 2019, c. 9.

<sup>184</sup> Royal Canadian Mounted Police, “Firearms Reference Table” (updated 28 March 2022), <https://www.rcmp-grc.gc.ca/en/firearms/firearms-reference-table> (accessed 1 April 2022); Tim Naumetz, “RCMP Decisions on Restricted, Prohibited Firearms Going Public,” *iPolitics*, 23 May 2019, <https://ipolitics.ca/2019/05/23/rcmp-decisions-on-restricted-prohibited-firearms-going-public/> (accessed 13 January 2022).

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The government of Prime Minister Harper did not end the use of the term “variant” in the regulations listing prohibited and restricted firearms. However, some Conservative Members of Parliament have sought to narrowly define the meaning of “variant.” In 2016, for example, MP Larry Miller introduced Private Member’s Bill C-230, which would define a variant as “a firearm that has the unmodified frame or receiver of another firearm.”<sup>185</sup> This narrow definition meant that any firearm with a “modified” frame or receiver could not be deemed a variant. Mr. Miller said that this change to Canada’s firearm legislation “will ensure that firearms that are classified as variants do in fact share fundamental mechanical pieces and therefore warrants the firearm to have the same classification as the previously classified firearm.” At second reading of the Bill, Mr. Miller noted the role of firearms advocacy groups in drafting the legislation, expressing his thanks to the “Canadian Shooting Sports Association for all of the help and guidance it has provided in the drafting of the bill.”<sup>186</sup>

Liberal MP Michel Picard, the Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, explained why Government did not support the Private Member’s Bill regarding the definition of variants. He noted that the term “variant” had been used since 1992 “in response to the considerable increase in new firearm models available in the civilian market. The intent was to ensure that new firearms entering the market between regulation updates would be covered until the next update.” Mr. Picard pointed to the consequences of the Bill if it became law, noting that it would “mean a massive and indiscriminate reclassification of

<sup>185</sup> Bill C-230, An Act to Amend the Criminal Code (Firearm—Definition of Variant), 1st Session, 42nd Parliament, Canada, 2016, <https://www.parl.ca/DocumentViewer/en/42-1/bill/C-230/first-reading#BEPPage> (accessed 28 April 2021).

<sup>186</sup> Debates, House of Commons, 16 May 2016, p. 3346, <https://www.ourcommons.ca/Content/House/421/Debates/056/HAN056-E.pdf>.



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firearms.”<sup>187</sup> Mr. Picard suggested that Bill C-230 “would move many firearms to a more restricted class to the detriment of law-abiding gun owners. Yet on the other hand, it would also have the effect of reclassifying thousands of firearms to a less controlled class, with potentially serious repercussions.”<sup>188</sup> Mr. Picard drew attention to the fact that the proposed definition of variant would change the classification of many assault-style rifles to non-restricted:

Permit me to draw the attention of members to one particularly troubling example from a public safety perspective. Under this legislation, certain prohibited assault weapons would become non-restricted. Presently, for example, a semi-automatic firearm that is a variant of the AK-47 assault rifle is prohibited based on the regulations. However, if we were to adopt the proposed definition of a variant in Bill C-230, in other words, a firearm that has an unmodified frame or receiver of another firearm, a firearm virtually identical to the AK-47 could become non-restricted. This would occur because, according to the proposed definition, the slightest change of the design of the frame or receiver of the firearm would mean that it would no longer be considered a variant of a virtually identical gun.

[...The result of this would likely be] a dramatic increase in the circulation of firearms that are currently prohibited because they would become available to some two million licence holders. People would be able to import, own, transfer, and transport these firearms more freely. What is more, we would not be able to track these weapons because it is not mandatory to register unrestricted firearms.<sup>189</sup>

In October 2018, Prime Minister Trudeau tasked Minister of Border Security and Organized Crime Reduction Bill Blair with conducting a national consultation to consider prohibiting civilian ownership of handguns and “assault weapons.”<sup>190</sup> Firearm groups objected to the term “assault weapons” in the original terms of reference for the consultation. They charged that assault weapons referred only to firearms that had a “select fire” capability—that is, that could be fired in either semi-automatic or automatic modes. The government agreed to abandon

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<sup>187</sup> Ibid, p. 3347.

<sup>188</sup> Ibid, p. 3348.

<sup>189</sup> Ibid.

<sup>190</sup> Public Safety Canada, “Reducing Violent Crime: A Dialogue on Handguns and Assault Weapons,” Engagement Paper, October 2018, <https://www.publicsafety.gc.ca/cnt/cnslttns/hndgn/fls/rdcng-vlnt-crm-en.pdf>.

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the term “assault weapon” and instead adopted “assault-style rifle.”<sup>191</sup> The consultation process included roundtables and bilateral meetings with various organizations representing gun owners, victims of violence, provincial and municipal governments, police, First Nations, and medical professionals. Many of these people or groups tended to be either strongly in favour of or opposed to gun control. The government also solicited written feedback and launched an online consultation process to allow anyone to complete a survey and offer comments on the idea of banning handguns and assault-style rifles. The design of the consultation process produced results suggesting that banning handguns and assault-style rifles was a polarizing idea. The report found that “participants were strongly polarized on the issue of banning handguns and assault-style firearms.”<sup>192</sup> The online questionnaire results largely reflected the views of gun owners, who reportedly filled out the questionnaire in large numbers. The consultation received almost 135,000 completed questionnaires. However, one firearms owner admitted that he submitted up to 35,000 responses using a computer program.<sup>193</sup>

The government did not use an Order in Council to prohibit more models of firearms before the 2019 election, despite pressure to do so by gun control advocates.<sup>194</sup> Instead, the Liberal Party made gun control a plank of its 2019 election platform, thus allowing Canadian

<sup>191</sup> Tim Naumetz, “Minister Drops ‘Assault Weapons’ from Gun-ban Consultations,” *iPolitics*, 1 November 2018, <https://ipolitics.ca/2018/11/01/minister-drops-assault-weapons-from-gun-ban-consultations/>.

<sup>192</sup> Hill + Knowlton Strategies, “Reducing Violent Crime: A Dialogue on Handguns and Assault-Style Firearms: Engagement Summary Report,” Public Safety Canada (2019), 1, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2019-rdcng-vlnt-crm-dlg/2019-rdcng-vlnt-crm-dlg-cn.pdf>.

<sup>193</sup> Patrick White and Tom Cardoso, “Critics Question Ottawa’s Online Survey that Found Strong Opposition to Gun Limits,” *Globe and Mail*, 24 March 2019. Despite this problem, the consultation released a statistical breakdown based on the questionnaire that created the impression that the results came from a scientifically sampled survey of Canadians. Only 18 per cent of respondents agreed with the proposition that more should be more done to limit access to handguns, and just 21 per cent agreed that more should be done to limit access to assault weapons. Hill + Knowlton Strategies, *Reducing Violent Crime*, 18–19.

<sup>194</sup> R. Blake Brown, “The Ghost of the Long-Gun Registry: Prime Minister Justin Trudeau and Gun Control in Canada, 2015–2019,” *Études canadiennes / Canadian Studies* (2020) 89: 125–49.

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voters to weigh in on whether assault-style rifles should be prohibited. The Liberals promised to “ban assault rifles and crack down on gun crime” and targeted “military-style assault rifles,” saying these guns were “designed to inflict mass casualties and have no place in Canada.”<sup>195</sup> The Liberal Party indicated that it would “move forward with a ban on all military-style assault rifles, including the AR-15” and take other steps to keep people safe from gun violence, including: providing more resources for law enforcement; working with provinces and territories to give municipalities the ability to further restrict access to handguns or even to ban them; ensuring that the Canada Border Services Agency and RCMP had the resources needed to detect and stop the flow of firearms at Canada’s borders; and strengthening safe-storage laws.<sup>196</sup> These promises in the Liberal Party’s 2019 election platform undermine the view that PC 2020-298 (SOR/2020-96) was simply a response to the mass casualty event in Nova Scotia in April 2020.

On the thirtieth anniversary of the mass shooting at École Polytechnique in December 2019, the Liberal government indicated that it would act. Prime Minister Trudeau said that his government would “strengthen gun laws and ban the type of weapons used at Ecole Polytechnique.”<sup>197</sup> On 1 May 2020, shortly after the mass casualty in Nova Scotia, Prime Minister Trudeau announced PC 2020-298, a ban on nine models and their variants (encompassing at the time approximately 1,500 versions) of semi-automatic centre-fire rifles, as well some other firearms, including some long-range rifles and shotguns. The government offered arguments in favour of prohibiting these models of firearms and their variants consistent

<sup>195</sup> Liberal Party, *Forward: A Real Plan for the Middle Class* (2019), <https://www2.liberal.ca/wp-content/uploads/sites/292/2019/09/Forward-A-real-plan-for-the-middle-class.pdf>.

<sup>196</sup> *Ibid.*, 38.

<sup>197</sup> Canadian Press, “Feds Vow to Ban Guns Similar to One Used in Ecole Polytechnique Shooting,” *National Post*, 6 December 2019, <https://nationalpost.com/pmn/news-pmn/canada-news-pmn/feds-vow-to-ban-guns-similar-to-one-used-in-ecole-polytechnique-shooting> (accessed 8 March 2022).

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with the concerns about the availability of assault-style firearms offered by previous Liberal and Progressive Conservative governments since the 1970s. The Regulatory Impact Assessment Statement that accompanied PC 2020-98 noted that such firearms posed “a serious threat to public safety given the degree to which they can increase the severity of mass shootings.”<sup>198</sup> The Statement also noted that the prohibited firearms primarily originated in military designs and expressed an intent to prevent their use in mass shootings or diversion into the illegal market.

PC 2020-298 essentially revised the list of prohibited models of firearms, which, as noted earlier, had not been substantially updated by Orders in Council since the mid-1990s. The government added assault-style rifles to the prohibited list that legislators had either not included in earlier prohibitions or had entered the Canadian market since the mid-1990s. The newly prohibited firearms are similar in capability to the firearms prohibited in the 1990s. The models captured by this prohibition share certain characteristics, including that they can receive a detachable magazine, generally use centre-fire ammunition, and can fire with a semi-automatic function.<sup>199</sup> The following models (and their variants) were prohibited (see also **Figure 10**):

- **AR-15:** The AR-15 is a semi-automatic version of the standard military firearm, the M-16, used during much of the Vietnam War by the United States. After the patent for the AR-15 expired, other gun-makers began selling generic models in the civilian market.
- **Vz58:** The Vz58 rifle began as a select-fire assault rifle for military service. It was first manufactured in Czechoslovakia in the late 1950s. Civilian versions were later produced that fired with a semi-automatic action.
- **M14:** The M14 became the standard-issue rifle for the US military in the late 1950s until it was replaced by the M16 rifle. Civilian semi-automatic models were sold in Canada.

<sup>198</sup> Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted, PC 2020-298 (1 May 2020), Canada Gazette, Part II, Vol. 154, extra edition, p. 53 (SOR/2020-96), <https://gazette.gc.ca/rp-pr/p2/2020/2020-05-01-x3/html/sor-dors96-eng.html>.

<sup>199</sup> Information on the following models of firearms prohibited by PC 2020-298 is drawn from several sources, including Richard D. Jones, *Jane's Weapons: Infantry, 2018–2019* (Coulson: IHS Global, 2018); Richard, *Modern Firearms*; F.W.A. Hobart (ed.), *Jane's Infantry Weapons, 1975* (London: Jane's Yearbooks, 1975); Terry J. Gander and Ian V. Hogg, *Jane's Infantry Weapons, 1995–96* (Coulson: Jane's Information Group, 1995).

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- **Ruger Mini-14:** The Ruger Mini-14 was first produced in the early 1970s. According to the 1975 edition of *Jane's Infantry Weapons*, the design of the Mini-14 was “clearly based on the design principles” of earlier American military rifles.<sup>200</sup> It was designed with a fully automatic firing capability, but civilian models were sold as semi-automatics. The Mini-14 has been used by police forces and a handful of military units.
- **Beretta Cx4 Storm carbine:** The Beretta Cx4 Storm, first produced in 2003, is a semi-automatic firearm aimed at the civilian and law enforcement markets. A military version, the Beretta Mx4 Storm, is capable of fully automatic fire.
- **Robinson Armament XCR:** The Robinson Armament XCR was designed as a select-fire rifle for military use, including as a possible weapon for US special operations. Robinson Armaments indicated in 2004 that the XCR was “designed to be the finest assault rifle available anywhere,” and that it would have a select-fire capability.<sup>201</sup> However, Robinson Armaments now produces only a semi-automatic version of the XCR rifle.
- **CZ Scorpion EVO 3 carbine and pistol:** The Scorpion EVO 3, first produced in 2009, has both military (capable of fully automatic fire) and civilian (semi-automatic) versions. Military users of the Scorpion EVO 3 include the armed force of the Czech Republic, Hungary, Poland, and Serbia.
- **SIG Sauer SIG MCX and SIG Sauer SIG MPX carbines and pistols:** The SIG MCX, first produced in 2015, is a family of firearms produced in both select-fire and semi-automatic versions, with the semi-automatic versions sold in civilian markets. The SIG MPX, first produced in 2015, is also available in fully automatic or semi-automatic models, with the semi-automatic version sold in civilian markets. Various police forces and militaries in Europe are users of the SIG MCX or SIG MPX.
- **SG-550 rifle and SG-551 carbine, including SAN Swiss Arms:** The Swiss Arms Classic Green and Four Seasons derive from the SG 550 rifle, which was first produced in the mid-1960s. Military versions have select-fire capability, while civilian models can fire in semi-automatic mode.

<sup>200</sup> Hobart, *Jane's Infantry Weapons*, 350.

<sup>201</sup> David Crane, “Robinson Armament XCR Multi-Caliber Carbine/Subcarbine for Military SPECOPS/PSD,” *Defense Review*, 14 December 2004, <https://defensereview.com/robinson-armament-xcr-multi-caliber-carbinesubcarbine-for-military-specopspsd/>. Also see “Replacing the M16: Five lethal candidates,” *CBS News*, 18 February 2011.

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**Banned firearms**

**M16, M4, AR-10 and AR-15 rifles**  
These styles were used in the Sandy Hook, New Zealand, Las Vegas and Orlando mass shootings. Estimated number in Canada: **83,572**

**Ruger Mini-14**  
Estimated number in Canada: **16,859**  
A variant of this firearm was used in the 1989 École Polytechnique shooting.

**Vz. 58 semi-automatic**  
Estimated number in Canada: **11,593**  
Used in the 2017 Quebec City mosque shooting.

**Springfield M14**  
Estimated number in Canada: **5,229**  
Used in the 2014 Moncton shooting.

**Swiss Arms Classic Green**  
Estimated number in Canada: **1,342**

**CZ Scorpion EVO 3**  
Estimated number in Canada: **1,813**

**Beretta CX4 Storm**  
Estimated number in Canada: **1,513**  
Used in the 2006 Dawson College shooting.

**Sig Sauer MCX and Sig MPX**  
Carbines and pistols  
Estimated number in Canada: **1,000**

**Robinson Arms XCR**  
Estimated number in Canada: **1,834**

The list also includes two categories of firearms the government hopes to ban:

- Firearms with a calibre (gun barrel diameter) of more than 20 mm
- Firearms capable of producing muzzle energy of more than 10,000 joules

CBC NEWS

Figure 10: *Firearms Prohibited by PC 2020-298 on 1 May 2020*  
Source: John Paul Tasker, "Trudeau Announces Ban on 1,500 Types of 'Assault-style' Firearms," *CBC News*, 1 May 2020.

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*vi. Prohibition Efforts around the World*

Efforts to limit access to semi-automatic assault-style firearms are not unique to Canada.

Legislators in many nations have identified assault-style rifles as potentially dangerous if misused and have taken steps to regulate their use or even to prohibit them.

Mass shootings have contributed to concerns over assault-style rifles in the United States, though the American government has been unable to pass a gun law that effectively limits the availability of such firearms. Congress passed the Violent Crime Control and Law Enforcement Act in 1994, which became known as the federal Assault Weapons Ban.<sup>202</sup> The Assault Weapons Ban prohibited the manufacture, transfer, or sale of a limited number of semi-automatic firearms. The legislation specifically named some models as banned, such as the UZI, Steyr AUG, and AR-15. The legislation also banned semi-automatic rifles that could use detachable magazines and possessed at least two of several characteristics, including a collapsible stock, a pistol grip, a bayonet mount, a flash suppressor, or a mount for a grenade launcher. The Ban was critiqued by gun control advocates as incomplete, and firearms manufacturers began to redesign firearms to avoid the assault weapons classification. Firearms already in civilian hands could also remain in circulation and be used. In addition, the Assault Weapons Ban had a ten-year sunset provision, and the legislation was allowed to expire in 2004.<sup>203</sup>

Three prominent Commonwealth countries serve as examples of jurisdictions that have aggressively limited the availability of semi-automatic centre-fire rifles: the United Kingdom, Australia, and New Zealand. All three countries have implemented sweeping prohibitions on assault-style rifles. While Canada has prohibited particular models of such firearms, these

<sup>202</sup> Violent Crime Control and Law Enforcement Act of 1994, Pub L 103-322, 108 Stat 1796 (13 September 1994).

<sup>203</sup> William Briggs, *How America Got its Guns: A History of the Gun Violence Crisis* (Albuquerque: University of New Mexico Press, 2017) 127–28; Peter Squires, *Gun Culture or Gun Control? Firearms, Violence and Society* (London: Taylor & Francis, 2002) 79–80.

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Commonwealth jurisdictions have implemented more systematic bans. The 1987 Hungerford Massacre in Britain led to the Firearms (Amendment) Act 1988, which banned most semi-automatic and pump-action centre-fire rifles. Small-calibre rifles, such as those that fired .22 rim-fire ammunition, were unaffected.<sup>204</sup>

The Port Arthur Massacre in Australia in 1996 was committed by a gunman with semi-automatic rifles. Shortly after, Prime Minister John Howard pressed the Australian states to adopt the National Firearms Agreement. This was necessary because the Constitution of Australia does not give the Commonwealth direct power to enact gun laws. The National Firearms Agreement included a ban on semi-automatic rifles and all semi-automatic and pump-action shotguns, and a system of licensing and ownership controls. A federally financed gun buyback scheme was introduced, and almost 700,000 guns were bought back and destroyed.<sup>205</sup>

Following the mosque shootings in Christchurch in 2019, the New Zealand government passed the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019, banning most semi-automatic firearms, magazines, and parts.<sup>206</sup> (Firearms designed to discharge rim-fire cartridges of .22 calibre or less were excluded.) The government also announced an amnesty and buy-back scheme for prohibited firearms and components.<sup>207</sup>

The steps taken by the United Kingdom, Australia, and New Zealand highlight that the concern in Canada with the availability of assault-style rifles is not unique. These countries have

<sup>204</sup> Firearms (Amendment) Act, UK Public General Acts 1988 c. 45.

<sup>205</sup> Simon Chapman, Philip Alpers, and Michael Jones, “Association Between Gun Law Reforms and Intentional Firearm Deaths in Australia, 1979–2013” *Journal of the American Medical Association* (2016) 316(3): 291–99; Tom Frame, *Gun Control: What Australia Got Right (and Wrong)* (Sydney: University of New South Wales Press, 2019).

<sup>206</sup> Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019, Statutes of New Zealand 2019, <http://www.legislation.govt.nz/act/public/2019/0012/latest/LMS181180.html>.

<sup>207</sup> Karen Zraick, “New Zealand Ban on Most Semiautomatic Weapons Takes Effect,” *New York Times*, 20 December 2019.



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all taken steps to strictly limit the availability and use of such guns. So, too, have some other democratic and economically advanced nations, including Japan and South Korea, which prohibit civilian ownership of assault-style rifles.<sup>208</sup>

*vii. Magazine Capacity Restrictions*

Mass shootings have highlighted the lethality of assault-style firearms when paired with large capacity magazines. The shooter in the 1989 Montreal Massacre, for example, was armed with a Ruger Mini-14 semi-automatic rifle loaded with 30-round capacity magazines.<sup>209</sup> To mitigate the potential harm caused by criminal use of semi-automatic rifles and handguns, some restrictions on the size of magazines have been introduced.

Following the Montreal tragedy, the Progressive Conservative government of Prime Minister Mulroney introduced limits on the size of magazines. Minister of Justice Campbell explained to the House of Commons in discussing Bill C-17 that because the “addition of a large magazine can convert almost any ordinary semi-automatic hunting rifle into an assault weapon,” the government would “designate large capacity magazines to be prohibited weapons.”<sup>210</sup> The government’s legislation would allow the Governor in Council “to specify the types of magazine that will be limited and the capacity limits to be applied.”<sup>211</sup> This was necessary, Minister Campbell explained: “Limiting the size of magazines will supplement the other measures by placing effective limits on the firepower of guns that are on the borderline between military and

<sup>208</sup> Philip Alpers and Michael Picard, “Japan: Gun Facts, Figures, and the Law,” GunPolicy.org, 24 September 2021, <https://www.gunpolicy.org/firearms/region/japan> (accessed 11 January 2022); Philip Alpers and Michael Picard, “South Korea: Gun Facts, Figures, and the Law,” GunPolicy.org, 24 September 2021, <https://www.gunpolicy.org/firearms/region/south-korea> (accessed 11 January 2022).

<sup>209</sup> Teresa Z. Sourour, “Report of Coroner’s Investigation” (10 May 1991).

<sup>210</sup> Debates, House of Commons, 6 June 1991, p. 1255, [https://parl.canadiana.ca/view/oop.debates\\_HOC3403\\_01/1157?r=0&s=1](https://parl.canadiana.ca/view/oop.debates_HOC3403_01/1157?r=0&s=1).

<sup>211</sup> *Ibid.*

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sporting applications.”<sup>212</sup> That is, the government hoped that limiting the size of magazines for semi-automatic centre-fire rifles would reduce the damage that could be done by shooters, even if the government did not restrict or prohibit such rifles.

In 1991, Bill C-17 included the provision that a prohibited weapon included “a large capacity cartridge magazine prescribed by regulation.”<sup>213</sup> The Progressive Conservative government subsequently issued an Order in Council that limited the capacity of magazines for most semi-automatic handguns to ten rounds and limited the capacity of most semi-automatic centre-fire rifle magazines to five rounds. No magazine size restrictions were imposed for manual-action firearms or rim-fire .22 calibre semi-automatic rifles. The government also made exceptions to the magazine rule for some semi-automatic centre-fire rifles, particularly guns that could not be used without the magazines designed for them. For example, the regulations did not apply to the M-1 Garand rifle, which used a specific 8-round en bloc clip, internal magazine.<sup>214</sup> Many magazines for assault-style rifles were made to conform to these regulations by “pinning” the magazine with a rivet to prevent them from accepting more than five rounds.

Three major weaknesses in the restrictions on magazine capacity have undermined the goal of the government of Prime Minister Mulroney to make assault-style rifles less dangerous:

- 1) Gun owners have taken advantage of legal loopholes that allow for the use of oversize magazines in some assault-style rifles (see examples below).
- 2) Some magazines can be altered to hold more than the permitted five rounds.
- 3) Large-capacity magazines are illegally acquired in Canada.<sup>215</sup>

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<sup>212</sup> Ibid.

<sup>213</sup> An Act to Amend the Criminal Code and the Customs Tariff in Consequence Thereof, SC 1991, c. 40, s. 2(3).

<sup>214</sup> Cartridge Magazine Control Regulations, PC 1992-1660 (16 July 1992), Canada Gazette Part II, Vol. 126, No. 17 (SOR/92-460).

<sup>215</sup> For examples, see Chris Lambie, “Halifax Gun Dealer Facing Criminal Charges,” *Saltwire*, 20 September 2021, <https://www.saltwire.com/atlantic-canada/news/halifax-gun-dealer-facing-criminal-charges-100636368/> (accessed 1

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Groups representing the firearms community have frequently highlighted these issues, though they do so to urge the repeal of the limitations on the size of magazines, not to strengthen the law. In its official policy position, the Canadian Coalition for Firearm Rights (CCFR) states that one of the rationales for its opposition to magazine restrictions is that “pinned” magazines are easily altered so that they can accept more ammunition:

[I]f one has a criminal intent to use a firearm and wishes to use a standard capacity magazine [i.e., a magazine larger than the current legislated limit], one merely has to use a power drill to remove the rivet which pins it at the legal capacity. The rivet therefore only prevents lawful firearm users from enjoying standard capacity magazines, not criminals.<sup>216</sup>

In other words, the CCFR says that a criminal using an assault-style rifle needs only to remove a rivet from magazines to increase their capacity beyond the five-round legal limit that applies to most long guns. Similarly, in 2015 the National Firearms Association (NFA) organized a petition demanding the abolition of magazine size limits on the ground that pinned magazines could easily be modified to hold more than the legal limit:

If one has a criminal intent to use a firearm illegally, and wishes to use a standard capacity magazine, one merely has to use a power drill to remove the rivet which pins it at the legal capacity. The rivet therefore only prevents lawful firearm users from enjoying standard capacity magazines, not criminals.<sup>217</sup>

The CCFR has also noted that legal gun owners have identified loopholes that allow a semi-automatic rifle to use a large-capacity magazine. The loophole stems from the fact that some legal magazines that can hold more than five rounds are compatible with semi-automatic

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March 2022); Amy Luft, “RCMP Arrests Sherbrooke Man, Seizes 249 Guns near Quebec–US Border,” CTV News, 9 March 2021; *R v Manuge*, 2016 BCPC 68 (CanLII), <https://canlii.ca/t/gnxs3> (accessed 1 March 2022); *R v Haus*, 2016 BCPC 11 (CanLII), <https://canlii.ca/t/gn56j> (accessed 1 March 2022).

<sup>216</sup> Canadian Coalition for Firearm Rights (CCFR), “Policy Memorandum No. 15-11: Magazine Capacity Restrictions,” 16 July 2019, <https://firearmrights.ca/en/15-11-magazine-restrictions/> (accessed 22 March 2022).

<sup>217</sup> National Firearms Association, “Petition re Magazine Restrictions” (2015), Library and Archives Canada, Public Petitions of the 41<sup>st</sup> Parliament, sessions 1 and 2, RG2, BAN 2018-00028-4, box 15, file 412-5852. A French version of the petition is available online: National Firearms Association, « Petition re Magazine Restrictions » (2015), <https://nfa.ca/wp-content/uploads/2015/09/T%C3%A9l%C3%A9charger-P%C3%A9tition-Fiche.pdf>.

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rifles, thus substantially increasing the number of rounds such rifles are allowed to hold.

According to the CCFR,

There are lawful ways of achieving higher magazine capacities. For example, there are variants of the AR 15 that fire .50 Beowulf cartridges. The magazines for these firearms fit all AR 15 variants. These magazines can also hold 14 rounds of 5.56 mm NATO ammunition. These are not prohibited devices but do permit lawful users of AR 15 rifles to load more than five rounds in their magazines. To the same effect are LAR-15 magazines which hold 10 rounds because they are designed for a pistol. However, they also fit all AR 15 variants. Finally, there are a number of rifles designed to take pistol magazines. For example, the JR carbine uses Glock magazines, and the Beretta Cx4 storm carbine uses Beretta pistol magazines.<sup>218</sup>

In other words, Canadian gun owners have several ways of legally circumventing the prohibition on large capacity magazines.<sup>219</sup>

Some criminals have taken advantage of the legal loopholes in the magazine rules or altered magazines to allow the magazines in their assault-style rifles to hold more rounds of ammunition. In 2006, the perpetrator at the Dawson College shooting in Montreal that left one person dead (plus the shooter) and nineteen injured was armed with a Beretta Cx4 Storm semi-automatic rifle that could use a ten-round magazine. In 2017, a man allegedly armed with a semi-automatic Aero Survival Rifle (which can legally hold a ten-round handgun magazine) shot at several vehicles in British Columbia and shot a hiker.<sup>220</sup> The man who attacked the Montreal Metropolis nightclub in 2012 to stop premier-designate Pauline Marois from celebrating her victory in the Quebec election had a magazine for his CZ 858 rifle that had been illegally

<sup>218</sup> Ibid. Also see Patrick Cain, “Packing Heat: How Gun Law Loopholes Tripled Canada’s Rifle Magazine Limits,” *Global News*, 11 June 2013.

<sup>219</sup> The use of legal loopholes has been encouraged by some gun advocates. For example, in 2014, the current CEO of the CCFR, Rod Giltaca, produced a YouTube video for his Civil Advantage Firearms Training company encouraging gun owners to buy the .50 Beowulf cartridge because such cartridges allowed the user to load fourteen rounds of ammunition. He noted that he had fired hundreds of rounds using such magazines. “14 Rounds in an AR Mag??? Press Check 50 Beowulf Magazine Review,” YouTube, uploaded by Civil Advantage, 30 Jun 2014, <https://youtu.be/TVTSVowayL8> (accessed 3 May 2021).

<sup>220</sup> Patrick White, “Three Years Ago, Loopholes in Canada’s Gun Laws Paved the Way for a Highway Rampage in BC. Why Has Nothing Changed?” *Globe and Mail*, 8 August 2020.

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modified so that it could hold 30 rounds of ammunition.<sup>221</sup> Similarly, the shooter in Moncton in 2014 who killed three RCMP members modified magazines that had been pinned to five rounds so that they could hold twenty rounds of ammunition.<sup>222</sup> And the man who attacked the Islamic Cultural Centre of Quebec City had two illegal magazines that each could hold 30 rounds of ammunition for his semi-automatic Vz 58 rifle.<sup>223</sup>

PC 2020-298 seems designed to narrow the magazine loopholes by prohibiting firearms such as the Beretta Cx4 storm carbine that can legally receive magazines that hold more than five rounds. Prohibiting other models of assault-style rifles also reduces the chances that people can use altered magazines or large-capacity magazines that have been illegally acquired.

## VII. POLICY PROPOSALS

### 1. Revisions to Firearm Classification System

While PC 2020-298 has updated the list of prohibited firearms, it has banned only some of the weapons that could be defined as “assault-style” rifles. Again, this stems from the current system of firearm classification that uses both statutory provisions to classify rifles based on their characteristics (length and firing system) and Orders in Council to name individual models of firearms (and their variants) as either restricted or prohibited.

The federal government indicated that it chose the firearms to prohibit in 2020 based on three considerations. They “(1) have semi-automatic action with sustained rapid-fire capability

<sup>221</sup> Jaela Bernstien, “Richard Bain Murder Trial: Gun Magazine Was Illegally Altered,” *CBC News*, 23 June 2016; Jaela Bernstien, “What We Know So Far about Quebec’s Deadly Election-night Shooting,” *CBC News*, 24 June 2016.

<sup>222</sup> Alphonse MacNeil, “Independent Review: Moncton Shooting, June 4, 2014,” RCMP, 1 December 2014, <https://www.rcmp-grc.gc.ca/en/independent-review-moncton-shooting-june-4-2014> (accessed 11 January 2022).

<sup>223</sup> Andy Riga, “Quebec Shooting: Court Hears Killer Fretting in 911 Call about whether Anyone Injured,” *Montreal Gazette*, 12 April 2018.

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(tactical/military design with large magazine capacity), (2) are of modern design, and (3) are present in large volumes in the Canadian market.”<sup>224</sup> The number of models that did not qualify using this analysis is unknown.

An example of a firearm that illustrates the piecemeal approach to the classification of firearms is the SKS rifle (see **Figure 11**). The SKS originated in the 1940s as a Soviet-designed military weapon. Described in National Rifle Association literature as a “a homely, though robust, rifle,”<sup>225</sup> it was superseded by the more famous AK-47 rifle for Soviet military use in the 1950s. The Soviet Union, however, allowed other countries to produce the SKS, with the result that manufacturers in places like China and Yugoslavia made millions of SKS rifles, and dozens of countries used them as military firearms. Many surplus SKS rifles went into the civilian market of the United States starting in the 1980s.



*Figure 11: Cabela's Catalogue, "Russian SKS Semi-Auto Rifle w/ Hardwood Stock"*

Source: Cabela's Canada, <https://www.cabelas.ca/product/97723/russian-sks-semi-auto-rifle-w-hardwood-stock> (accessed 27 December 2021)

<sup>224</sup> Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted, PC 2020-298 (1 May 2020), Canada Gazette, Part II, Vol. 154, extra edition (SOR/2020-96), <https://gazette.gc.ca/rp-pr/p2/2020/2020-05-01-x3/html/sor-dors96-eng.html>.

<sup>225</sup> Dave Campbell, “A Look Back at the SKS-45 Rifle,” *American Rifleman*, 12 March 2018, <https://www.americanrifleman.org/content/a-look-back-at-the-sks-45-rifle/> (accessed 27 December 2021).

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Advertisements for SKS rifles appeared in Canadian newspapers in the 1990s. Beginning in the same decade, there were several reports of SKS rifles being used in criminal incidents. In 1995, a Whitehorse man was charged with murder; his weapon was an SKS rifle. In 1997, an intruder fatally shot a Vernon, BC couple with an SKS. In 2007, an Edmonton youth killed a family member with an SKS. There are also more recent incidents. In 2016, a home intruder with an SKS rifle killed two people in Courtenay, BC. In 2017, a gunman armed with an SKS rifle murdered a police officer in a parking lot in British Columbia. In the same year, a Nova Scotia man legally purchased an SKS rifle, then killed his wife, daughter, and mother before also killing himself. And, in 2019, two teenagers legally purchased a SKS rifle in British Columbia, killed three people, and sparked a massive manhunt until they died by suicide. Despite this record, the SKS rifle remains a non-restricted firearm. It can be purchased by anyone with an ordinary Possession and Acquisition Licence (PAL). The SKS was possibly left off the list of newly prohibited weapons because the SKS is not a “modern design.” Or perhaps it was left off the prohibited list because it has an internal box magazine and thus lacks “sustained rapid-fire capability.”<sup>226</sup>

Other assault-style rifles remain classified only as restricted firearms or, in some cases, are non-restricted. For example, the WK180-C (see **Figure 12**) is a non-restricted rifle. It is a semi-automatic rifle that fires 5.56 NATO ammunition and uses a detachable magazine.<sup>227</sup> In 2019, an author in a Canadian periodical catering to gun owners described the WK-180-C as “a

<sup>226</sup> R. Blake Brown, “The Liberal Government’s Incomplete ‘Assault-style’ Rifle Ban,” *Policy Options*, 6 May 2020, <https://policyoptions.irpp.org/magazines/may-2020/the-liberal-governments-incomplete-assault-style-rifle-ban/> (accessed 2 January 2022); Robyn Urback, “Canada’s ‘Gun Ban’ Is Not What the Government Says It Is,” *Globe and Mail*, 5 May 2020.

<sup>227</sup> Patrick White, “Critics Say Canada’s Gun Classification System Out of Step with Modern Assault Weapons,” *Globe and Mail*, 31 May 2019.

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very nice Canadian-made non-restricted black rifle that functions much like an AR-15 but doesn't come saddled with firearm registry paperwork and restrictions.<sup>228</sup>



*Figure 12: Cabela's Catalogue, "Kodiak Defence WK180-C Semi Auto Rifle"*

Source: Cabela's Canada, <https://www.cabelas.ca/product/139315/kodiak-defence-wk180-c-semi-auto-rifle> (accessed 22 December 2021)

Another example of a modern assault-style rifle that remains a non-restricted firearm is the IWI Tavor (see **Figure 13**). The Tavor is a semi-automatic rifle that uses a five-round detachable magazine. It is based on a design with a "select-fire" capability used by the Israeli military.

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<sup>228</sup> Daniel Fritter, "Kodiak Defense WK180-C: Best Black Rifle Deal?" *Calibre*, 7 January 2019, <https://calibremag.ca/kodiak-defense-wk180-c/> (accessed 1 March 2022).



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*Figure 13: Cabela's Catalogue, "IWI Tavor X95 Tactical Rifle"*  
Source: Cabela's Canada, <https://www.cabelas.ca/product/101583> (accessed 20 December 2021)

A third example of a modern assault-style rifle that remains non-restricted is the Norinco Type 97 (See **Figure 14**). The Norinco Type 97 uses a detachable magazine, fires .223 ammunition, and is based off a rifle designed for use by the Chinese military.



*Figure 14: Cabela's Catalogue, "Norinco TYPE 97 NSR-G3 Semi-Automatic Rifle"*  
Source: Cabela's Canada, <https://www.cabelas.ca/product/137805/norinco-type-97-nsr-g3-semi-automatic-rifle> (accessed 20 December 2021).

Most supporters and opponents of gun control in Canada agree that the classification system needs systematic reform. Opinion diverges widely, however, over how best to revise the classification system for semi-automatic centre-fire rifles. Several options are available:

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**Eliminate the classification system:** Some opponents of gun control have argued that Canada should abandon the firearms classification system. For example, the former president of the National Firearms Association, Sheldon Clare, has frequently expressed that Canada should repeal its firearm classification, registration, and licensing systems.<sup>229</sup> This position is extreme, and its adoption would represent the abandonment of most of the key gun control efforts in Canada introduced since the nineteenth century. It would allow consumers to legally purchase dangerous weapons, including fully automatic firearms.

**“Simplified classification system”:** Some groups representing gun owners advocate for a “simplified classification system.” Under a simplified classification system, automatic rifles would remain prohibited. Restricted weapons would include handguns, as well as firearms that can be fired when reduced to less than 660 millimeters in length. All other firearms would be non-restricted. In other words, if a firearm is not an automatic weapon, a handgun, or a short, concealable weapon it would be non-restricted.<sup>230</sup> Gun lobbyists have advocated for a simplified classification system because it could lower the classification of many semi-automatic rifles like the AR-15, meaning they would be much easier to acquire and use. These guns would also no longer be registered, making them more difficult to track.

**Restrict all centre-fire semi-automatic rifles:** Another option is to change the classification of all currently non-restricted semi-automatic centre-fire rifles to restricted weapons. This would improve recordkeeping by requiring the registration of these guns. It would

<sup>229</sup> See, for example, National Firearms Association (NFA), “NFA Talk S1E24 Wrap Up Show,” National Firearms Association, 31 December 2020, <https://nfa.ca/2020/12/31/nfa-talk-s1e24-wrap-up-show/> (accessed 22 March 2022).

<sup>230</sup> Canadian Coalition for Firearm Rights (CCFR), “Policy Memorandum No. 15-5: Classification of Firearms,” 16 July 2019, <https://firearmrights.ca/15-5-classification-of-firearms> (accessed 1 March 2022); Daniel Fritter, “CPC Convention 2016: The Firearms Policy Proposal,” *Calibre*, 27 May 2016, <https://calibremag.ca/cpc-convention-2016-firearms-policy-proposal/> (accessed 1 March 2022).

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also discourage “straw purchasing”—that is, the purchase of firearms by a person with a Possession and Acquisition License with the intent of illegally transferring those weapons to someone without a license—because the legal purchaser could be traced if such weapons were subsequently used for illegal purposes. However, this would not stop all straw purchasing, as evidenced by the fact that handguns are sometimes legally purchased in Canada and then illegally transferred.<sup>231</sup> Changing the classification of all currently non-restricted semi-automatic, centre-fire rifles to restricted firearms would probably also discourage the purchase of such weapons, as there are limits on the use of restricted firearms for hunting. The tougher rules governing transportation and storage of restricted firearms might lessen the likelihood of these guns being stolen and used for criminal activity.

**Prohibit all centre-fire semi-automatic rifles:** Canada could follow the example of jurisdictions such as the United Kingdom, New Zealand, and Australia and ban the civilian possession of semi-automatic centre-fire rifles. This approach would treat similar weapons consistently. Police authorities and the public could easily identify prohibited weapons since the classification system would no longer be based on models named by Orders in Council, the determination of variants, or firearm length. However, a buyback program for all such firearms would be expensive.<sup>232</sup> Some firearm owners would also resist this measure, but, as in the United Kingdom, Australia, and New Zealand, gun owners would still be able to purchase manual-

<sup>231</sup> Josee St-Onge, “Straw Purchasing Puts More Legally Bought Guns in the Hands of Alberta Criminals: ALERT,” *CBC News*, 14 June 2018; Anna Junker, “Three Men Facing 26 Charges in Straw Buying, Firearms Trafficking Operation,” *Edmonton Journal*, 7 January 2021.

<sup>232</sup> The Parliamentary Budget Office estimates that the buy-back of the firearms prohibited on 1 May 2020 will cost between 47 and 756 million dollars. This wide range stems from uncertainty concerning the number of affected firearms, the take-up rate for the buy-back program, and the pricing structure used to value firearms. Parliamentary Budget Officer, “Cost Estimate of the Firearm Buy-Back Program,” 3. Prohibiting additional firearms would of course increase costs further.

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action firearms as well as small-calibre semi-automatic rifles to participate in hunting and target shooting.

**Tighten magazine restrictions:** Another policy change could address the use of oversize magazines in assault-style rifles. This could be done by prohibiting any magazine that can be modified to hold more than five rounds of ammunition. The federal government could also make it illegal to use a magazine that can accept more than five rounds. This would mitigate the risk of shooters using assault-style rifles to inflict high numbers of casualties.<sup>233</sup>

### 2. Smuggling

Opponents of new gun controls in Canada often suggest that any legislative action will prove ineffective because criminals will simply acquire firearms illegally, often by accessing guns smuggled into Canada from the United States. The issue of smuggled firearms is undoubtedly a serious issue. A 2006 study of gun smuggling at the Canada–United States border explained how firearms illegally enter Canada:

A large volume of persons and goods legally moves across the Canada and United States border through designated ports of entry. Criminal entities may try to exploit this cross-border traffic to smuggle firearms and other weapons into Canada, utilizing a variety of conveyances that include private vehicles, aircraft, commercial vehicles, boats, and other means. In some instances, those conveyances are altered to include specially designed concealment locations.

Illegal firearms are also smuggled across the vast unmanned border areas by individuals carrying contraband items in backpacks and via all-terrain vehicles and private vehicles. Criminals also sometimes use a small number of Native American/Aboriginal reserves and/or territories situated on or near the border to

<sup>233</sup> In its 2021 election platform, the Liberal Party of Canada included such proposals. It said a reelected Liberal government would “crack down on high-capacity magazines and require that long gun magazines capable of holding more than 5 rounds be permanently altered so that they can never hold more than five rounds.” And further that the Liberals would “ban the sale or transfer of magazines that could hold more than a legal number of bullets, regardless of how they were intended to be used by the manufacturer.” Liberal Party, “Forward. For Everyone,” 62, <https://liberal.ca/wp-content/uploads/sites/292/2021/09/Platform-Forward-For-Everyone.pdf> (accessed 2 January 2022).

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move illegal firearms from the United States to Canada and/or as storage locations for subsequent illegal distribution.<sup>234</sup>

Despite the challenges of preventing firearms from entering Canada illegally, the Canadian Border Services Agency (CBSA) indicates that it seized 4,263 firearms at ports of entry from 1 January 2014 to 6 September 2020.<sup>235</sup>

Evaluating the extent of the gun smuggling problem is complicated by the fact a) officials can report only on firearm smuggling efforts that are interdicted; b) some crime guns are not recovered; and c) the origin of many crime guns cannot be determined. In some parts of Canada, smuggled firearms seem to make up a substantial percentage of crime guns, but in other areas domestically sourced firearms appear to be the major problem. In a 2007 report on gun smuggling and illegally trafficked firearms, the RCMP determined that handguns were the most common firearm seized in urban centres, whereas long guns (which were less likely to be smuggled) were more prevalent in rural areas. In most parts of British Columbia, the RCMP determined that handguns were the most common illegal firearm. On the other hand, on the prairies, long guns were preferred by criminals. In Quebec and Atlantic Canada, long guns were the most seized firearms, except in large urban areas, where handguns were more commonly

<sup>234</sup> Canada–US Consultative Group on Firearms Trafficking, “Combating Illicit Firearms: A 2006 Canada and United States Overview,” Minister of Public Works and Government Services Canada (2006) 3, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/archive-cmbtng-llct-frrms/archive-cmbtng-llct-frrms-eng.pdf> (accessed 20 December 2021). Gun smuggling has complicated the efforts to regulate firearms in the other country that shares a land border the United States. Mexico has strong gun control laws but suffers from high levels of gun crime, often committed with firearms smuggled into Mexico from the United States. In response, the government of Mexico has launched a lawsuit against American gun makers, arguing that the firearms industry knowingly contributes to illegal arms trafficking through reckless business practices. US Government Accountability Office, “Firearms Trafficking: US Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain,” 11 January 2016, <https://www.gao.gov/products/gao-16-223> (accessed 1 March 2022); Gabriela Martinez, “The Flow of Guns from the US to Mexico Is Getting Lost in the Border Debate,” *PBS*, 2 July 2019, <https://www.pbs.org/newshour/politics/the-flow-of-guns-from-the-u-s-to-mexico-is-getting-lost-in-the-border-debate> (accessed 1 March 2022); BBC, “Gun Makers Ask US Court to Dismiss Mexico’s Claim for Damages,” *BBC News*, 23 November 2021.

<sup>235</sup> Tim Naumetz, “Canadian Agents at the US Border Have Seized 4,000 Guns since 2014,” *iPolitics*, 28 October 2020, <https://ipolitics.ca/2020/10/28/canadian-agents-at-the-u-s-border-have-seized-4000-guns-since-2014/> (accessed 20 December 2020).

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seized.<sup>236</sup> Smuggled firearms also appear to be used in some forms of criminal activity more than others. Spousal homicide, for example, is often committed by Canadians who legally own their firearms (such as Lionel Desmond in Nova Scotia).<sup>237</sup> Other firearms used in criminal activity are stolen from legal gun owners or gun stores, such as the semi-automatic handgun used in the 2018 Danforth shooting in Toronto.<sup>238</sup>

All of this suggests that gun smuggling will remain an issue in Canada, though it cannot be assumed that the illegal cross-border firearm trade is or will be the primary source of crime guns. A multi-pronged approach may mitigate the problem by a) limiting the flow of smuggled firearms through joint Canadian–American law enforcement efforts; and b) dissuading gang activity that often creates a demand for illegal weapons. The current government of Canada has prioritized efforts to reduce firearm smuggling as part of its effort to address gun violence. It has promised to invest additional resources to interdict firearms illegally transported into Canada and is attempting to increase cooperation between Canadian and American authorities to interfere with organized gun smuggling efforts.<sup>239</sup>

<sup>236</sup> RCMP Criminal Intelligence, “Current Trends in Firearms Trafficking and Smuggling in Canada,” Criminal Intelligence Brief, 23 November 2007, <https://www.publicsafety.gc.ca/lbr/archives/cnmc-pleng/cn30537-eng.pdf> (accessed 11 January 2022). For a discussion of the challenges of identifying the source of crime guns in Canada, see Tom Cardoso and Patrick White, “How *The Globe* Tried—and Failed—to Find the Source of Canada’s Crime Guns,” *Globe and Mail*, 20 September 2019.

<sup>237</sup> Fraser, “Lionel Desmond Looked ‘Like a Normal Guy’”; Aaron Beswick, “The Last Days of Lionel Desmond: Afghan War Vet Bought Gun Hours before Killing Family,” *Saltwire*, 30 January 2020, <https://www.saltwire.com/nova-scotia/news/the-last-days-of-lionel-desmond-afghan-war-vet-bought-gun-hours-before-killing-family-404670/> (accessed 3 January 2022).

<sup>238</sup> Amanda Coletta, “Gun in Danforth Shooting Stolen in Saskatoon Break-and-enter: Source,” *CTV News*, 27 July 2018. For detailed discussions of the sources of crime guns, see Tony Heemskerk and Eric Davies, “A Report on the Illegal Movement of Firearms in British Columbia,” BC Ministry of Public Safety and Solicitor General (November 2008), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/independent/special-report-illegal-movement-firearms.pdf> (accessed 22 March 2022); Illegal Firearms Task Force, “Final Report,” BC Minister of Public Safety and Solicitor General, 30 September 2017, [https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/government/iftf\\_final\\_report\\_pdf.pdf](https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/government/iftf_final_report_pdf.pdf) (accessed 3 January 2022).

<sup>239</sup> Public Safety Canada, “Government Measures to Reduce Gun Violence,” 23 October 2020, <https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20210325/020/index-en.aspx?wbdisable=>

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**VIII. CONCLUSION**

Canada has a long history of regulating the ownership and/or use of firearms. Legislators since the latter part of the nineteenth century have expressed concern about the availability of mass-produced handguns. Parliament therefore passed a series of measures to limit when and where such firearms could be carried and used, to track handguns, and to ban some models of handguns. Concern with the ownership of assault-style rifles has grown since they first began to enter the Canadian civilian market. For example, the Canadian Association of Chiefs of Police first objected to the presence of such firearms in the 1970s. The Montreal Massacre, as well as other mass shootings in Canada, the United States, and around the world, highlighted for many citizens, organizations, and elected officials the potential dangers of assault-style firearms if misused. This public awareness has contributed to high levels of support for stronger gun controls in Canada, including limits on the availability of assault-style firearms, as reported by large-scale professional public polling.

Canada has adopted a legislative framework for regulating semi-automatic centre-fire rifles that is less restrictive than that used in some other nations, including the United Kingdom, Australia, New Zealand, Japan, and South Korea, where such firearms have largely been prohibited. Instead, Canada's Parliament has sought to legislatively restrict or prohibit firearms with certain characteristics, while intentionally using the flexible tool of Orders in Council to restrict or prohibit models of firearms deemed more dangerous than those necessary for legal hunting and target shooting purposes.

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[true](https://www.canada.ca/en/border-services-agency/news/2021/03/government-of-canada-takes-further-action-with-domestic-and-us-partners-to-combat-illicit-firearms.html) (accessed 9 March 2022); Canada Border Services Agency, "Government of Canada Takes Further Action with Domestic and US Partners to Combat Illicit Firearms," news release, 31 March 2021, <https://www.canada.ca/en/border-services-agency/news/2021/03/government-of-canada-takes-further-action-with-domestic-and-us-partners-to-combat-illicit-firearms.html> (accessed 22 March 2022).

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The legislative history of the provisions allowing for the use of Orders in Council shows that Parliament has moved towards expanding its ability to restrict or prohibit firearms. Governments have used this authority to restrict or prohibit many models of firearms since the 1970s. The historical context of gun control in Canada demonstrates that PC 2020-298 (SOR/2020-96) reflects a continuation of the firearm policies employed by the federal government since the 1970s. This has seen the use of Orders in Council alongside legislation to restrict or prohibit many firearms that are deemed dangerous, while still allowing widespread civilian firearm ownership.

In the future, Canadian policymakers and legislators would be wise to revise the system of firearm classifications. A particularly important policy issue is whether Canadians should have access to semi-automatic firearms. As noted, Canada has adopted an approach that leaves some of these guns in civilian hands while restricting or prohibiting other assault-style rifles. Similarly, the federal government has prohibited revolvers or semi-automatic handguns with short barrels while leaving handguns with slightly longer barrels on the market.



**GLOSSARY**

- Assault-style rifle:** An assault-style rifle is a semi-automatic, centre-fire rifle that often originates from a military design and can receive a detachable magazine. In the debates about gun control in Canada, such firearms have at various times been referred to as “paramilitary rifles,” “military-style rifles,” “modern sporting rifles,” “black rifles,” and “assault weapons.”
- Automatic rifle:** An automatic rifle loads and fires cartridges so long as the trigger is depressed and there are cartridges available.
- Bolt-action rifle:** A bolt-action rifle is manually loaded, cocked, and unloaded by pulling a bolt mechanism up and back to eject a spent cartridge and then pushed forward and down to load a new cartridge from the magazine.
- Calibre:** Calibre refers to the approximate internal diameter of a rifle barrel or the diameter of the projectile it fires. Firearm calibres are designated in millimeters or inches. Examples include 5.56 mm (which is similar in size to the .223-inch calibre) or 7.62 mm (or .308-inch calibre).
- Cartridge:** A cartridge is a single round of ammunition consisting of the case, primer, propellant, and one or more projectiles.
- Centre-fire cartridge:** A centre-fire cartridge is designed so that its primer is central to the axis at the head of the case. Most cartridges are centre-fire, except for rim-fire ammunition such as small-calibre .22 ammunition.
- Classification:** Canada classifies all firearms as either non-restricted, restricted, or prohibited.
- Grandfathering:** “Grandfathering” means that gun owners can retain certain prohibited firearms that were registered by specific dates.
- Handgun:** According to the Criminal Code, RSC 1985, c. C-46, s. 84(1), a handgun is a firearm designed, altered, or intended to be aimed and fired by the action of one hand, whether or not it has been redesigned or subsequently altered to be aimed and fired by the action of both hands.
- Lever-action rifle:** A lever-action rifle is manually loaded through the use of a lever, generally located under the trigger.
- Magazine:** A magazine is the receptacle in or attached to a firearm that holds several cartridges that are fed into the chamber. Magazines take many forms. They can be fixed or detachable. They can also accommodate different numbers of rounds.
- Non-restricted firearm:** According to the Criminal Code, RSC 1985, c. C-46, s. 84(1), a non-restricted firearm is a firearm that is neither a prohibited firearm nor a restricted firearm or a firearm that is prescribed by regulations to be a non-restricted firearm.

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**Prohibited device:** The Criminal Code (RSC 1985, c. C-46, s. 84(1)) defines a prohibited device as: a) any component or part of a weapon, or any accessory for use with a weapon, that is prescribed to be a prohibited device; b) a handgun barrel that is equal to or less than 105 mm in length (but does not include any such handgun barrel that is prescribed, where the handgun barrel is for use in international sporting competitions governed by the rules of the International Shooting Union); c) a device or contrivance designed or intended to muffle or stop the sound or report of a firearm; d) a cartridge magazine that is prescribed to be a prohibited device; or e) a replica firearm.

**Prohibited firearm:** Prohibited firearms include a) handguns with barrels equal to or less than 105 mm in length; b) handguns designed or adapted to discharge a .25 or .32 calibre cartridge (except for handguns for use in international sporting competitions governed by the rules of the International Shooting Union and where the handgun is prescribed to be restricted); c) firearms adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted are: i) less than 660 mm in length; or are ii) 660 mm or greater in length and have a barrel less than 457 mm in length; d) automatic firearms, whether or not altered to discharge only one projectile with one pressure of the trigger; e) firearms prescribed to be prohibited firearms by regulation.

**Restricted firearm:** Restricted firearms include handguns that are not prohibited firearms. It also includes other firearms that are not prohibited firearms, have a barrel less than 470 mm in length, and are capable of discharging centre-fire ammunition in a semi-automatic manner. Restricted firearms are also those designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping, or otherwise. Finally, restricted firearms are those firearms of any kind prescribed to be restricted firearms by regulation.

**Rim-fire cartridge:** A cartridge containing the priming mixture in the rim of its base. Rim-fire cartridges are normally used in small calibre rifles, such as .22 calibre rifles.

**“Select fire”:** “Select fire” refers to a feature that allows a firearm to be fired either semi-automatically or fully automatically. The mode of firing is selected by the user. Assault rifles used by militaries now generally have this feature.

**Semi-automatic firearm:** With a semi-automatic firearm, each pull of the trigger results in the weapon’s discharge and reloading.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Culture in Police Organizations:  
Definitions, Research, and  
Challenges**

**Dr. Holly Campeau  
University of Alberta**

**July 2022**

[masscasualtycommission.ca](http://masscasualtycommission.ca)

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## **I. Introduction**

### **1. Scope of Report**

This report addresses the role of culture in making sense of significant events such as those under study by the Mass Casualty Commission. Specifically, this report reviews the literature on police culture and culture in other organizational and occupational contexts to the extent that relevant and useful analogies can be drawn. It offers an account of culture as an analytical tool or lens that assists in understanding institutional responses to mass casualty events and in developing recommendations.

### **2. Structure and Substance of Report**

This report describes three ways of understanding “culture” in policing that are invoked by three distinct areas of scholarship: (1) criminology and police studies; (2) sociology of culture; and (3) organizational sociology. Each literature offers a unique approach to defining and measuring culture in the context of policing, but they are presented here as building on one another. For instance, though the specific topic of “police culture” appears most prominently in criminological research and in police studies, commentators in these fields often appropriate the term “culture” without engaging explicitly with the concept or its deeper sociological significance. This report therefore addresses some of the limitations in definitions and applications of “police culture” that appear in criminology and police studies, turns to the sociology of culture and organizations to fill in gaps.

In the social sciences, culture is understood as an interpretive process (Geertz 1973), and theoretical principles are critical for establishing indicators of cultural practice. Therefore, this report explicitly theorizes “police culture” to offer an account of culture as an analytical tool for interpreting the events under study by the Commission. Specifically, one cannot presume to

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simply begin by outlining the distinctive dimensions of a unique “police culture” without first establishing the foundations of cultural meaning. Doing so dooms culture to a static and one-dimensional understanding of social life. This is particularly problematic for a public institution like policing, which is especially vulnerable to the whims of social, political, legal, and economic fluctuations, as well as the demands that accompany these shifts. Indeed, as Banton argued decades ago, “not a single social change fails to change the institution of policing” (1964: ix).

More importantly, there are practical matters with in policing that derive benefit from more explicit theorizing of police culture. As Diane Vaughan’s (1996) seminal work on NASA and the Challenger explosion revealed, organizational culture is inevitably “on the hook” when something goes awry. For example, when police officers participate in some form of misconduct, outsiders attribute their behaviour to the department’s culture. Accordingly, police leaders are subject to constant external pressures from political figures, media groups, and the public to “change the culture of the department.” What does this mean? Inherent in this demand is also an assumption that “the culture” – presumed to be known – can indeed be changed by the commanding authorities. Is this accurate? Where is culture located so that we may begin to change it? What insights do those who study culture specifically have that can shed on these questions? This report turns to the sociology of culture and organizational sociology for these insights. Scholars working in these areas do not argue that people are immersed in a culture that dictates how they will act but refer instead to a “repertoire” of *resources* that are deployed in order to bring justification to their experiences. Accordingly, people know more culture than they use at a given moment (Swidler 1986). The key to unpacking culture, then, is to unveil when, where, and how particular sets of cultural resources are put to work.

Reaching for other literatures about culture also helps to reconcile a common issue with representations of “police culture,” which is itself a loaded term in mainstream references. Pairing the words “police” and “culture” evokes a negative synecdoche. “Police culture” is routinely wielded by the media, political figures, community stakeholders, and academics for condemnatory purposes—as synonymous and therefore interchangeable with words like “corruption,” the “thin blue line,” “racism,” or “brutality.” Though descriptors like these can of course be applied to a number of police practices, a predetermined and inherently negative slant to the term itself diminishes the sociological usefulness of “police culture” as an analytical concept. Culture in a workplace—in a corporate office, a university, a hospital, or police department—is the very thing that allows any meaning-making to take place at all. There is nothing *inherent* to any culture. Rather, it is the lens—a mechanism—through which people understand their world. Organizations are complex sites of contestation and shared premises, change as well as stasis, and organizational culture provides members with a system of meanings to navigate accordingly. This report reaches for theoretical tools across three literatures that capture vital nuance behind the cultural resources police officers deploy as they traverse the various institutional structures of their particular occupational environment.

## II. Criminology and Police Studies

In a review of academic police research, Manning (2005) has differentiated between what he considers to be two related but distinct categories of study: “sociology *of* the police” and “sociology *for* the police.” The former, Manning has suggested, “explores the relevance of theories and concepts as they apply to the organization, occupation, and its impacts—an enterprise that is analytically driven and data based” (2005: 30). In contrast, the latter is more “devoted to ameliorative aims—to elevate the level of performance ... improve management and

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operations of the police, and to reduce the ambiguity of their tasks” (30). While this distinction is not to suggest these approaches to research are mutually exclusive, they are meant to highlight differences between the studies’ target audiences, theoretical insights, and methodological techniques. They also differ in their emphasis on social, political, and economic factors: studies *for* the police adopt a more concentrated focus on those factors that pertain to efficiency and the internal policies of the police department, while studies *of* the police are often more attuned to how social, structural features external to the police manifest within the institution of policing and are expressly connected to social, behavioural, and cultural facets of occupational life. Therefore, with its emphasis on culture, this section reviews literature that bears most resemblance to sociology written *of* rather than *for* the police.

### 1. The Policing Function: A Little History about an Old Problem

Research on the police has provided clear consensus that the most fundamental police function is “order-maintenance” rather than “crime-fighting.” However, as foundational police scholars have explained, this is not how society tends to perceive the police (Bittner 1972), nor is it how the police themselves view their role. *The Policeman in the Community* by Michael Banton (1964), *Justice Without Trial* (1966) by Jerome Skolnick, *Varieties of Police Behavior* (1969) by James Q. Wilson, and *Violence and the Police* (1970) by William Westley all share a common message: the underlying contradiction between an officer’s typical day on the job and how they and the public conceive of their occupational identity poses a number of problems in efforts to understand and effectively manage the day-to-day work of policing—problems that persist to this very day. At the root is the role of **discretion** in policing. Simply put, police discretion refers to “the leeway that officers enjoy in selecting from more than one choice in carrying out their work”—choices that include *non-law* enforcement activity (Mastrofski 2004: 101).

This report begins with a nod to the classics and a reference to police discretion to underscore an important point about the policing function: in contrast to the objective enforcement of clear laws, order maintenance often necessitates the use of discretion and thus implicates an officer's subjectivity. This subjective discretionary function requires police to make sense of moments, people, and places as they carry out their duties. As culture serves as the very mechanism through which people navigate and understand their world, this means that "police culture" is exceptionally important for understanding police actions and for efforts at police reform. Indeed, one of the most commonly cited statements made by patrolmen in Wilson's (1969) study and by police officers in the present day is that "you can't always go by the book," emphasizing the need for officers to adapt their tactics according to situational realities and occupational conditions.

Classic police studies reveal that we do not—and perhaps cannot—have a stable definition of the "policing" concept. In today's era of questioning policing in our communities, debating the implications of "defunding," and contemplating which tasks should fall within the mandate of law enforcement or of social welfare service, these lessons remain relevant. As these foundational works suggest, if there are "varieties of police behavior" (Wilson 1969) and police officers are "in the community" (Banton 1964), the police idea, then, is socially embedded. Furthermore, if police engage in order maintenance rather than universal law enforcement, their use of discretion is paramount. The meaning systems that suffuse policing are subject to variation across groups, time, and place, and so the implications of "culture" in policing are of utmost importance.

## 2. Is There a “Police Culture”?

In light of ambiguity about the function of the police, the disconnect between officer expectations and reality “on the ground,” and the discretionary nature of the job, early police scholars uncovered a “way of being” that guides and shapes the behavioural social world of the police. Most famously, Skolnick (1966) argued that police officers are called upon to develop a specific “work personality” that serves as a type of survival tactic in the day-to-day routines of the policing profession. Skolnick explained that the “working police personality” is a result of several elements peculiar to the environment of law enforcement, especially danger, stress, and the hierarchical structure of the organization. He also saw this personality as a response to the authoritarian model that is characteristic of policing and as an outcome of constant pressure to be productive and efficient. Westley (1970) later refined the subject to describe a true “culture” that is generated by the isolation and threatening nature of the job. He argued that the system of behaviours, norms, values, and rules that informally governs and gives meaning to the world of policing is more than just a personality or “way of being” but rather a “way of life”—a full-blown culture. Westley therefore more explicitly connected culture to the institution of policing.

Traditional police values are said to combine to create what has been termed by some authors as the “blue curtain” (Westley 1970) or the “blue wall of silence” (Bittner 1972). These phrases denote the boundaries within which the police operate according to an “us versus them” mentality. More specifically, they refer to the manner in which the police operate according to a protective “**code of silence**.” This code operates externally as well as internally to their workplace—that is, among coworkers and superiors but also in their dealings with the public and even during court proceedings.

### Keyword Spotlight: Code of Silence

**Definition:** “The unwritten rule of police behavior that constrains an officer from informing on or testifying against another officer ... animated by intense loyalty to the group, and mutual protectiveness against outsiders” (Smith 1973, quoted in Skolnick 2002: 10).

Parameters of the “code of silence” or “blue wall” are well documented. Loyalty to fellow officers is consistently cited as the key feature of the code, no matter the circumstances involved, including criminality. The code breeds strong group relationships and low rates of whistleblowing in policing, partly due to negative career impacts and the fear of retaliation from peers (Krinsky 2016; Westmarland 2005). Those officers who violate these prescriptive norms are cast as “rats,” untrustworthy, and ostracized. An informal “learning of silence” (Wieslander 2019) fuels the code, rendering its resilience a significant facilitator of police corruption (Skolnick 2002).

#### Example Cases:

- 1) Los Angeles Police Department (LAPD): The availability of video evidence at a time when recordings were exceedingly rare made the Rodney King police beating one of the earliest illustrations of the code of silence in action. Indeed, as many have argued, the attack would not have come to public attention if not for the videotape (Omi & Winant 1993; Skolnick & Fyfe 1993), and case witnesses and experts were met with intimidation and ostracization. The Christopher Commission (1991), launched in reaction to the King case, highlighted the cover-up practices of the LAPD: “The greatest single barrier to the effective investigation and adjudication of complaints is the officers’ unwritten code of silence; an officer does not provide adverse information against a fellow officer” (168).
- 2) Royal Canadian Mounted Police (RCMP): In recent years, the RCMP has come under significant criticism following a number of investigations into internal workplace practices, resulting in findings of a “culture of dysfunction” (Civilian Review & Complaints Commission 2017: 2) that gives rise to bullying and a abuse of authority, as well as sexual harassment and violence, and silences victims for fear of reprisal.
  - a) In 2017, the Civilian Review and Complaints Commission for the RCMP published a report examining workplace harassment in the ranks. Members who reported harassment experienced backlash, including being left alone at crime scenes, receiving threats from superiors to “behave” and being ignored when requesting backup (Civilian Review & Complaints Commission 2017: 15).
  - b) In 2020, former Supreme Court of Canada Justice Hon. Michel Bastarache released the Final Report on the Implementation of the Merlo Davidson Settlement Agreement, entitled “Broken Dreams, Broken Lives.” The Report details a “toxic culture” that “tolerates misogyny and homophobia at all ranks and in all provinces and territories,” as confirmed by the treatment endured by claimants, which included sexual misconduct, offensive language, and discrimination in promotion processes (Bastarache 2020: ii). Claimants also experienced “reprisal for rocking the boat” (45) in their attempts to break the silence of injustice, such as isolation, refusals to provide them with backup, and denial of special courses or training (86).

Once ambiguously defined using a variety of terms (i.e., “working police personality,” “blue wall of silence,” “cop code,” “thin blue line,” etc.), the “**police culture**” concept has become distinctly recognized as the term for describing the complex system of values and attitudes that define the normative social world of police officers. In a book titled *Politics of the Police*, Robert Reiner (1985/2010) outlined what he deemed the core elements that comprise this culture. In short, police officers are said (1) to actively pursue excitement (mission-action); (2) to

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possess a cynical outlook and suspicion of others; (3) to strongly support solidarity with fellow officers; (4) to subscribe to conservative morality and politics; and (5) to exaggerate displays of masculinity (Reiner 1985/2010). Each is discussed in turn below.

*A. Mission-Action*

Common tropes are associated with police work. Police are the “line between order and chaos,” the ones who “run toward the danger.” The notion of crime-fighting is inherently adversarial, casting the work of law enforcement as a mission that requires a “warrior mindset.” However, compared to occupations in transportation, construction, and manufacturing, policing is not an especially dangerous profession. Criminologists have interrogated claims that there have been more attacks on police in recent times and found that policing is a safer profession now than in previous decades overall (White et al 2019). However, the symbolic representations and meanings that surround its mandate (“to protect and serve”) promote ritualistic affirmations that officers willingly “put their lives on the line every day.” This preoccupation with danger in policing does not match the evidence related to police officer fatality trends (Sierra-Arévalo 2021). Storytelling within policing thus plays a key role here (Hulst 2013), as members recount tales of what they encounter on the job “as means of entertaining each other... of coming to terms with troubling/traumatic situations, of warning others about the dangers inherent in police work, and of initiating and maintaining group identity and cohesiveness” (Fletcher 1999: 47).

*B. Suspiciousness and Cynicism*

To cope with the uncertain environments they navigate, police officers are said to develop a strong inclination towards suspicion (Skolnick 1966): they are explicitly trained in the art of spotting anomalies, sniffing out deception, and to be ready to act swiftly. This tends to “take the form of hard-bitten cynicism” (Waddington 1999b: 102) and ultimately results in a loss of trust



for others. Officers are socialized to expect to be dismayed by the segment of the public they will frequently encounter (what Van Maanen [1978] called “the asshole”), to be constantly lied to, and that they will receive little help from the public or the criminal justice system broadly (Fassin 2013; Moskos 2008; Rubinstein 1973; Worden 1995).

### *C. Isolation and Solidarity*

The combined effect of tropes of mission-action and suspiciousness is a sense that police can rely only on one another, which leads officers to be distant from the community. Owing to the coercive power and authority that are uniquely their own, newly sworn members of the police often begin trimming away at their social networks, reducing their friendship circles to those who will not test their virtue or place them in situations of needing to call out or act on petty crime in their midst (Campeau 2019; Karaffa et al 2015). Police are said to face a “lonely and largely friendless world” (Van Maanen 1974: 38), which further strengthens bonds with fellow officers—whether out of true camaraderie, obligation, or even exigency. The intensity of this connection is ultimately at root of the deep loyalty that is so fiercely protected within the ranks—an expectation that leads to sheltering coworkers from scrutiny and even to engaging in cover-ups to evade the investigation of colleagues (Waddington 1999a; Waddington 1999b). The seeds of police corruption can thus be found here (Punch 2009).

### *D. Conservatism and Authoritarianism*

Some studies have suggested that conservative and authoritarian views are more prominent among police officers in comparison to control groups (see, e.g., Baker 1985; Stack & Cao 1998). Brown and Willis (1985) found support for the idea that socialization of police recruits leads to increased levels of authoritarianism over time, while Laguna et al (2010) have found no such difference between experienced and inexperienced officers in this regard. What we might

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consider more relevant to this trait than is an orientation toward politics that support and fund a “law-and-order” approach to crime and disorder (Loader & Mulcahy 2003). Police are critical of a perceived lenient justice system that allows criminally involved persons to avoid prosecution on legal technicalities or to receive “lenient” sentences.

*E. Masculinity (Plus: Heteronormativity)*

Police organizations are hyper-masculinized spaces, both literally, owing to a clear overrepresentation of men in this sector, and figuratively, as gender dynamics are continuously on display. Several of the above-listed features pair with “masculinized” beliefs and expectations such as risk-taking, aggressiveness, physical strength, secrecy, and competitiveness (Corsianos 2009; Fielding 1994). This aggregation of qualities gives policing its signature “brotherhood” moniker—a deliberately gendered reference.<sup>1</sup>

Implicit in the policing occupation’s emphasis on masculinity is the underlying theme of individual identities that differ not just from “masculine” but from the white male, heterosexual norm generally. Other axes of diversity such as race/ethnicity and sexuality cannot be disentangled from this core feature of police culture. However, much of what is known about racist or homophobic treatment within police organizations comes out of journalism and public inquiries, which are more focused on the whether and what of discrimination and harassment in this space and less focused on analysis of how attitudes toward diverse groups interact with

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<sup>1</sup> It should be noted that literature about the role of gender in policing comprises a vast area within the criminology discipline. Space constraints do not allow for a full review of work relating to gender and police culture, but just a few other studies of note include: Garcia 2003; Franklin 2007; Martin & Jurik 2007; Morash & Haarr 2012; Silvestri 2017.

police culture.<sup>2</sup> In this regard, exclusively gender-based analyses, including those discussed below, are more common.

Studies examining the intersection of gender and police culture consistently report a key finding about the experiences of female officers: in essence, women in policing have few choices of “how to be” in the workplace. In a classic study by Martin (1980) that was later borne out by Rabe-Hemp (2009), female police officers were discovered to “do gender” on the job. They found that women can either adopt the POLICEwoman identity—which typically involves “doing masculinity”—or adopt the policeWOMAN identity—which involves performing femininity. The POLICEwoman adopts the language and manner of most policemen, stressing aggressiveness, suspicion, and competitiveness. Martin suggested that these women have chosen the path of “defeminization” (1980: 186), according to traditional gender norms. They remain loyal to male-oriented work values, no matter how unfair: POLICEwomen even adamantly refuse to be women’s representatives and ignore or deny other female officers’ complaints of discrimination for fear of being labeled a “women’s libber” (Martin 1980: 189). The POLICEwoman therefore often blames other female officers for the problems they encounter. As such, while on the job, POLICEwomen “do masculinity” to fulfill their occupational obligations without disruption from their disadvantaged female status. Martin also found that most POLICEwomen reported a shift in their behaviour once they were off-duty: “On the job, I’m strictly police. Off-duty, I’m more feminine... I’m an average woman” (193). The policeWOMAN, on the other hand, performs traditional notions of femininity. Martin (1980) argued that these women opt for “deprofessionalization” (186), according to the male perception

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<sup>2</sup> An important exception where we do see analyses of how police culture influences attitudes toward diverse groups is in studies about the “code of silence” (discussed above) and how it limits people’s ability to report their mistreatment in the workplace.

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of policing. Female officers therefore cannot be both “feminine” and professional simultaneously in the world of policing. The women in this group exhibit a disinterest in patrol work or making arrests and report being uncomfortable having to place themselves in dangerous situations. PoliceWOMEN indicate a preference for service-oriented work, which, according to them, is more compatible with their skills.

More recent research reveals the continued relevance of Martin’s 1980 study. Rabe-Hemp (2009; see also Garcia 2003) has performed a similar analysis using Martin’s framework, with similar results. She found that “generally, most female officers reported ‘doing gender’ in stereotypically feminine ways” (2009: 120), as they described themselves as particularly efficient in dealing with domestic matters. Moreover, women who support and socialize with other female officers are labeled an “estrogen mafia” and are “oftentimes further isolated from the police culture” (126). Rabe-Hemp has concluded that the similarities between Martin’s and her own findings thirty years later point to the strength of the masculine hegemony in police organizational culture.

New research by Bikos (2016; 2021) on female police officers in southern Ontario further supports the above findings. She has argued that the policewomen she interviewed experience a “bifurcated consciousness in how they view themselves and their world inwardly, compared to how they are forced to outwardly perform in their role as a police officer” (2016: 25). In other words, female police officers navigate a divided self. Since the world as they actually experience it—as women—is devalued by the hegemonic masculinized worldview they adopt as police officers, Bikos’ participants expressed feeling at war with themselves and even reported struggles with mental health because of this conflict (2021).

More recently still, Sanders et al (2022) have performed an in-depth analysis of the experiences of 91 female police officers from thirteen police services across Canada, including municipal, provincial, and federal jurisdictions. Their findings highlight the significance of “structured ambivalence” (Connidis & McMullin 2002) in how women police negotiate their “fit” in the hierarchical structure of policing. Structured ambivalence refers to the “contradictions and paradoxes that are imbedded in sets of structured social relations (e.g., class, age, race, ethnicity, gender) through which opportunities, rights, and privileges are differentially distributed” (Connidis & McMullin 2002: 565). Specifically, Sanders et al (2022) have mapped the strategic use of kinship narratives of the “Brotherhood,” the “boy’s club,” and “sisterhood,” as well as how women either mobilize or reject these, sometimes in conflicting ways, in order to navigate their place.<sup>3</sup> For example, participants articulated the “Brotherhood” as gender-neutral and as merely a unifying frame to capture the solidarity and protection that comes with being a sworn member. However, they simultaneously reinforced gender as a central characteristic to the Brotherhood when they shared about the ways inclusion is conditional on not challenging the men (e.g., not “crying harassment”) and *choosing* to “get on board” (Sanders et al 2022: 9) and to “deal with” the norms that come with membership. Exclusion happens through self-selection. As the authors have concluded,

In this way, the attention shifts away from larger questions about cultural and structural inequality embedded within the Brotherhood and instead toward the decisions that individual women make about their careers. The framing of the Brotherhood as gender-neutral is a neutralization process, whereby the gender coded expectations required for “fit” remain implicit and intact (Sander et al 2022: 10).

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<sup>3</sup> This work by Sander et al (2022) is among research that applies cultural sociology to theorize and expand empirical investigations of police culture (see Section III). However, it is included here for its substantive focus on the experiences of women police in Canada.

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Herbert (2001) has offered another example of how gender interacts with police culture even through broader operational imperatives to shift law enforcement away from its prevailing masculinism and toward a more inclusive, cooperative approach—namely, community policing. Drawing on field data from observations of the Los Angeles Police Department, he has found that officers do not classify community policing as “real police work.” Women’s communication skills are glorified as particularly apt for community policing, and this in turn has led to the notion that men are not as well-suited for such tasks. Thus, a discourse that was meant to encourage the participation of women in policing has served to “feminize” the new model (Herbert 2001; see also McCarthy 2013). Since community policing cannot completely replace law-and-order tactics used in law enforcement (i.e., tactical units, drug squads, etc.), it is merely viewed as complementary. By extension, female officers are also viewed as complementary because community policing has become associated with “female skills.” Masculinist “hard chargers” who prefer the “real police work” (Herbert 2001: 59) of catching bad guys distinguish themselves from “station queens,” who do the “social work” of community consultation (56).<sup>4</sup>

While rarer in the literature on police culture than the topic of female officers, studies about the lived experiences of LGBTQ police officers do exist (Burke 1994; Colvin 2015; Couto 2018; Jones & Williams 2015; Miller et al 2003). This body of work shares much in common with the research on policewomen: LGBTQ+ police officers also live dual lives. For example, Burke (1994) has argued that an LGBTQ police officer’s capacity to “be open” in an occupation where “homosexuality is deviance” produces double as opposed to integrated lives, with significant implications for mental health. Couto (2018) has offered a recent Canadian case study of the perceptions of LGBTQ sworn members in Ontario. A majority of his sample (N=21)

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<sup>4</sup> A conceptual framework for this discussion is offered in section III below, with emphasis on how “boundary work” reinforces the classifications people use to demarcate themselves from others.

believed their status in the workplace had improved from previous eras and that junior colleagues were generally less condemnatory of identities outside the heterosexual norm. However, Couto's (2018) respondents agreed that machismo remains strong in policing and reported facing micro-aggressions at work, such as inappropriate jokes (see also Bastarache 2020).

*F. But There Is More to This Subject: A Caution*

The combination of the traits described in the previous sub-sections is best interpreted as an "ideal-type": a synthesis of police values and perspectives into a unified analytical construct. Since Reiner's early contribution, many studies have confirmed the pervasiveness of these core characteristics (see Paoline & Terrill 2014). In an oft-cited ethnographic account of an English police force, Loftus (2009) revealed the remarkable durability of nearly all of these themes. Her findings reinforce that police culture is often presumed a monolith because, it is argued, key features of policing remain largely unchanged: police are appointed a unique position in the law, hold a monopoly on the sanctioned use of coercive force, and are obligated to perform society's "dirty work" on a routine basis.

However, it has been argued that the common approach to studying police culture has led to "cognitive burn-in" (Sklansky 2007); the template of Reiner's "ideal type" now serves as a collective imprint in how researchers even come to think about the topic of police culture (see also Waddington 1999a), and these preconceptions are difficult to dislodge. Sklansky (2007) has cautioned that cognitive burn-in has the effect of diverting our attention from new directions and emerging trends relating to the study of culture in policing. To be sure, Reiner himself cautioned that police culture "is not monolithic, is embodied in individuals who enjoy autonomy and creativity" and that variation "can be discerned within the broader police culture, generated by distinct experiences..." (2010: 116). And so, while classic renditions of police culture remain

highly relevant, as are elements of the ideal-type reaffirmed in even the most recent of police research, the analytical terrain of “police culture” scholarship has begun to expand.

### 3. “Police Culture” Expanded

The earliest works credited with demarcating clear variation in “police culture” took a rank-based or hierarchical approach. In other words, these works highlighted what we might more accurately call a *subcultural* approach within policing. For instance, Reuss-Ianni and Ianni (1983) distinguished “**street cop culture**” from more impersonal, business-oriented “management cop culture.” They argued that the two no longer share common language, work experiences, backgrounds, ideologies, objectives, or communicative channels. In short, typical descriptions of the police occupational culture represent only a certain sector of police forces, which is working class in origin and whose members see themselves as career cops who wish to be left alone to do their job in an informal, personalized environment based on “esprit de corps,” experiential street sense, autonomy, and loyalty (1983: 5). In the spirit of the “good old days,” street cops openly speak against what they consider to be preferential treatment of minority officers (through recruitment or promotion) and dislike civilian employment in “police jobs” or anything to do with fostering community–police relations through what they believe is “bull shit” social work (1983: 6). These narratives persist among patrol officers today. Studies show continued pessimism about minority preferential treatment and the civilianization of police service (Atkinson 2013; Campeau 2019), as well as frustration around the policing of broader social problems that do not fall within the parameters of criminal law enforcement (Herbert 2001).

Often in conflict with street cop culture is **management cop culture**, which operates within the upper echelons of police organizations. Management cop culture is shared by



members in superior administrative positions whose higher education and middle-class backgrounds make them eligible for high-ranking promotions in the department. They value respect for the chain of command and believe that disciplinary measures are important tools for shaping accountability among the rank and file. These officers are also sensitive to limited departmental resources and make decisions with an impersonal “business” attitude. Furthermore, management cops must be attuned to the political, social, and economic constraints that exist outside the police organization and how these impact the daily operations of the department (Reuss-Ianni & Ianni 1983). Manning (1995) has posited the presence of a broader police culture whereby certain expectations about core skills and cognitions do exist in order to define “good police work” but like Reuss-Ianni and Ianni (1983) he has also elaborated that, within this broader culture, subcultures exist that are often hierarchically specific.

A review of literature yields a dearth of research on management culture in policing. However, we can “read in” the role of culture in a number of studies about police leadership. For instance, in an article aptly titled “Rank Matters,” Davis (2020) has drawn on a case study in the United Kingdom to develop a “situated authority model of leadership” (SAML). Put simply, the SAML captures how police leaders wield and negotiate rank differently—through its “doing” (emphasizing hierarchy) and “undoing” (downplaying rank)—depending on the circumstances at hand. Among situations that warrant “doing” rank, two are of particular note for this report: (1) high-audience situations and (2) high-risk scenarios.

High-audience situations are public encounters or highly visible spaces, typically involving powerful outsiders. For example, in public accountability forums with the Police and Crime Commissioner, the conventions and formalities of rank are clearly adhered to, and the performance of rank is evident. In a management position, rank can be used as a “display for

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persuading the audience” (Goffman 1959). High-risk scenarios, in contrast, are critical or emergency situations, with public order and firearms incidents being among the most commonly cited examples. Under these conditions, there is strong attachment to the rank structure, which is perceived as useful for demarcating roles and responsibilities and clearly allocating decision-making. The centrality of rank in high-risk situations shapes the expectations of leadership in that environment.

Davis’s interview participants also discussed risk more broadly as threats to the public, personal or colleague safety, and reputational risk to the police department (Davis 2020). The way Davis has woven the protective effect of “time” with evaluations of risk is also relevant. The structure and authority of rank is used to facilitate urgent action (Davis 2020). If a situation is perceived as non-pressing or is evolving slowly, it is safe to challenge traditional conventions, thus facilitating greater autonomy (or discretion) among the rank and file. The flow of information feeding this perception is therefore of critical importance.

Davis (2020) has further argued the “doing” of rank is particularly salient in assumptions related to decision-making. Decision-making is positioned “upwards” toward the upper ranks of police organizations, and this provides a sense of protection and reassurance referred to by police officers as “top cover.” Officers in the lower and middle management ranks discussed the conventions of “reverting back” to hierarchy to keep senior members informed “just in case” (Davis 2020: 452). Leaning on rank structure is how some officers respond to risk and can be a strategy for dealing with a fear of the consequences of making mistakes. Furthermore, the perceived legitimacy of decision-making is not equally distributed across the police but rather assigned on the basis of seniority (Davis 2020). This practice is so entrenched that rank trumps knowledge or expertise when members confer legitimacy onto decision-makers. In short,

knowledge is not understood as separate from rank but rather through the “lens” of rank. The implication of Davis’s (2020) findings are that rank—and all of the institutional clout, resources, and command that come with it—matters and is deployed conditionally by police.

The existence of “rank-based” accounts of police culture is perhaps unsurprising, given another hallmark of twenty-first century policing: **paramilitarism**. North American policing is characterized by what Peter Kraska (2007) has described as a rapidly blurring distinction between military/police, war/law enforcement, and internal/external security. Despite widespread declines in crime since the 1990s (Moreau 2021), consistent evidence that invalidates the standard “crime fighter” model of policing (Weisburd & Eck 2004), and a three-decades-long shift toward community-based policing principles (Cordner 2014), police departments remain paramilitary in their structure and in the framing of their mandate. Police organizations adhere to classic theories of administration described by Weber (1947), emphasizing rank-based relationships, centralized chain-of-command structures, hierarchical communications whereby information travels upward and orders flow down, and obedience. Moreover, at the level of police knowledge management, policing’s paramilitary structure is arguably the most salient characteristic that contributes to a siloed approach to information-sharing and public service (Chan et al 2022). For instance, Abrahamson and Goodman-Delahunty (2014) have studied the information-sharing impediments in three Canadian police departments and found organizational structure (i.e. hierarchy configuration, communication patterns, and policies) and organizational culture (defined here as individual attitudes, values, legitimated standards and norms) are most significant (see also Sanders & Henderson 2013).

The trappings of paramilitarism are evident from the very beginning of a police officer’s career, with police training “academies” or colleges replicating military-like experiences and

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environments. “Cadets” or “recruits,” as they are often called, practice drill and formation, stand at attention, and are even trained in the art of proper boot-polishing methods. While such practices may seem trivial, merely symbolic, or even “ceremonial,” when coupled with titles of rank (e.g., sergeant, captain, etc.), the use of military hardware and weaponry, and deployment of “tactical units” for priority calls (Roziere & Walby 2017), such paramilitary signifiers play a role in how police officers conceptualize their role. The “war on crime” analogy that paramilitary practices evoke “enemizes members of the community and fortifies the ramparts of the righteous” (DeValve 2020: 140). If police are trained like soldiers and citizens are perceived as unlawful or threatening, then the two become enemies; and in war, enemy threats must be neutralized (Kraska 2007; Williams 2015). In the context of criminal justice, Shelden and Vasiliev (2018) have referred to this mindset as “controlling the dangerous classes.” As a case in point, in a recent study on police culture in a Canadian city, a motivational pep talk by a Deputy Chief to the morning patrol shift included the sign-off “Now let’s go out there and fucking kick their asses!” (Campeau 2019: 77).

The RCMP provides a clear example of police paramilitarism. Indeed, the origins of Canada’s federal police body are historically embedded in a colonial paramilitary tradition of westward expansion and taming the “wild” frontier (Madsen 2020). While the colonial roots of policing in Canada and the role of the police in longstanding and ongoing conflicts with Indigenous communities are beyond the scope of this report, it is important to note that police paramilitarism looms large as a remnant of the settler-colonial history (Nettelbeck & Smandych 2010; Bell & Schreiner 2018). Paramilitarism remains a core structural and cultural feature of policing in the twenty-first century.

### III. Sociology of Culture

Why look to the sociology of culture to inform the study of policing? The answer is simple: for both theoretical and methodological rigour for addressing culture-related questions. A review of literature suggests that police studies alone are not an adequate source of theoretical equipment for assessing culture explicitly (see section I above).<sup>5</sup> One clear limitation is the tendency of police studies to test and retest with an eye for the “core characteristics” of police culture described in classic renditions. The answer to whether these characteristics persist among the police is likely to remain in the affirmative: following this approach almost invariably leads to confirmation of the ideal-type. Rather than an all-determining and unchanging feature of a community, cultural sociologists adopt a multifaceted and “practice-oriented” approach to the study of culture. This research emphasizes empirical analysis of how individuals perceive and act upon their environments by creatively drawing from various cultural resources, depending on the setting and situation in which they find themselves. For example, is culture interrupted during moments of crisis in a workplace? Do newcomers import new ways of making sense of a problem? Concepts within the sociology of culture account for unpredictability and shifts in organizations and group settings. Studying culture in this way permits greater fluidity across time and space—in short, it recognizes the dynamic nature of culture and can account for change.

Anthropological and sociological understandings of “culture” can largely be traced back to the work of Clifford Geertz, who shifted focus onto *meaning* and the ways in which culture sets a “mood or tone ... to daily life through its symbolic vocabulary and through the ritual experiences it makes available” (Geertz 1973: 5). The work of Pierre Bourdieu (1977) was also central to the shift toward understanding culture as *practice*—that is, understanding culture by

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<sup>5</sup> See also Chan (1997); Crank (2004); Shearing & Ericson (1991); and Waddington (1999a) for critiques of how the concept of “police culture” has been defined in the past.

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examining the various ways in which it is used as though a tool rather than as viewing it as some grand “way of life.” This section reviews relevant research that engages this definition of culture-as-resource, particularly in moments of uncertainty. It also describes some key “ingredients” of culture, such as schemas, frames, and boundaries, and how these inform social life. Applications to policing are explored where applicable: some parallels are embedded in empirical research, while others are drawn conceptually by the author for useful analogizing.

### 1. Culture in Unsettled Times

Swidler (1986; 2001) famously argued that the best time to uncover culture is during moments when lives are “unsettled.” In settled times, “culture is intimately integrated with action... [C]ulture and structural circumstance seem to reinforce each other” (Swidler 1986: 278), and because of this, implicit ways are obscured as “tradition” or even “common-sense.” As such, the relationship between culture and action looks quite different in these two moments. In settled periods, the influence of culture on action is quite independent because institutionalized taken-for-granted strategies or habits remain unchallenged. In Swidler’s terms, the relationship looks this way because the cultural repertoire limits the available range of responses. Situations are not varied enough to warrant alternative lines of action. In unsettled times, in contrast, the causal relationship between culture and action remains, but with the intervening influence of ideology, according to which *new* strategies for action are determined. Which ideology prevails depends on historical and structural constraints, but the main point is that ideology is made explicit in unsettled times as “competing ways of organizing action are developing and contending for dominance” (Swidler 1986: 279).

Elsewhere, I have used this line of thinking to explore the effects of increased oversight as a generative moment to shed light on how police officers produce cultural meaning about their work (Campeau 2015). Drawing on 100 interviews and participant observation in a police department, I have studied how officers negotiate meaning in an unsettled occupational environment prompted by intensifying accountability and public visibility. Specifically, I have examined two pillars of classic definitions of “police culture” discussed in the previous section: solidarity and mission-action. However, where I depart from criminological thinking on “police culture” is to reconceptualise these not as set values or attitudes presumed to channel behaviour in predictable ways but rather as resources to bring justification to experience. Cultural sociologists warn that values and goals alone cannot motivate people because we hold values (e.g., a healthy, sustainable environment) that are often inconsistent with the decisions and actions we pursue (e.g., failing to recycle) (Swidler 1986). I have highlighted how solidarity and mission-action serve instead as cultural resources that get appropriated (or inverted) in various ways within a definable set of structuring conditions—in this case, growing oversight of police work (Campeau 2015). In doing so, I have shown that solidarity is not so unyielding as common value depictions of police culture suggest. For example, accountability mechanisms unearth new ways of asserting and negotiating solidarity altogether, with many officers casting scripts about solidarity in a negative light, as detrimental to one’s job security:

You can’t be a cowboy out there anymore, so I think with all these different avenues for people to complain, and all these ways that they’re checking up on us... you hope your partner is on the same page as you because the last thing you need is your partner to do something stupid and you’re there, and then what are you going to do, right? And then it’s difficult because, I mean, you’re working for a big team and you want to look out for people, but now it’s like, well, if you did something stupid, my hands are tied. I can’t... what are you going to do? And even when I started it was kind of, like, alright, well, how are we going to say this went down because we got to make sure this goes smoothly. Like now—whatever went down, that’s what went down because you’re on camera and you did this... You want me to lie and say that you didn’t

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do this, or he took a swipe at you first? There's a camera right there. You know, we're like, "What are you doing?" So you hope that you got someone with a level head (Constable G, in Campeau 2015: 679).

Moreover, mission-action as a means to making sense of the occupational field of policing loses ground in an age of intense public scrutiny. Instead, police draw on cultural scripts about risk and avoidance because these are better suited to navigating their current circumstance:

Now it's completely different. I spend my days trying to stay out of trouble, then serve the public, then look out for my partners. In fact, that's not even right. I spend... the first thing is... I don't want to get in trouble. I don't want to get nailed by somebody with a camera phone or by our own service, and then I have to take care of myself [emphasis]. And then I have to take care of my partner, and then the community... [Accountability] has swung so far in the other direction now. It's gotten to the point of ridiculousness; and I go to work and, like I said, I just spend my days not trying to get in trouble. People tell me fuck off, and I do. And it breeds... "Oh, I don't care. Those two guys are fighting. Alright, well, I'm not getting involved because, you know what, then something will happen. I'll break it up; break a guy's arm trying to break it up, and then they'll have SIU coming down here and they'll investigate me" (Constable A, in Campeau 2015: 681).

My analysis does not contradict the descriptors that make up the police culture ideal-type that is so prominent in criminology but rather empirically captures the contextual nuances so commonly alluded to in research disclaimers. Indeed, core features of policing such as mission-action, isolation, solidarity, and machismo seem to stand the test of time (see Loftus 2009), but findings to such effect are often followed by reminders from researchers that these characteristics waver at the individual level and across groups facing divergent roles or environments (Ingram et al 2013), that attitudes and actual behaviours are inconsistent (Waddington 1999a), and that future research should endeavour to reconcile these issues (Cockcroft 2007). Thus, what is needed is an account of the "when and where" particular sets of meanings will be linked to experience. Sociology of culture fills this gap.



## 2. Cultural Schemata and Frames

The study of schemata was once central to the fields of cognitive psychology and anthropology (d'Andrade 1995; Casson 1983; Strauss & Quinn 1997). Since then, however, much common ground has also been unearthed between sociology of culture and psychological perspectives (Cerulo 2010). Within the overlap is a shift toward emphasizing the ways in which “cultural frames or understandings may be situationally cued” (DiMaggio 1997: 265). As we will see below, schemata and frames help us understand something about culture in moments of ambiguity.

Beyond the psychological attributes of cognition, pairing culture and cognition has provided a space for theorizing the role of cognitive mechanisms in how meaning is drawn from signals embedded in a physical and social environment (Strand & Lizardo 2015). Our routine everyday cognition relies heavily upon “**cultural schemata**”: shared knowledge structures that represent objects, types of people or events and provide default assumptions about their characteristics, relationships, and entailments under conditions of incomplete information (DiMaggio 1997: 269). Schematic thinking is like “personal culture” (Lizardo 2017)—a retainer of experiences reformulated into algorithms for action that highlight parts of situations that are salient to individuals for their own behaviour and for how they make sense of the world. Repeated embodied (i.e., perceptual, sensorimotor, interactional) experiences lead to neural associations that are stored in long-term memory. People then perceive future events in ways that are consistent with the existing schemata they trigger. Cultural schemata do not operate solely through the unconscious as cognitive construct; rather, they are capable also of motivating behaviour with strategic purpose (d'Andrade 1995; Vaisey 2009). The framework of cultural schemata thus explains how culture is absorbed by individuals moment to moment and then put back into the social world via action.

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For instance, Brubaker et al (2004) have studied how schematic thinking informs people's classifications of ethnicity, race, and nationhood, as well as the categorical boundaries these impose onto the world. They have defined schemata as "templates for representing and organizing social knowledge, frames for articulating social comparisons and explanations, and filters that shape what is noticed or unnoticed, relevant or irrelevant, remembered or forgotten" (Brubaker et al 2004: 47). Therefore, "ethnicity as cognition," they argue, means humans rapidly perceive differences in appearance as being important, imbuing physical traits with deep meaning and producing inferences about groups of people. Indeed, Brubaker et al (2004) have noted that schematic thinking goes beyond mere perception to "interpret experience, general inferences and expectations, and organize action" (41). They have not suggested that racial prejudice is inevitable but rather that people routinely "identify persons, actions, threats, problems, opportunities, obligations, loyalties, interests and so on in racial, ethnic, or national terms rather than in terms of some other interpretive scheme" (Brubaker et al 2004: 37). For example, we do this when we explain voting patterns in terms of racial or ethnic loyalties; when we identify an expression as an ethnic slur; when we analyze certain forms of collective action or social movements: "in these and innumerable other situations, we make cognitive assumptions about the way in which people parse, frame, and interpret their experience" (Brubaker et al 2004: 37). Moreover, the authors have pointed briefly to the relevance of this for how schemata inform police "racial profiling," particularly in moments marked by ambiguity.

The study of cultural schemata is useful for examining frontline work in law enforcement because police officers are required to work under conditions of uncertainty and assess complex and unpredictable situations before taking rapid action. To be sure, police studies have grappled with similar ideas, using a variety of descriptors to denote what that literature has called a police

“sixth sense.” “Intuition” (Bittner 1972; Pinizzotto et al 2004), “suspicion” (Crank 2003; Skolnick 1994), and “common sense” (McNulty 1994; Van Maanen 1974) represent a few other terms used to specify a tacit knowledge said to heighten an officer’s sensitivity to danger and strengthen one’s ability to identify wrongdoers.

Analyzing a so-called police “sixth sense” as a cultural schema has the potential to bring the study of tacit knowledge forms in policing under a single unifying theory. A growing body of police research also focuses on the development of automatic cognition for defensive response through repetition in tactical training, as well as increased use of “implicit bias” tools to limit discrimination, especially racial profiling, in policing. However, a key limitation of these approaches to studying schemata (mainly through experimental design) is the inability to capture significant complexities brought on by the real-world personal interactions and settings in which schemata are activated. These works, while valuable to the field of law enforcement do not explicitly address the *cultural* relevance of such cognitive adaptations.

Wood et al (2018) have offered a useful distinction between schemata and **frames** that can help policing scholars apply these concepts in their efforts to better understand how culture informs officer behaviour. The authors have defined a frame as “a situated assemblage of material objects capable of activating schemas” (Wood et al 2018: 246). In short, if schemata are about personal culture (internal cognitive process), then frames are the public culture (external; situational or material) that evokes schemata. Frames can include physical objects and settings, as well as sounds, human and nonhuman bodies, texts, and conversations. Applied to policing, we can look to the ways frames evoke schemata in the course of routine patrol. Crank (2004) has argued that in each interaction with the public, police officers observe possible indicators of criminality in a person’s dress, overt behaviour, and subtleties in physical comportment, as well

as in the immediate surroundings. Such cues signal either conformity or a distinction worth investigating further—that something is “out of place” (Çankaya 2020). Over time, such observations become “perceptual shorthand” (Weenink 2009: 222) for suspiciousness, and repeated use thereof is passed on through the rank and file as “common sense.” A dark alleyway in a high-crime neighbourhood activates a set of schemata different than those activated by a suburban cul-de-sac, and the indisputable existence of systemic racism throughout the criminal justice system suggests that a young Black or Indigenous male will activate different schemata than a middle-aged white woman. For this very reason, Crank (2004) has argued that racism is entrenched within the culture of policing, not necessarily because each individual officer is importing overtly racist attitudes (though some are) but because there are cultural forces at work—or to employ the language of cultural sociology, cultural resources being used—that normalize discriminatory practices (see also Brown & van Eijk 2021).

### 3. Boundaries

Another key “ingredient” of culture that social scientists study—one that Durkheim (1965) invoked in *The Elementary Forms of Religious Life*—is “boundaries.” Durkheim contrasted the realm of “the sacred” to that of “the profane” to denote basic categories humans create to organize their world. The underlying notion here is that culture is always both inclusive and exclusive, and boundaries are the mechanism through which categories are formed and maintained. In cultural sociology, this conceptual process is referred to as “**boundary work**.” Specifically, boundary work refers to the classifications that individuals and groups construct to demarcate themselves from others in order to gain resources and legitimacy (Lamont 1992).

For example, in *The Dignity of Working Men*, Lamont (2000) has examined the operation of “boundary work” in the worlds inhabited by working class men in France and the United

States in the early nineties. Through in-depth interviews, she discovered how men perceived social hierarchy and “construct similarities and differences between themselves and other groups” (2000: 3). The main concern for these men was sustaining “moral order” in their lives, which white male workers achieve by emphasizing their “disciplined self” and African-American male workers accomplish by crystallizing their “caring self.” By carving out their own sense of self-worth in relation to others, white and black working men establish boundaries that differentiate them from others who they classify as “lower” on the morality scale: the “disciplined self” stresses an individualistic altruism, while the “caring self” focuses on collective dimensions of virtue, like solidarity and egalitarianism (Lamont 2000). According to the black workers in Lamont’s study, white men are selfish, sneaky, and not family-oriented enough; and according to the white workers, black men are not self-sufficient and often lazy (Lamont 2000).

The question of how individuals establish conceptual divides among themselves has become important for sociologists interested in social and collective identity; class, ethnic/racial, and gender/sex inequality; the professions, knowledge, and science; nationhood/citizenship; and spatial boundaries.<sup>6</sup> In this effort, Lamont and Molnár (2002) have drawn an important distinction between “symbolic boundaries,” which take on a conceptual, metaphoric, or subjective form, and a material, objective form they call “social boundaries.” Symbolic boundaries are “conceptual distinctions made by social actors to categorize objects, people, practices, and even time and space... [T]hey are tools by which individuals and groups struggle over and come to agree upon definitions of reality” (2002: 168). Durkheim’s (1965) distinction between the sacred and profane, or working men equating moral character with self-discipline to

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<sup>6</sup> Lamont & Molnár (2002) have provided a comprehensive review of the study of boundaries in the social sciences.

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demarcate oneself from those who are “lazy” (Lamont 2000) fall within this category. Social boundaries, on the other hand, “are objectified forms of social differences manifested in unequal access to and distribution of resources and social opportunities” (Lamont 2002: 168). Symbolic boundaries can become so firmly agreed upon that they can “solidify,” becoming socially ingrained, and in turn begin to constrain social interaction along very exclusionary patterns (Lamont & Molnár 2002). Among the most glaring examples of solidified boundaries on a structural scale is racially segregated neighbourhoods.

This conceptual framework further provides a space to consider variation. After decades of research on how “working men” construct a sense of self, define cultural membership, and draw boundaries in their communities, Lamont’s findings support the notion that no singular, all-encompassing way of life or culture shapes people’s actions (Lamont 1992; Lamont 2000). Rather, certain cultural patterns of self-identification are simply more prominent in one setting than in another, thereby underscoring the fact that individual agency is circumscribed by boundaries as well as by the differentially structured contexts in which people live. One could argue that, in light of so much emphasis on the persistent and insular nature of “police culture,” the institution of policing is a setting where such cultural patterns are especially prominent. In other words, the individual agency of a police officer is heavily circumscribed by their occupation; they hold unique powers relative to other kinds of public service, their authority within the workplace is constrained (or enabled) by rank-based classifications; and the field is historically and presently dominated by a single demographic group (white men). Indeed, boundaries are highly relevant in spaces and relationships where lines of division create power imbalance and where people have a vested interest in competing for material resources (e.g., promotion) and symbolic resources (e.g., status).

“Boundary work” is a concept that has rarely been explicitly applied to policing—an institution that has nonetheless long been associated with boundary-related metaphors in popular culture and scholarly literature. For example, the “thin blue line,” the “blue wall,” “brotherhood,” and the “us-versus-them” mentality all denote the boundaries between police and a posited ordinary public. By applying the theoretical construct of boundary work to policing, we may better grasp how officers maintain distinctions between themselves and “outsiders,” which may include the public, stakeholders in other public-sector agencies, or those within their own ranks who do not qualify to meaningfully participate in the so-called brotherhood. In each of these cases, which are examined below, these may also reflect symbolic boundaries crystallized into social boundaries.

#### *A. Boundaries between the Police and the Public*

The idea that police erect boundaries to distance themselves from members of the public is documented in some of the oldest police literature, highlighting the isolating nature of the occupation (VanMaanen 1974; Westley 1970). Skolnick (1966) described “an exceptionally strong tendency to find [the policeman’s] social identity within his occupational milieu” (52). Specifically, it is said that the coercive authority granted to officers promotes a divide between them and the people they police, friend or foe. In fact, my own field work has revealed that patrol officers even use designations like “anti-police” or “friendly” to describe certain known residents who have criminal records and include these qualifiers in their report notes to alert coworkers who will encounter them again in the future. The need to “keep the edge” over citizens prompts suspiciousness and a tendency to mistrust (Manning 1995).

Furthermore, it has been shown that officers generally do not believe that any outsider can assist them in carrying out their duties because only sworn members can truly know what it’s

like to perform their job (Campeau 2019; Sparrow et al 1990). For example, du Pleissis et al (2020) have found that police frequently invoke a metaphor of kinship to denote those who are within and without the “blue family.” It is believed that “blueness”—a colour associated with policing—can only come from knowing the burdens of wearing a police badge (Sanders et al 2022). This mentality thus leads to police officers doing “boundary work” in their personal lives, potentially leading police to prefer the company of co-workers (Karaffa et al 2015). It also spills over into their dealings with relevant others working in the public sector, including lawyers, judges, social workers, firefighters, paramedics, municipal officials (e.g., city councillors), academic researchers, and data analysts (Sanders et al 2015). Agencies in the domain of public health and safety are especially siloed; boundary work is imposed in an official capacity through directives for stringent privacy guidelines and formal barriers to intelligence-sharing.

*B. Boundaries between the Police and “Non-members” within Their Ranks*

Boundaries are also erected by officers within their own working groups. Police studies underscore several categories of demarcation (such as those discussed above in section II), including “street cops” versus “management cops” or gender-based typecasts (e.g., “POLICEwomen” versus “policeWOMEN”; “hard-charger” versus “station-queen,” etc.). However, researchers know less about how police *themselves* articulate and engage symbolic and social boundaries in their workplace. Just as Lamont has identified morality and self-reliance as “the most salient principles of classification and identification that operate behind workers’ evaluations of worth and social hierarchies” (2000: 4), the same can be done to identify those that influence police perceptions of the institutional hierarchy in the service and officers’ beliefs about why certain members violate their normative obligations.



Elsewhere, I have examined how several axes of classification come together in a unifying framework, highlighting the role of “generational boundaries” and the distinctions that come with these (Campeau 2019). For instance, “old school” officers, as referred to by study participants, lean into this qualifier and perpetuate symbolic boundaries in ways that help preserve the status quo in policing. They emphasize the importance of “traditional” police values around paramilitarism, deference, teamwork and conformity, the dangers of entitled young people, a “tough town” mentality, and the significance of sport and camaraderie. Those holding these views are also the most critical about targeted hiring policies meant to diversify the racial, ethnic, and gender composition of police personnel. “New generation” officers, in contrast, enter a field that is marked by increasing professionalism, oversight, and diversity in officer backgrounds. As such, these individuals dismiss “old school” views and demarcate themselves from “old-minded people” who did not police the public at a time when intense scrutiny, camera phones, and social media were a pervasive part of work life. These generational boundaries are not necessarily grounded in age but are rather symbolic, sustained through the routine adoption of old and new cultural scripts available for use in the occupational field of policing (Campeau 2019).

#### **4. Other Policing Applications**

Two key studies are worth noting for the connections they build between cultural sociology and the institution of policing to help us understand officer discretion and decision-making. The first is my own work (Campeau 2018), which centers on how officers engage with formal policies and standards for police protocols. The second, by Brown and van Eijk (2021), is concerned with the role of “thought styles” in routine police–public interactions. Each is discussed below. Where the two meet is in their explicit examination of the socially embedded qualities of police work:

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how local and situational contexts interact with micro-level practices, interactions, and meaning systems. Moreover, a clear takeaway from each set of findings is that officials would be hard pressed to bring about institutional change through top-down policy, even though top-down directives are the primary avenue chosen to bring about such outcomes (Duxbury et al 2018). As the studies show, bureaucratic, policy-based imperatives are interpreted and engaged strategically, either to better reflect the cultural resources that are available to a particular group or community or to better suit what situational exigencies demand.

*A. Standards and Cultural Match: Policing is Locally Embedded*

In a study of the police in an Ontario city (anonymized as “Blueville”), I have shown how individual officers strategically use narratives about uniqueness to describe what they called “the Blueville way” (Campeau 2018). These narratives were employed by officers to perform, justify, and sustain a sense of nonconformity with political efforts to standardize provincial police services (Campeau 2018). The analysis does not focus on whether the organization is in fact unique (it is likely not) but rather aims to demonstrate how *perceptions* of uniqueness are powerful generators of culture when they are used to make sense of one’s work. I take standards themselves to be a cultural resource in order to account for the significance of **cultural match**, which refers to the congruence between a society’s formal institutions of social control and dominant cultural norms (Cornell & Kalt 2000; Swidler 2013). My findings support the idea that perceptions and practices are driven by meanings drawn from the social context in which an organization is rooted, thereby impeding full compliance with industry standards that are seen as locally incompatible or “mismatched.” The following are illustrative quotes from my analysis on: (1) the relationship between sociopolitical and economic context and the approach of officers

to interacting with Blueville residents; and (2) the enactment of the “Blueville Way” as a means of side-stepping legislation (Campeau 2018).

Economy wise, that has something to do with the way we are. It’s always been a blue-collar town, and people aren’t afraid to tell you what they think. I lived in Ottawa. I came here and got a big wake-up call! People had their mouth full of shit up there, only they wouldn’t say it. Here you’re going to get it! Coming from there and coming here, holy shit! Just the different cultures. You have to police your city the way the culture of the people is, and you take a different approach with a white-collar [city] than a blue-collar [town], and I think that’s got a lot to do with it. It has to! Say what’s on your mind and do what you got to do, right? I think people have that attitude here. It comes with the factories and that type of work (Sergeant Clayton,<sup>7</sup> in Campeau 2018: 619).

Blueville always had that blue-collar mentality . . . the autoworker. So, I think people in Blueville, for good or bad, expect that. It’s something I’ve adapted to being here. You talk to people like you’re from Blueville. It’s an unwritten understanding here, I guess. I didn’t get any of that growing up in Toronto. They’re more accepting of me being, “Hi how are ya,” like I would be talking to a friend or neighbor. I’ve worked in different areas of the city, and it doesn’t matter the socioeconomic . . . well whether it’s west end, east, or south, it seems you gotta approach people the same way. It’s more of a home-towny approach. That’s why I call it an unwritten thing. My sister [an officer in western Canada] always says that her experiences are completely different from mine. We compare notes. I think what works here in Blueville wouldn’t transfer in other cities and vice versa. If someone came here that was formal or stiff all the time, they wouldn’t be able to relate to the people of Blueville (Constable Cliff, in Campeau 2018: 618).

Having a Feeney Warrant before going to someone’s house to arrest them . . . the Blueville Way would be, “What do I need a Feeney Warrant for? I’m going to comb the street until the guy comes out; if he steps on the edge of his property, my report is not going to say that. It will say he was on the street.” You know? We have our strong-armed way of doing things (Sergeant Colleen, in Campeau 2018: 612).

Under the Criminal Code, section 31 is Breach of Peace, which is not a criminal charge; it’s a process. So, if I go to a scene and everybody is screaming and going crazy, rather than arrest you for causing disturbance, I may lock you up for Breach of Peace because it’s a one-page report, and I release you in the morning once you’ve sobered up. So, it’s a way to handle it. We use that often. Well, other [police] services very rarely use that section of the code. If they bring you in, it’s for a solid charge that’s going to court, and you have to face a judge . . . which requires a more detailed report—get statements, interview people. There’s much more involved. Well, Blueville—we’ve always done the shortcut. We’ve just done Breaches of Peace and away you go. It solves the

<sup>7</sup> Study participants are anonymized; names are pseudonyms.

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problem to some degree, and it's been tolerated here. Other agencies, they don't tolerate that (Sergeant Lauren, in Campeau 2018: 612).

My findings show that cultural match matters. The above quotes underscore how the perceived uniqueness of the Blueville Way is informed by the cultural meaning members attach to the local milieu, which in turn reproduces a fierce belief in a mismatch between their industry's standards and their own needs as a public service institution. Culture therefore serves as "the glue that holds a society's formal and informal institutions of social control and organization together," and formal institutions are most effective when closely matched with those institutions "that emanate from cultural norms" (Cornell & Kalt 2000: 453).

*B. Thought Style, Occupational Rituals, and Vulnerability: Policing Is Situationally Embedded*

Drawing on ethnographic research in a large city in the Netherlands, Brown and van Eijk (2021) have situated officer decision-making within wider policy and political discourses that encourage proactive policing and reinforce racial and ethnic profiling, despite mounting criticism of this practice. Similar to analyses of cultural schemata, the authors have examined the role of emotions, combined with more "rational-cognitive" thought styles in policing, to show how vulnerability intertwines with discretionary power in moments of uncertainty. During a stop-and-check, vulnerabilities for frontline police officers can be "informal-interactional" and/or "formal-procedural" in nature. Informal-interactional vulnerabilities refer to interpersonal risks that tend to arise with members of the public in contentious moments. Examples include losing authority, facing heightened aggression, or even violence. Vulnerabilities that are formal-procedural, in contrast, include official accountability frameworks that can initiate disciplinary measures, rendering the officer vulnerable to sanctions or job loss (Brown & van Eijk 2021: 705).

Brown and van Eijk (2021) have found that though emotional “gut feelings” frequently prompt officers to take action, intuition is not recognized as legitimate decision-making logic within the legal system. Police therefore engage in what officers refer to as “plussing,” whereby they “back” their hunches using more “formal-rational reasoning.” Plussing is especially common in response to formal-procedural forms of vulnerability. The four categories of rationalizations during and after a stop have been identified by Brown and van Eijk as: location; appearance (age, behaviour, attire, race/ethnicity, etc.); transportation (bike, scooter, car, walking); and timing (Brown & van Eijk 2021: 701). Rationalized thought styles are then legitimized through organizational rituals that perpetuate the use of such categories and the stereotypes they inevitably reinforce. Rituals include briefing meetings, storytelling among colleagues, training, and courtroom processes of evidence testimony. The following are officer quotes from Brown and van Eijk (2021) that demonstrate (1) the shift from hunch to more reason-oriented justification (i.e., plussing) and (2) organizational rituals that support such plussing.

Well, it’s difficult. You just know when something is not right. Last week, I was working in the middle of the night. I was driving in a neighbourhood, and I see a youngster with a hoody hanging on a porch, my gut feeling is the first to respond. Why would a youngster be hanging on a porch in the middle of the night? But I try to stay objective by plussing. Maybe he is walking his dog? No, he doesn’t have a dog. Maybe his grandma is sick, and he is helping her? No, because there are no seniors living in this neighbourhood. Ok, well, maybe he is lost? No, because when you are lost, you go to a big street instead of hanging on a porch. Ok, well what kind of neighbourhood is this? Oh, there have been a lot of robberies in the last month. Check, check, check. Well, and then I just walk up to him, and I start asking him questions (Officer, “male, white-Dutch, age-30s,” in Brown and van Eijk 2021: 699).

You might want to have a look at our arrest board. In these briefings, we get endless lists of foreign names that our team manager can hardly pronounce... when you continually hear these foreign names from North-African descent, you become used to it, you just start linking that group of people to criminal activity (Woman, “white-Dutch, age-30s,” in Brown and van Eijk 2021: 704).

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I always act according to the Road Traffic Act. It just saves me a lot of trouble, so it's just easier. Because when you stop someone without a specific reason, you hear: it's because I'm [Dutch] Moroccan or [Dutch] Turkish or whatever. But when you act according to the Road Traffic Act, you can just say: "No, I'm stopping you because you aren't wearing your seatbelt." It gives you the immediate right to ask for somebody's ID (Male, "white-Dutch, age-30s," in Brown and van Eijk 2021: 702)

The above studies underscore the embeddedness of police culture: how police officers use it is both locally entrenched and situationally rooted. Such findings echo Chan's (1997) earlier research on a failed attempt to bring about reform to the New South Wales Police in the early 1990s. Her work has focused specifically on attempts to change discriminatory police–minority interactions, which, despite sweeping reforms initiated by then Commissioner John Avery, had seemingly no effect. For eight years, reformers strived to cultivate professionalism, redesigned the command structure, revamped recruitment standards, and implemented a community policing model. While the reforms did alter some aspects of organizational routines and police operations, the target problem of racism in policing was largely untouched (Chan 1997). To account for this failure, Chan has described police culture as residing within a “field, that is, the social, economic, legal and political sites in which policing takes place” (1997: 92). She has argued that efforts to modify police social dispositions may influence police performance, but only if the structural condition in which it functions (i.e., the field) has also changed in a way that reinforces new dispositions. In this case, change to the health of police–minority relations in NSW could not be achieved under a government pushing a law-and-order agenda, whereby heavy political interference obscured the responsibilities of leaders, gutted or reversed some measures entirely, and continued to emphasize crime reduction above all. Chan (2007) has argued, “These messages helped frame and define the meaning of reforms; they provided the cues and labels that rank-and-file officers could draw upon for making sense of organizational changes” (334). Police actors are thus at the centre of Chan's model: they are

active interpreters of their world, using their cultural knowledge to navigate their structural condition and to produce and modify their practice.

#### **IV. Organizational Sociology**

There is significant overlap between the work of cultural sociologists and those studying culture through the lens of organizational sociology or organizational behaviour studies. However, distinction can be drawn in order to carry out more bounded analyses of specific organizational forms—associations, universities, corporations, and any other organized body of people with a common purpose. The idea that “culture trumps” in organizations is an old one. Author and management consultant Peter Drucker is famously credited for the phrase “Culture eats strategy for breakfast” (Engel 2018). While there are certainly exceptions to the rule, the key takeaway from such pronouncements is that organizations should never leave culture unattended when making plans. In 2015, the Interim Report of the US President’s Task Force on 21st Century Policing included a similar adage more suitable to a government-based institution: “Organizational culture eats policy for lunch” (President’s Task Force 2015: 10). This section reviews literature that focuses on culture in organizational environments and is particularly relevant for questions about “stasis and change” and thus about organizational reform.

Though organizations experience moments of transition or instability, organizational structures are broadly subject to strong inertial forces (Carrillo & Gromb 2007; Dimaggio & Powell 1983). This means that organizations and their members react slowly to both opportunities and threats in their environments. Furthermore, organizational structures and cultures are reproduced through institutionalization, a process that occurs when social processes, obligations, routines, or structures come to take on a “rule-like” status (Meyer & Rowan 1977; Zucker 1977). Organizational sociologists have uncovered several features of organizational life

that sustain this process, which usually promotes stasis over change. This area of research is vast, but this section reviews a few of the concepts that are closely tied to culture or that have been mobilized to make sense of organizational “culture” (in some cases, police culture specifically). These include institutional logics, institutional myths, and decoupling.

### 1. Institutional Logics

“**Institutional logics**,” first described by Friedland and Alford (1991), are a set of “material practices and symbolic constructions which constitute the organizing principles [of the institution] and which are available to organizations and individuals to elaborate” (248). They are historically patterned, offer generalized rules that dictate appropriate practices in specific circumstances, inform vocabularies, provide meaning to daily activity, and even organize time and space (Thornton et al 2012).

Institutional complexity means that it is not uncommon for a public sector organization (e.g., a university, government, or police service) to “confront incompatible prescriptions from multiple institutional logics” (Greenwood et al 2011: 317). For example, a university may honour discovery, critical thought, autonomy, and learning for learning’s sake, but its management and day-to-day functioning may also be heavily imbued with corporate language about providing quality service and experience to consumers, and it may face rising political pressure to measure outputs and meet performance indicators, to which funding and limited resources are tied. Vaughan’s case study on NASA’s Challenger launch decision is particularly useful for assessing conflicting cultural patterns around “sudden” and critical disruptions, both pre- and post-event—in this case, an avoidable space shuttle explosion that resulted in seven fatalities. Vaughan (2002) has argued that a reliable relationship exists between organizations and the material and cognitive resources in which their component actors engage. At NASA, this



means that engineers and administrators could disregard the many warning signs they encountered because “objection to launch” defied the institutional logic of the organization, which promoted the doctrine of “acceptable risk” and a “culture of productivity” (Vaughan 1996).

Terpstra et al (2019) have similarly argued that conflict between institutional logics plays a significant role in change and continuity within policing. They have used the framework of competing logics to explain the fate of “community policing” in the Netherlands, though the findings resonate too for North American policing, where community policing generally remains a “half-baked” approach to law enforcement in practice (Leighton 1991; Skogan 2004; Wood et al 2004; Zhao et al 2003). Specifically, Terpstra et al (2019) have identified the most prominent aspects of the work of community officers, which includes “knowing, and being known,” cultivating long-term rapport, and building trust. The logic of community policing thus appears fundamentally to collide with the “core business” of law enforcement, namely crime-fighting (Terpstra & Salet 2019). The philosophy of community policing is viewed as having deviated from this focal concern, redirecting officers from “real police work” in favour of a “soft” approach to crime control (Terpstra et al 2019). These findings are reminiscent of the distinction made by Herbert (2001) between “hard chargers” in policing, who prefer “chasing bad guys,” and the demeaned, feminized “station queens,” who do the work of community consultation (see section II.2.E. above). Law enforcement in its “purest” form (i.e. crime-fighting) is more consistent with the militaristic and masculine ethos of traditional police culture values. However, another more recent conflict has emerged, not just among the police but across several public sector institutions: the increasing influence of standardized and quantitative measures and targets. This shift ousts the more communicative aspects of community policing and its emphasis

on more tacit forms of knowledge, which are more difficult to appraise (Terpstra 2008). Such findings parallel the account above regarding the “Blueville Way” and the perceived cultural (mis)match brought forth by efforts to standardize policing initiatives (Campeau 2018).

Competing institutional logics within policing can also be detected since calls to “defund police” have become louder and the push to reform has strengthened. Pressure is mounting for municipal leaders to focus more on community health and wellbeing broadly over crime and law enforcement. This has prompted innovative thinking on the part of some police administrators to incorporate external stakeholders and the solutions they can marshal directly into the fold of their organizations, with the goal of combining skills and resources through a multi-agency approach. For example, Edmonton Police Chief Dale McFee announced the launch of the Community Solutions Accelerator (CSA) in 2020, a community hub that supports projects using data from a variety of sources, not just crime intelligence (Gibson & Pratap 2020). The aim is to develop solutions for several social problems (including addiction, homelessness, and mental health issues), many of which are precursors to crime. Whether the institutional logic of “traditional” law enforcement will undermine those that prevail in institutions of health, education, and social welfare remains to be seen, but this initiative is an example of multiple institutional logics being addressed directly in order to help them coalesce rather than collide. As Scott et al (2000) have argued, institutional logics do not operate in isolation and must be examined in relation to the relevant institutional actors, their relations of power, and the structures of governance around them.

## 2. Institutional Myths

A close cousin of institutional logics is the **institutional myth**. These are widespread understandings of social reality that possess an intrinsic quality of “truth” about them, even if

inaccurate or unfounded; and they are often used to justify ways of doing things, regardless of whether those ways are (objectively) the best or most efficient (Meyer & Rowan 1977).

Researchers have observed how “myths become incarnate” in organizations (Hallet 2010: 52) by examining how they are propelled by individual actors through their social interactions and articulation of interests. Institutional myths operate in both formal and informal senses. Their formal adaptation is the official blueprint of an organization’s explicit mandate, technologies, policies, procedures, as well as its network of offices, departments, and programs. These are highly rationalized, bureaucratic, public, and impersonal; and they provide sources of legitimation. Conversely, informally coordinated commitments are employed “backstage” to manage everyday routines and relationships according to preferred methods. However, a well-known truth about organizations is that formal and informal arrangements are only loosely linked to one another: rules are often violated, decisions and programs go unimplemented, and evaluation systems are compromised (Meyer & Rowan 1977). Given this gap between formal structures and actual workplace behaviours, in practice, organizations often adopt formally institutionalized myths *ceremonially*: they merely “perform” various ritual activities to validate their “social fitness” among external institutional constituents, thereby securing their legitimacy.

In the context of policing, executive leadership and senior administrators actively engage in myth-building in order to demonstrate that they indeed look like and function as a police department (Crank & Langworthy 1992). This myth-building preserves the legitimacy of their organization in the broader community of relevant actors, which, for policing, includes (among others) police associations, oversight bodies, the media, courts, and city councils. Examples of ceremonially adopted myths identified in policing research include the integration of a “community policing” model (Mastrofski & Uchida 1996), recruitment tactics that target

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minority groups (e.g., “open houses”), and internal reviews for police conduct (Crank 2003). Myth-building signals their compliance with external expectations, even though studies show these are more accurately described as performed rituals (i.e., ceremony) rather than understood as entrenched, consistent practices in the day-to-day operations of the organization.

Schaap’s (2021) work has revealed that several of the police trust-building strategies implemented across Europe (England and Wales; Denmark; Netherlands) are propelled more by rationalized myths than by policy-driven imperatives based on sound evidentiary support. For example, following sweeping police reform that led to a restructured and amalgamated National Police in the Netherlands in 2013, a key trust-building strategy was the promotion of a “service model” for policing. One way that ministers secured buy-in for this model from regional police practitioners was through a rationalized myth about the nature of trust in the police–public relationship—namely, that public satisfaction is at the root of trust.<sup>8</sup> Where police studies emphasize trust through delivery of outcomes (e.g., reducing crime), or where criminology roots trust in fair police–citizen interactions (i.e., procedural justice; see Tyler 2004), the service model decenters these concerns in favour of a “customer satisfaction” logic (Cordner 2014; Eck & Rosenbaum 1994; Leighton 1991; Reisig & Giacomazzi 1998). The relationship is thereby reframed: citizens who are “satisfied” with police “services” will trust the police. According to Schaap,

Strategies are often characterised by good intentions, but also by wrong assumptions, selective blindness, and communication errors. An observed lack of public trust in the police is only one factor that shapes police trust-building strategies. Improving public trust and legitimacy, then, is not a matter of

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<sup>8</sup> Schaap (2021) has not specified the precise mechanisms through which this myth was cultivated. However, the author has provided examples of strategies that invoke the satisfaction-is-trust rationale. These include wider use of social media and instant messaging platforms (Twitter, Facebook, WhatsApp, etc.) for crime reporting and first response, as well as a mandatory feedback policy, whereby victims or crime reporters can learn about the status of cases. These strategies assume that members of the public evaluate police service in the same way they would that of any commercial actor.

pushing the “right” buttons on a metaphorical policy dashboard. Trust-building strategies, while goal-oriented, are multi-layered practices that also carry important symbolic implications beyond trust (Schaap 2021: 317).

Again, whether such reforms are de facto trust-generating is unknown, and even disputed. For instance, Terpstra et al (2019) have matched core features of a service model in the Netherlands and Scotland with the birth of an “abstract police”—dis-embedded police organizations that are distant from the community.

Whereas Schaap (2021) has situated strategic use of myths within the context of large-scale restructuring and police reform, I have drawn on research about formal and informal institutional myths in order to account for **cultural inertia** in policing (Campeau 2019). Cultural inertia is a reluctance to adapt to shifting environmental conditions (Carrillo & Gromb 2007). Cultural inertia has remained a feature of policing despite the widespread change that has characterized North American policing over the last three decades (including changing personnel demographics, introduction of accountability mechanisms, and new hiring and promotion policies). In preserving certain institutional myths, highly ranked officers display to outsiders their “social fitness” as members of a progressive police department while simultaneously maintaining the status quo within the organizations (Campeau 2019). For instance, in discussing the demographics of their police service, officers I spoke with clearly articulated defence or criticism of the reigning myths surrounding diversity recruitment. Morally driven ideas about police officers who did not get their jobs “on their own merit” strongly endorse informally institutionalized myths about “the team” as paramount, thereby justifying practices that continue to favour white male officers:

Fortunately, I’m from the old school, where you have the best for the job. Purple, green, female, male—whatever. Over time we’ve seen that it’s backfired on them because they haven’t hired the best person for the job. They hired based on race. “Okay, we need an Indian officer, a Chinese officer,” whatever, and they aren’t the best officer on the job, and that gets exposed when they

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come here because your true colours come out... Either you're meant to do this job or not... I think years ago they hired more based on: you play team sports and you get it. That always really transferred well into the police service. Now they're hiring people for the wrong reasons, and it doesn't transfer well over here... and that kind of hurts everybody. It puts my life in danger, other people's lives in danger, and it causes low morale (Constable Aiden, in Campeau 2019: 75–76).

But other officers in my study were more critical, arguing that the service is not only failing in hiring minorities but is blatantly uninterested in doing so:

Our senior guys [are] huge white men over 5'10", so when they look around the table they see their like image, orientation and history. When they go out to recruit, that tall white male is not representative of the person you're talking to in the audience. The person in the audience, if they're a visible minority or a woman, looks up and goes, "I'm not 5'10". I'm not a white male. This guy tells me he wants me. Who is around here that looks like me that's in any position at all? None. Well, I guess it's pretty clear that they don't want me, and it's window dressing," right? So that's what this place's problem is. They are not trying hard enough, and that's the bottom line. If they wanted them, they'd get them (Constable Mark, in Campeau 2019: 76).

Mark's comments highlight the ceremonial quality of formally institutionalized myths, whereby a modern police organization is expected to engage in operational strategies such as "open houses" to recruit diverse applicants (see also Cashmore 2002). However, exclusionary practices that lead to an entirely white male administration act not only as impediments to even genuine efforts to diversify but also as the impetus for old-school ideas to continue thriving.

### 3. Decoupling and Loose Coupling

What logics and myths have in common is what plagues efforts to bring about change to their dominance. Research that underscores inertial forces in organizations shows that once routines become institutionalized, arrangements come to be defended along moral and political lines rather than technical ones (Hannan & Freeman 1984). For this reason, "because we've always done it this way" can be enough justification to continue a practice, regardless of whether it complies with standard operating procedures or formal rules, and even if it is objectively inferior

to alternative approaches. This is what has come to be known as “**decoupling**”—a key term in organizational sociology. Decoupling, which is invoked by social scientists to characterize situations in which formal policies or structures are disconnected from substantive practices (Bromley & Powell 2012), is often the root cause of failure when organizations initiate sweeping change through top-down policy reform alone. For example, decoupling appears prominently in the literature on international human rights. It has become nearly impossible for countries to ignore human rights norms because they have become so highly legitimated on the global stage (Hafner-Burton et al 2008). However, what we see is that “repressive countries routinely join, but rarely implement, human rights treaties” (Cole & Ramirez 2013: 702).

Johnson and Vaughn (2016) have drawn on the concept of decoupling to understand organizational failures in policing. “Decoupling can be initiated by street-level officers ... and practical organizational members as an attempt to maintain autonomy and a differing culture. Conversely, decoupling can be initiated by the administration in an attempt at self-preservation” (Johnson & Vaughn 2016: 162) to insulate themselves from rogue sub-units or deviant members.<sup>9</sup> They suggest therefore that “police organizations function optimally in a *loosely coupled* state” (158, emphasis added), and it is when police departments slip into decoupled states that organizational crisis is most likely. “Loose coupling” is when sub-units in organizations, such as patrol in law enforcement, share similar ambitions to the parent organization (i.e., the police service) and maintain a degree of responsiveness but also retain a level of autonomy and distinctiveness to remain semi-independent to the organization at large (Orton & Weick 1990). Johnson and Vaughn (2016) have argued that this model is healthy and

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<sup>9</sup> Punch & Gilmour (2010) have described such attempts at self-preservation through the defensive metaphor of “bad apples” in police organizations, which “conveys an image of a few reprehensible individuals who, if removed, will no longer contaminate the otherwise healthy apples” (11).

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functional in criminal justice institutions because a certain amount of discretion must be delegated to line staff, and in the case of policing, there is substantial devolution of authority granted to frontline officers. Given the significant powers handed down the hierarchy to patrol divisions, including the exclusive right to apply non-negotiable coercive force and to detain individuals, a certain amount of oversight by the administration is critical. Proper oversight and a degree of responsiveness between police leaders and sub-units secures a connection to “the values of the parent organization with respect to policy, procedure and identity” (Johnson & Vaughn 2016: 164).

However, what we often see in empirical examinations of policing, like those discussed above on institutional logics and myths, is that even loose coupling leads to reform failure in policing. Others have studied this phenomenon through the case of community policing. For example, Zhao et al (2003) have documented a clear disconnect between the ideal implementation of community policing and its practical application (see also Burruss & Giblin 2014; Maguire & Katz 2002). Even when community policing became a broadly diffused innovation across North America and even though police leaders advertised their mission through the language of community policing’s principles, functional priorities and outputs remained largely unchanged in their focus on crime-fighting (Zhao et al 2003).

DeValve (2020) has also applied the concept of decoupling to the institution of policing to describe the scant reforms to come out of the “defund police” movement, despite the movement’s global reach. He has argued that police administrators prize legitimacy over authentic trust. This results in deep decoupling, as street-level officers operate counter to the interests of the communities they serve (e.g., with violence, racial and ethnic profiling), despite stated organizational goals of community service and protection:



[T]he cleaved and cratered topography of the policing environment, marked by deep decoupling in justice practice generally, the charged field of multivalent demands on police, and the enhancement of extant myths related to the purpose of police and the nature of justice have all resulted in the enemization of citizens and the fortification of organizational boundaries that have in turn resulted in violent conflicts wholly inconsistent with the continuation of the American police institution as such (DeValve 2020: 139).

#### 4. Exceptions to the Rule?

Despite strong pulls towards preserving the status quo, organizations of all kinds do experience change, particularly in response to new pressures. The extent to which the following examples relate specifically to *culture* varies, but they are useful case studies for theorizing about organizational culture reform in the field of policing.<sup>10</sup>

One way change occurs is through newcomers. Dezalay (1990) has studied legal fields and the deregulation of capital markets, concluding that the arrival of new financially savvy players can accelerate the breakdown of the “old legal order,” making both “possible and urgent the construction of new norms” (283). Espeland (1998) has also highlighted the impact of newcomers, explaining how “new guard” bureaucrats used science and environmental impact projects to decenter the “old guard” engineering ethos, ultimately resulting in the halt of construction plans for the Orme Dam in the American Southwest. Espeland’s book *The Struggle for Water* thus documents a case of *recoupling* (see also Hallet 2010), whereby once decoupled decision-making processes become recoupled as part of technical, instrumental, and rational frameworks.

In my own findings relating to newcomers, I have noted cultural inertia in organizations (Campeau 2019), though this is not the same thing as absolute stasis. Use of the term “inertia” is

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<sup>10</sup> My attempts to uncover documented examples of police organizations that deliberately pursued reform to their “culture” in order to better align with their organizational strategy proved unsuccessful. Such cases tend to be discovered through anecdotal evidence rather than empirical investigation. One hopeful exception is a doctoral dissertation project that is currently underway at the University of Alberta.

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deliberate. In physics, an object in motion will continue to move in its current direction and velocity until some force interrupts this momentum. Narratives of frustration in policing reform can mask the slow but real changes brought about by demographic shifts in police personnel (Campeau 2019). For instance, one of the most powerfully incarnate myths among officers wielding old-school cultural scripts is that solidarity (“team,” “family,” “cohesiveness”) is paramount. However, old-school officers now address this subject in a clearly defensive manner: diversity recruitment leads to “unreliable” officers, and higher education leads to entitlement and the questioning authority (Campeau 2019). In other words, their concerns showcase the myth’s vulnerability, not its durability. In an era of that demands diverse, more educated officers and a police occupation marked by increasing professionalism and accountability, the deployment of such myths can be read as a sign of cultural change (Campeau 2019). Natural generational turnover can influence such change. Establishing an organizational hierarchy structure that disrupts the distribution of power and the paramilitary lock-step path upward in police departments can also be a means for change, so that newcomers are not systematically relegated to the bottom. One possibility is to emphasize and reward expertise over pure seniority.

Another factor that can ignite organizational change is an external prompt from a governance structure. In the hospital sector, Kellogg (2009) has studied new work schedule regulations in US teaching hospitals. Though pressure to change was externally rooted in new directives for medical professionals (and thus susceptible to loose coupling), it was a strategic reallocation of human resources that secured the desired shift. Kellogg has found that a “cross-position collective” between middle managers and subordinate employees can challenge status quo defenders. When interns were paired with reform-minded chiefs and residents, views

associated with the decision to sign out shifted from “I must be the first here and last to leave” to “the rules require me to leave the hospital” (Kellogg 2009).

In the education sector, Sauder and Espeland (2009) have shown how the introduction and subsequent growth in popularity of school-ranking systems have influenced how administrators in law schools think about their institution and make decisions. They argue that rankings, as commensurate, relative, and broadly circulating measures, are more difficult to resist than are other types of external pressures, and they have thus been particularly generative in the world of education. Like in Kellogg’s (2009) study, the impetus for change stemmed from outside the institution itself but acts upon individual members’ sensemaking. Sauder and Espeland (2009) have marshalled Foucault’s insights about surveillance and the “disciplinary power” of the internalized gaze to capture the affective process that mediates how school administrators—many of whom are also educators—respond to environmental pressures. There are cognitive and normative implications with widely disseminated rankings in a competitive field: rankings produce anxiety and evoke a desire to better one’s position. Put simply, they argue that “law schools’ reactions to rankings are best understood as the evolving responses of an assortment of actors who struggle to reconcile their sense of themselves as professional educators with an imposed market-based logic of accountability” (Sauder & Espeland 2009: 66). Concerned that other schools are exercising the evaluative model to rank highly and to boost the reputation of the institution and its professional members, administrators act accordingly. The result, in this case, is that practices have been tightly coupled with formal organizational structures.

## V. Final Remarks

A review of literature in the disciplines of criminology and police studies, sociology of culture, and organizational sociology yields one clear conclusion about “police culture”: *inaugurating cultural change that sticks means focusing on people*. No matter the catalyst for change—new legislation or policy, transfer of leadership, social movements, crisis—people matter most. Ultimately, how people make sense of things, be it their work, their position relative to others, what is rewarded, what is devalued, etc., will impact how efforts toward change are absorbed, buffered, or refracted entirely.

Importantly, how people draw meaning is always anchored within particular institutional constraints, and this report conceives of culture as a “resource” that serves as the interpretive link between external social structures and subjective experiences. This approach is useful for studying policing specifically but also public-oriented institutions in general, which are particularly subject to social, political, and economic shifts. In other words, aligning the concept of police culture with the theoretical framework of culture allows researchers to embed policing socially and historically, thereby carving a space to account for a changing environment wherever such change may be impactful on institutional life. For example, Canadian police departments are adapting to calls for greater diversity in recruitment to reflect increasingly multiethnic city demographics, pursuing more community-based initiatives (Leighton 1991), adhering to more stringent training and evidentiary standards (Council of Canadian Academies 2014), and experiencing unprecedented levels of public oversight and mediatization (Campeau 2015; Goldsmith 2010; Pagliaro 2013). Some change is slow, such as the integration of women into police ranks, while some change occurs quickly or abruptly, like when legal decisions alter police procedure or when an organizational “crisis” occurs (e.g., officer death, scandal, etc.). But

no matter the pace of change, we can adopt conceptual tools like those described throughout this report to decipher how meaning is produced by police officers to make sense of occupational life. “The act of ‘making sense’ creates (‘enacts’) the environment people face” (Chan 2007: 326).

Organizations that do risky or contentious work are constantly implementing policy and taking action under conditions of uncertainty or turmoil, and the work of the Mass Casualty Commission as it relates to policing and reform sheds rigorous light on this very fact. Increased visibility and stringent mechanisms of oversight for law enforcement mean that police officer decisions—not just corruption, misconduct, and mistakes—are scrutinized more than ever. And when police do wrong, “police culture” is quickly denounced. However, a clear paradox arises when one considers the usual response to such criticism—namely reforms that focus on misconduct or error-reducing measures for individual officers and specific decision-making situations. Examples include advanced incident response training, better de-escalation techniques, less lethal weaponry, or body cameras. However, research that focuses on culture specifically suggests that if cultural change is the objective, greater concentration must be placed upon organizational systems, internal relations, and the local settings in which members do their work, because these serve as institutional constraints under which meaning is negotiated and culture is wielded by members.

With this in mind, we can recalibrate our thinking about “police culture” and ask ourselves not whether police culture is “good” or “bad” but rather “which cultural resources are wielded *most* by members *and why*?” We ought to contemplate not the “resistance” of police culture acting as a *block* to transformative change but rather its “inertial forces” that are either

suitable to (and can therefore be seized) or incompatible with proposed strategies and objectives for innovative reform.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Survivors and the Aftermath of the  
Terrorist Attack on  
Utøya Island, Norway**

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**April 2022**

[masscasualtycommission.ca](http://masscasualtycommission.ca)

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## EXECUTIVE SUMMARY

This report first briefly describes the terrorist attack that targeted politically active youth on Utøya Island, Norway, on 22 July 2011. It then describes the national outreach program that was implemented in response to the attack to meet the health care needs of affected citizens. We also explain the methodology of the comprehensive longitudinal interview study designed by the Norwegian Centre of Violence and Traumatic Stress Studies (NKVTS) to explore the impact of this attack on survivors. Subsequently, we outline some potential consequences of being directly exposed to a terrorist attack and sum up our main findings on the impact of the Utøya Island attack on the health and functioning of the young survivors. We will also describe existing knowledge on the support needed by survivors and families of victims of mass casualty events. Finally, we share how the knowledge from this study can inform decision-makers providing health care services and follow-up in the aftermath of a mass casualty.

## RÉSUMÉ GÉNÉRAL

Ce rapport commence par décrire brièvement l'attaque terroriste qui a visé des jeunes politiquement actifs sur l'île d'Utøya, en Norvège, le 22 juillet 2011. Il décrit ensuite le programme national de sensibilisation qui a été mis en œuvre à la suite de cette attaque, afin de répondre aux besoins en soins de santé des citoyens touchés. Nous expliquons également la méthodologie utilisée pour l'étude longitudinale complète des survivants réalisée via des entretiens et conçue par le Norwegian Centre of Violence and Traumatic Stress Studies (NKVTS) en vue d'explorer les répercussions de cette attaque. Nous présentons ensuite certaines conséquences potentielles d'une exposition directe à une attaque terroriste et résumons nos principales conclusions sur les conséquences de l'attaque de l'île d'Utøya sur la santé et le fonctionnement des jeunes survivants. Nous verrons également les connaissances existantes en matière de soutien à apporter aux survivants et aux familles des victimes d'un accident de masse. Enfin, nous étudierons la manière dont les connaissances issues de cette étude peuvent informer les décideurs chargés de fournir les services de soins de santé et le suivi nécessaires après la survenue d'un accident de masse.

## I. THE TERRORIST ATTACK ON UTØYA ISLAND

On the 22nd of July 2011, a right-wing extremist conducted two consecutive terrorist attacks targeting the Labor Party in Norway. After having detonated a car bomb outside the government quarter in Oslo, killing nine people, injuring many, and causing immense material damage, the perpetrator moved to Utøya Island, 30 kilometers north of Oslo, where the Norwegian Labor Party was holding their annual youth summer camp. In total, 564 people were gathered on the island, mostly youths and young adults. For about one hour and twenty minutes, the perpetrator shot, killed, and wounded those he came across. 68 people were killed on Utøya Island, and 34 were hospitalized with extremely severe or life-threatening physical injuries from gunshots, of whom one died after admission to hospital (Bugge, Dyb, et al., 2017; Gaarder, Jorgensen, et al., 2012; Jorgensen, Naess, & Gaarder, 2016). Many more sustained injuries that did not require hospitalization (Bugge, Dyb, et al., 2015).

Numerous factors amplified the brutality of this attack. First, the youths were isolated on a small island of only 26 acres as the perpetrator hunted down and shot them. They all heard gunshots, and most hid or ran from the terrorist as they realized their lives were in danger. Their only chance to escape was to swim to the mainland across the cold fjord, with the risk of drowning. Second, the survivors saw dead bodies and witnessed others being injured or killed. Third, the perpetrator was extremely brutal. He often shot the victims several times, and the mortality rate was high. Since the participants of the summer camp had many friends and acquaintances on the island, most survivors lost friends and/or family members in the attack. Finally, the perpetrator was disguised as a police officer and claimed that he was sent to the island to secure the summer camp after the bombing of the Governmental quarter in Oslo. Due to the disguise, he was given permission to access the summer camp and successfully lured some victims from their hiding places. The disguise also confused victims, as not only the perpetrator but also rescuers were subsequently perceived as threatening (Filukova, Hafstad, & Jensen, 2016). For example, 28.7% of survivors developed a fear of boats as a result of thinking that the terrorist was using a boat to shoot swimmers, or that a new group of terrorists was approaching on boats. When they saw volunteers using binoculars to spot survivors or locate the terrorist, they thought they were seeing a gun. When police finally arrived at the island after 1.5 hours, not everyone looked at the officers with relief. Rather, 24.7% of the victims feared the police and/or thought they were seeing a new group of terrorists disguised as police officers. Due to the nature

of the chaotic and unresolved situation, the police approached them with weapons ready, which further escalated fear of police among the camp participants. This left many with extended fear, as they did not know whom to trust when rescuers came to their aid (Filukova, Hafstad, & Jensen, 2016).

## II. SUPPORT OFFERED AFTER THE 22ND OF JULY ATTACK

The following section briefly describes the health care system in Norway and the immediate, medium-term, and long-term support offered to survivors of the 22nd of July terrorist attack and to their families.

### 1. The Health Care System in Norway

The public health care system in Norway is organized at two administrative levels. The municipalities are responsible for primary health care, including primary somatic and psychological health care, emergency and crisis care, community-based institutional care, and community public health measures. The state is responsible for specialized health services provided by hospitals and outpatient clinics. Everyone living in Norway has the right to necessary, need-based health and social services. This right to receive adequate help also applies to refugees and other immigrants with legal residence in the country (Helsenorge, 2019). Health care is ensured through the National Insurance Scheme (*Folketrygden*), financed through an annual citizen fee (*Trygdeavgift*). As a result, necessary, hospital-based treatments for severe somatic or mental injury or illness is free for everyone, whilst primary health care is free for children up to 18 years of age and low-cost for everyone else. Preventive and health-promoting services are provided at the lowest effective care level (Lavest Effektive Omsorgsnivå, LEON) (Norwegian Psychological Association, 2008). The LEON principle is enshrined as a municipal and county municipal obligation through current legislation and in a number of public plans.

### 2. Acute Support Provided for Survivors and Their Families

Immediately after the terrorist attack on the 22nd of July, severely injured survivors and those who were hypothermic from swimming in the fjord in order to escape the perpetrator were transported to hospitals for treatment. In addition, municipal health authorities established a

## Survivors and the Aftermath of the Attack on Utøya Island

temporary emergency center at a hotel (Sundvolden) close to Utøya Island. Here, first responders, medical and psychosocial personnel, and volunteers from the community provided care and support for the more than four hundred survivors who had been evacuated from the island but did not require urgent, advanced medical treatment. First responders (health care personnel and police) and the crisis teams from the municipality provided psychosocial support according to well-known principles and standards (Bisson, Tavakoly, et al., 2010). The “five essential elements” of psychological first aid: safety, calming, self and community efficacy, connectedness, and hope (see Hobfoll, Watson, et al., 2007) were attended to.

In Norway, psychosocial crisis teams have been trained in Psychological First Aid following these principles (Brymer, Jacobs, et al., 2006). We do not know to what extent this protocol was systematically applied at the emergency center, but survivors and parents have reported that first responders and psychosocial teams made efforts to enhance the sense of safety, gave information, and helped to contact family members and friends. Meanwhile, the sense of security was challenged by rumors of multiple perpetrators or attacks that reached them from talking to peers or from postings on social media platforms. Also, bad news of casualties kept coming in. Efforts from responders and family members at the emergency center to enhance the feelings of safety, calming emotional reactions and getting accurate and updated information from reliable sources, may have helped survivors coping with acute stress reactions.

Survivors from Utøya were residents from 120 different municipalities across all nineteen counties in Norway (Kärki, 2015). They were transported back to their homes within the first days after evacuation from the island. One of the first messages from the national health authority, issued through the nineteen county governors of the municipalities, was that each municipality was expected to have a well-functioning psychosocial team to meet and accommodate the immediate needs of the returning survivors and the bereaved (Kärki, 2015).

### **3. Intermediate and Long-term Support: The National Outreach Program**

Under-treatment and high levels of unmet needs among survivors have been documented years after terror attacks (Brewin, Fuchkan, et al., 2010). Within days after the terrorist attack in Norway, county governors received feedback suggesting that survivors’ needs were not being met in the health care system. Norwegian health authorities therefore decided to develop a national plan for comprehensive psychosocial responses to advise affected municipalities on how

to organize health services and support for the directly affected families. The Norwegian Directorate of Health called upon trauma experts from the Norwegian Center for Violence and Traumatic Stress Studies (NKVTS) and the Center for crisis psychology in Norway to design the plan. Internationally, consensus documents have been developed to provide evidence-informed principles and recommendations for planning and providing outreach post-disaster (Bisson, Tavokoly, et al., 2010; Hobfoll, Watson, et al., 2007; National Commission on Children and Disasters, 2010). These documents, general trauma knowledge, and experiences in Norway with an outreach program for families directly affected by the tsunami in Southeast Asia in 2004 (Dyb, Jensen, & Nygaard, 2011) guided the planning. In particular, we based our recommended plan on the principles of early and proactive outreach to all survivors of mass trauma (American Psychiatric Association, 2006); contact with affected families over time; and provision of more targeted responses for individuals in need of more extensive help (O'Donnell, Lau, et al., 2012; Zatzick, Roy-Byrne, et al., 2004)

The suggested outreach plan was reviewed by other health professionals and researchers and was approved as the Governmental strategy on 28 July 2011 and implemented in the 120 affected municipalities (Kärki, 2015). The nineteen County Governors were responsible for the implementation process, as they are the state's representative in local counties and are responsible for monitoring the decisions, objectives, and guidelines set out by the government,<sup>1</sup> providing an important link between municipalities and central government authorities. The Norwegian Directorate of Health also established a cooperation body that included County Governors,<sup>2</sup> the Norwegian Association of Local and Regional Authorities, and other stakeholders to ensure a smooth implementation of the strategy.

In accordance with the LEON principle, and since survivors and their families lived in municipalities across the entire country, the outreach plan was anchored in the existing health services in the municipalities across the nineteen counties (Jensen, Stene, et al., 2019). The outreach program was based on three main principles:

### **1. Proactive, early outreach:**

<sup>1</sup> See the website of the County Governors - Statsforvalteren.no., <https://www.statsforvalteren.no/en/> (accessed 25 March 2022).

<sup>2</sup> See the website of the Kommunenes Sentralforbund, <https://www.ks.no/om-ks/ks-in-english/> (accessed 25 March 2022).

## Survivors and the Aftermath of the Attack on Utøya Island

The crisis teams in the municipalities were required to establish early contact with the survivors and their families, provide acute crisis interventions, and give information about the outreach program within days after the attack.

**2. Continuity:**

The municipalities each appointed a designated professional as the “contact person” for survivors and their families for at least the first year. The contact person was most often a medical professional (i.e., general practitioner, psychologist, nurse), or a social worker. The contact person was to make direct contact with the affected families, offer a personal meeting, and provide information about available help measures in the municipality and in the specialist health care services. The role of the contact person was to ensure a good and regular assessment of the victims’ function levels, their access to social support, and any need for help. The contact person was also responsible for communicating with relevant primary care and mental health services if needed. To aid the contact person in identifying individuals with clinical needs, a simple screening instrument was developed (Norwegian Directorate of Health, 2011). It was recommended that basic screening was to be performed at 5–6 weeks, 3 months, and 6 months after the attack.

**3. Targeted interventions for individuals in need:**

A referral to specialists was recommended if a survivor or their family expressed a need for treatment, if the clinical evaluations indicated such a need, or if the survivor scored above the clinical cut-off on a screening instrument mapping posttraumatic stress reactions, depression, sleep problems, social support, social isolation, level of functioning, difficulty coping with important transitions (e.g., returning to school or work after summer vacation) excessive use of alcohol or drugs, and reluctance to engage in daily activities. The screening instrument (in Norwegian) was developed by NKVTS and reviewed by other researchers and professionals before being provided to all affected municipalities.

The aim of the national outreach program was to ensure that the needs for services of all the directly affected survivors and close family members were identified and met (Dyb, Jensen, Glad, et al., 2014; Norwegian Directorate of Health, 2012). No specific recommendations were provided for specialized mental health services, as it was expected that psychiatrists and psychologists were sufficiently trained to provide customized treatments.

### III. THE UTØYA AFTERMATH STUDY

#### 1. Formation and Design of the Study

The Utøya Study at the Norwegian Center for Violence and Traumatic Stress Studies (NKVTS) in Oslo, Norway is a comprehensive longitudinal study of the impact of the 2011 Norway terrorist attack. NKVTS is funded by the Norwegian state through the Ministry of Health and Care Services, the Ministry of Justice and Public Security, and the Ministry of Children and



## Survivors and the Aftermath of the Attack on Utøya Island

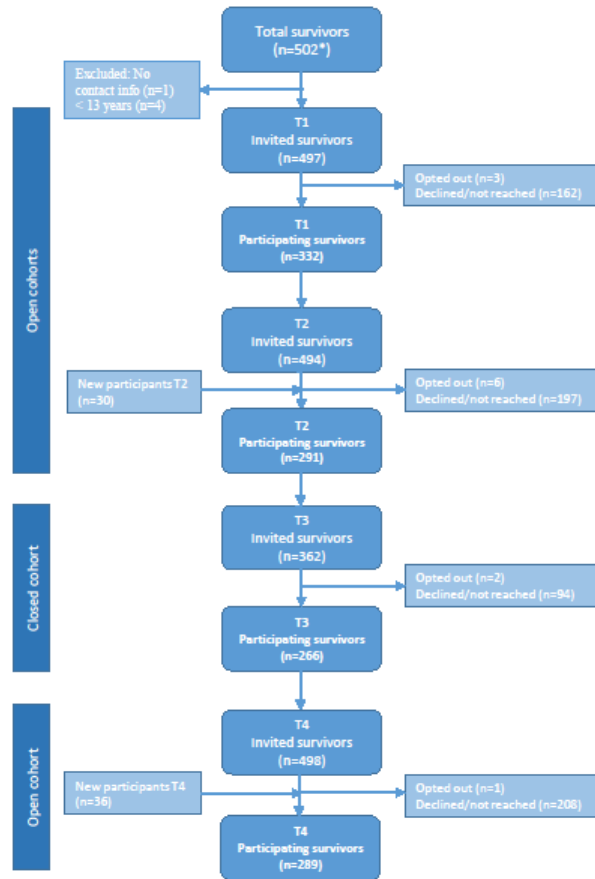
Families. The Utøya project was established in August 2011 with Professor Grete Dyb, MD, PhD, as the Principal Investigator, and it is currently comprised of an additional ten members, including the authors of this Report. The study is funded by the Norwegian Directorate of Health and has consisted of four data collection waves, conducted at 4–5 months (T1), 14–15 months (T2), 30–32 months (T3), and 8 years (T4) post-terror. The data and findings have led to approximately 60 peer-reviewed research papers in national and international journals, which seek to disseminate new knowledge on the impact of terrorist attacks to the public and to decision-makers.

## 2. Study Participants

According to police records, 495 persons survived the massacre on Utøya Island. Five survivors were not invited to the study at T1 due to age (<13 years) or lack of contact information. Additionally, seven members of the Utøya Island summer camp who were absent on the day of the attack self-recruited to the study. See flow chart in **Figure 1** for details.

Survivors and the Aftermath of the Attack on Utøya Island

Figure 1: Breakdown of the Survivors (n = 398) who Participated in the Utøya Study



\* 495 were on the island during the attack; 7 were on the mainland

In total, 398 (79%) of the survivors participated in one or more of the four data collections in the study. Their mean age at the time of the terrorist attack was 19.2 years (SD=4.3, range 13.1–56.7, 94.0% < 26 years of age), and 49.0% were female. The vast majority (88.9%) were of Norwegian origin. One in five (22.2%) reported that they perceived themselves as financially disadvantaged (i.e., much or somewhat poorer than others). There were no significant differences between participants and nonparticipants with respect to age or sex (Stene & Dyb, 2016).

The survivors' caregivers were invited to participate at all four data collections. Caregivers of survivors who were nineteen years or younger were interviewed, whereas caregivers of older survivors (and those who were not available for an interview) participated through postal questionnaires. In total, 541 caregivers participated in the study at one or more point(s) (T1=453, T2 = 426, T3=367, T4 = 302). They were largely of Norwegian origin (92%) and typically reported an average or above average economic status (80.9%) (Haga, Thoresen, et al., 2017).

### 3. Study Procedures

We decided to interview the directly affected in person. Our participants were heavily exposed to the attack, and we expected that many were traumatized. We therefore needed to recruit and train health professionals to do the research interviews and to assess and identify participants who were struggling with unmet needs related to their experience in order to restore contact with GP for transferral to appropriate public health services.

Participants were interviewed face to face at 4–5 months (T1), 14–15 months (T2), 30–32 months (T3), and 8 years (T4) post-terror. At T4, we also included the youngest survivors, who were younger than thirteen years of age at the time of the attack. In each data wave, postal invitations informing about the study were sent to potential participants. Interviews were performed in the participants' homes by health care personnel (mostly psychologists, medical doctors, and nurses), specially trained for the task. The interviews were audiotaped and lasted approximately an hour and a half, with topics ranging from mental and physical health pre- and post-trauma, to personal experiences with the media, the judicial proceedings, and post-trauma school performance.

To measure the participants' reactions to the attack, we used several validated measures. For example, to assess their level of PTSD symptoms, we used the 20-item UCLA PTSD Reaction Index (PTSD-RI) (Pynoos, Rodriguez, et al., 1998; Steinberg, Brymer, et al., 2004). Following the PTSD-RI, responses to interview questions were recorded on a 5-point Likert-scale, ranging from 0 ("never") to 4 ("most of the time"), and possible total scores ranged from 0–68. A threshold score of 38 is used to determine likelihood of meeting the criteria for a PTSD diagnosis (Steinberg, Brymer, et al., 2004). All measures used in the study have been thoroughly described in the relevant publications (see References list). Because the fourth data collection

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was just recently completed, most of the results presented here are based on data from and publications regarding the first three interview waves; however, some preliminary descriptive results from the fourth wave (which have been summarized in a report sent to the study participants) are also included in the present report.

#### 4. Study Objectives

The main aim of the Utøya Study is to provide increased knowledge about how people exposed to terrorism react in the immediate aftermath and to identify important predictors for their short- and long-term needs. This is imperative for preparedness planning and for the development and provision of efficient, evidence-based services after a mass casualty.

#### 5. Research Ethics, Data Protection, and Privacy

The study was approved by the Regional Committee for Medical and Health Research Ethics in Norway (REK 2011/1625 and REK 2014/246). Data collected in the Utøya Study is stored with the Services for Sensitive Data (Tjenester for sensitive data, TSD), an access-limited data repository for collecting, storing, and analyzing sensitive data at the University of Oslo. To protect the privacy and confidentiality of our participants, identification of individual participants is not possible in any published work from the study.

### IV. FINDINGS ABOUT THE IMPACTS ON SURVIVORS AND THEIR CAREGIVERS

The Utøya Island study has provided new knowledge on survivors' and caregivers' mental and somatic health outcomes (including posttraumatic stress reactions, complicated grief, migraines, other headache, pain, and somatic symptomatology), school functioning, experiences with the media, and experiences with the national outreach model (see NKVTS, n.d.). In the following, we first summarize the existing literature on some of the potential consequences of a terrorist attack on survivors and then describe the main findings from the Utøya Study, with a focus on the most relevant health measures in the trauma field.

### **1. Impact on Survivors' and their Caregivers' Mental Health**

The most studied mental disorder that can develop after exposure to a traumatic event such as a terrorist attack is posttraumatic stress disorder (PTSD). Characteristic symptoms of PTSD include: (1) re-experiencing the traumatic event as if it is happening again, including intrusive thoughts and images of the traumatic event, nightmares, and flashbacks; (2) avoiding stimuli associated with the trauma, including places or thoughts reminding of the traumatic event; (3) increased arousal or reactivity, which often results in sleep disturbances, poor concentration, an exaggerated startle response, and irritability; and (4) negative changes in thoughts and feelings, including thoughts about the self (e.g., “I’m weak”) or the world (e.g., “Nowhere is safe”) (American Psychiatric Association, 2013). In a recent systematic review of the literature on PTSD among terrorist attack survivors, García-Vera, Sanz, & Gutiérrez (2016) have found that as many as 33–39% of those directly exposed to threat-to-life during a terrorist attack develop PTSD within the first year. Furthermore, they found that 6–7 years after an attack, 15–26% still have PTSD. These findings demonstrate that many people are at risk of experiencing severe psychological reactions in the aftermath of a terrorist attack and that, for a substantial proportion, these reactions last for many years post-trauma. However, the large individual variation in post-trauma reactions raises important and difficult questions, including “Why do we respond so differently to trauma?” and “What are the main factors that determine how we respond?” (Glad, Stensland, & Dyb, 2021).

Extensive research on potential predictors for PTSD during the last 30 years has led to marked advances in our understanding of factors associated with elevated risk of this disorder. Such factors include personal characteristics (e.g., female sex, ethnic minority status, low socioeconomic status, and history of psychiatric illness), particularities of exposure to the traumatic event (e.g., exposure intensity, bereavement, injury, perceived life threat), and post-trauma factors (e.g., level of social support) (for a review, see Tortella-Feliu, Fullana, et al., 2019). It has also been suggested that exposure to trauma reminders (i.e., cues that resemble the traumatic event and elicit distressing reactions) may play a superordinate role in PTSD because it can trigger symptoms in all the PTSD symptom categories (Pynoos, Steinberg, et al., 2009). Furthermore, highly public disasters such as terrorist attacks can lead to considerable media attention directed towards the survivors, which can be experienced as an extra strain (see Doohan & Saveman, 2013).

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Other well-known forms of psychopathology that terrorist attack survivors may experience are anxiety and depression (Thabet, Thabet, & Vostains, 2016). For example, in a systematic review of the literature on major depressive disorder after terrorist attacks, Salguero, Fernández-Berrocal, et al. (2011) have found that the risk of developing this disorder in the first few months post-attack ranges between 20% and 30% among those directly exposed.

In the Utøya Study, we found that 47% of the survivors reported clinical levels of PTSD in the first wave (4–5 months post-terror): 11% fulfilled the diagnostic criteria for PTSD and 36% for partial PTSD (i.e., meeting criteria for only two out of three PTSD symptom subcategories) (Dyb, Jensen, Nygaard, et al., 2014). Survivors' PTSD levels were more than six times higher when compared to youth in the general population (Dyb, Jensen, Nygaard, et al., 2014). Furthermore, the number of Utøya survivors with clinical levels of anxiety and depression was roughly 45% in the first wave and about 30% and 25% in the second and third waves respectively (14–15 months and 30–32 months post-terror) (Stene, Wentzel-Larsen, & Dyb, 2016). In the fourth wave (8 years post-terror), more than one third of the survivors met/partly met the symptom criteria for PTSD, and almost half (45%) reported that they were struggling with high levels of anxiety and depression symptoms (Dyb, et al., forthcoming).

In line with previous studies in the field, we found that significant predictors for the survivors' level of PTSD were female sex, minority ethnic status, a high level of trauma exposure, current physical pain, the loss of someone close, and low levels of social support (Dyb, Jensen, Nygaard, et al., 2014). Girls and women were more likely to suffer from severe PTSD, as were those of immigrant background. Survivors who had high levels of exposure to the traumatic event, who experienced the loss of someone close, or who had low levels of social support were also more likely to exhibit severe PTSD. Furthermore, physically injured survivors had increased risk for later PTSD symptoms compared to non-injured peers (Bugge, Dyb, et al., 2017). The observed levels of PTSD were higher both among severely injured and among those with less severe injuries, such as fractures, sprains, abrasions or bruises, as opposed to their non-injured peers. Also, feelings of shame and guilt among the survivors were positively associated with PTSD symptom levels (Aakvaag, Thoresen, et al., 2014).

In the second and third interview waves, we asked how often the survivors had experienced various trauma reminders (sounds, visual experiences, emotions, bodily reactions, touch, smells, and situational reminders) during the last month, and which one they perceived to

be the worst (Glad, Jensen, et al., 2016; Glad, Hafstad, et al., 2017). At both sets of interviews, auditory reminders, especially loud and sudden noises, were the type of trauma reminder that the survivors reported experiencing most often, as well as the one they found to be the most distressing. One survivor described it like this:

Sounds and bangs are uncomfortable, for example if I'm sitting in the library and I hear a bang in the cafeteria, I become very alert. That's something that I really cannot control. Then the whole day... then I'm down the rest of the day, it affects my schoolwork and stuff like that (Glad, Jensen, et al., 2016: 148).

Of the 261 survivors who participated in the third interview wave (approximately 2.5 years post-attack), we found that almost 90% had experienced one or more reminder(s) during the past month, and about 20% said that they had experienced strong emotional reactions when they experienced their worst reminder (Glad, Hafstad, et al., 2017). Survivors who met the diagnostic criteria for PTSD reported significantly higher frequency of exposure to trauma reminders compared to survivors who did not meet the criteria for this disorder. These findings suggest that many survivors struggled with mental health reactions for a long time post-attack, that trauma reminders were common for years post-attack, and that PTSD is strongly related to frequency of exposure to reminders.

Of note, we also found that the parents of survivors experienced high levels of emotional distress post-terror, including symptoms of posttraumatic stress, anxiety, and depression (Thoresen, Jensen, et al., 2016). Eight years post-attack, a substantial minority of caregivers still reported high levels of PTSD symptoms (Dyb, et al., forthcoming). These findings are in line with the limited literature in the field on reactions among people in the immediate social network of survivors (Salguero, Fernandez-Berrocal, et al., 2011; Scrimin, Axia, et al., 2006) and illustrate how caregivers may suffer severe emotional traumatization from learning of life threat to their children (Haga, 2019).

## 2. Traumatic Loss

Given the brutal nature of terrorist attacks, levels of mortality can be high. Whereas grief is a normal response to the loss of someone close, traumatic loss (e.g., by a terrorist attack) can lead to severe and persistent psychological reactions, including symptoms of complicated grief. The hallmark of complicated grief is “persistent, intense yearning, longing and sadness, usually accompanied by insistent thoughts or images of the deceased and a sense of disbelief or an

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inability to accept the painful reality of the person's death" (Shear, 2015: 154). While the dual burden of direct traumatization and traumatic loss is characteristic of terrorist attacks, few have explored the combined psychological consequences (Neria & Litz, 2003).

In the Utøya Study, 275 survivors had lost someone close (a family member, partner, and/or close friend) in the attack. We explored the longitudinal association between symptoms of PTSD and complicated grief reactions among these bereaved survivors (Glad, Stensland, Czajkowski, et al., 2021). As hypothesized, we found that participants who reported higher levels of complicated grief also reported higher levels of PTSD symptoms. From analyses of our longitudinal data, we found that posttraumatic stress symptoms predicted complicated grief reactions, but not vice versa. This supports the hypothesis in the field that PTSD reactions may disrupt the mourning process and affect to the severity of complicated grief symptoms (Nakajima, Ito, et al., 2012; Schaal, Jacob, et al., 2010).

### 3. Somatic Health

Through infliction of death, injury, and destruction of physical and social environments, mass casualties may violate all aspects of survivors' health, including their physical, mental, and social well-being. Although these aspects of health are heavily entangled post-trauma (Asmundson & Katz, 2009), symptoms originating from or relating to the body, or *soma*, are commonly differentiated from those previously described, which relate to the mind, soul, spirit, or *psyche*. In the aftermath of mass casualties, somatic symptomatology in survivors may result directly from inflicted injuries from gunshots, explosions, falling objects, falls, or exposure to a range of other physical, chemical or biological hazards (i.e., entrapment in cold water potentially causing severe hypothermia or (near-)drowning) (Lippmann, Cohen, & Chen, 2015; Lucchini, Hashim, et al., 2017; Neria, Wickramaratne, et al., 2013). Among survivors of the Utøya Island shooting, the most severe injuries were caused by gunshots (Gaarder, Jorgensen, et al., 2012; Sollid, Rimstad, et al., 2012), whilst survivors' less severe injuries were largely related to falls incurred during flight (Bugge, Dyb, et al., 2017).

In the early aftermath of exposure to traumatic events, survivors commonly experience frequent headaches, pain, palpitations, insomnia, or fatigue (Kizilhan & Noll-Hussong, 2017). Such symptomatology has largely been understood as *transient*, fear-related, physiological or somatic reactions to exposure to life-threatening events. As these early somatic symptoms to a



large extent have been expected to go away on their own, they have mostly been overlooked in the early phase post-trauma, with no recommendation of systematic mapping or follow-up (Bisson, Berliner, et al., 2019; Goldmann & Galea, 2014; Koenen, Sumner, et al., 2017).

However, over the last decades, results from retrospective studies have provided evidence that survivors of trauma more commonly experience long-term somatic health problems and illness compared to non-exposed peers. Whilst these adverse long-term somatic health outcomes have predominantly been seen as sequelae of persistent posttraumatic stress or PTSD (Koenen, Sumner, et al., 2017; Pacella, Hruska, & Delahanty, 2013; Schnurr & Jankowski, 1999), there is a possibility that early somatic symptomatology could play an important role as early predictors of long-term complaints. For example, high levels of somatic symptoms and related functional impairment in the early phase post-trauma could compromise survivors' capability to take on everyday tasks, such as preparing and eating healthy meals, ensuring good sleep routines, and avoiding overreliance on pain medication or alcohol, and thereby hinder recovery. This hypothesis is supported by results from large epidemiological studies, which indicate that frequent headache, pain, and other somatic symptoms contribute to considerable functional impairment (Bilevicius, Sommer, et al., 2018; Mokdad, Forouzanfar, et al., 2016). Importantly, however, the role of somatic symptoms potentially impeding recovery in the early posttraumatic phase is not systematically accounted for in current guidelines (Bisson, Berliner, et al., 2019) or in clinical practice.

Among the Utøya survivors, headaches, fatigue, and lumbar pain were the most frequently reported somatic symptoms in the early post-trauma phase (Stensland, Thoresen, et al., 2020). As headaches were the most frequent, early complaint and are known to cause considerable disability (Vos, Flaxman, et al., 2012), Stensland, Zwart, et al. (2018) explored the effect of terror on risk of headache in a case control study of the adolescent survivors as compared to matched population-based controls. Their findings clearly show that survivors of the terrorist attack on Utøya Island had a four times higher risk of weekly and daily migraines and tension-type headaches compared to controls. Further, Stensland, Thoresen, et al. (2020) investigated how somatic symptomatology, such as headache, stomachache, other musculoskeletal pain, palpitation, faintness, and fatigue, relates to posttraumatic stress symptoms over time. Unexpectedly, Utøya survivors' early somatic symptoms predicted later posttraumatic stress reactions. This finding is at odds with current theory and practice that assumes symptoms

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of PTSD precede the development of adverse somatic health outcomes after trauma (Andreski, Chilcoat, & Breslau, 1998; McLaughlin, Basu, et al., 2016; Pacella, Hruska, & Delahanty, 2013; Schnurr & Jankowski, 1999). The findings of Stensland, Zwart, et al. (2018) and Stensland, Thoresen, et al. (2020) thus suggest that early identification of survivor's somatic symptoms and provision of adequate related services may improve and increase the efficiency of post-trauma interventions.

#### 4. Sleep Problems

The disruption of normal sleeping patterns can impact on everyday functioning as well as impair physical and mental health (de Zambotti, Goldstone, et al., 2018; Sivertsen, Harvey, et al., 2014). Adolescence and early adulthood are particularly vulnerable times for sleep disruption, as is the period following a traumatic event. In the first months and years post-trauma, high rates of sleep disturbance have been reported in children and adolescents: for example, following a 1984 shooting in an elementary school playground in Los Angeles, 77% of the school children (n=159) reported sleep disturbances 1 month (Pynoos, Nader, et al., 1987), and 58% 14 months after witnessing the sniper attack (Nader, Pynoos, et al., 1990). A recent analysis assessing sleep disturbance 1, 1.5, 2, and 2.5 years after the 2008 Wenchuan earthquake identified five trajectories in a trauma-exposed adolescent population (Zhou, Zhen, & Wu, 2019). The majority of survivors showed stable sleep disturbance over this 2.5-year span, with 68% having little sleep disturbance throughout and 10.8% consistently having high levels of sleep disturbance. Of note, in all existing studies where the association between sleep and posttraumatic symptomatology has been directly assessed, insomnia or sleep disturbance was associated with higher rates of PTSD or PTSD symptomatology (Grønli, Melinder, et al., 2017; Geng, Liang, et al., 2019; Fan, Zhou, & Liu, 2017). In most cases of longitudinal analysis, insomnia has correlated with later PTSD (Zhang, Zhang, et al., 2020; Geng, Liang, et al., 2019; Fan, Zhou, & Liu, 2017).

The Utøya Study assessed insomnia among 336 survivors at 2.5 years (T3) and 8.5 years (T4) after the attack (Porcheret, Stensland, et al., 2022). Almost a decade after the terrorist attack, nearly a half of the young survivors still reported insomnia. This rate was almost double what is reported in the general population (20–30%), indicating a high level of unmet need among the Utøya survivors. The implications of such sleep disruption among young people during a critical time for physical, mental, social, and cognitive development are far-reaching.

### 5. Impaired Daily Functioning

Given the major impact that exposure to a terrorist attack may have on survivors' mental and somatic health, it is not surprising that it also can affect their daily functioning, such as their ability to do household chores, to take part in personal interests and activities, and to get along with family and friends. Terror exposure can also impair the academic performance of survivors and their well-being in school. In a recent review of the literature on school-related outcomes of trauma, Perfect, Turley, et al. (2016) reported that many studies have found significant associations between trauma exposure and related PTSD symptoms among youth and impaired cognitive functioning, lower academic performance, and social-emotional-behavioral problems. Clearly, such outcomes may have detrimental, long-lasting impact on young trauma survivors' lives, for example, in terms of their future careers.

Almost half of the Utøya Study survivors reported that they found it very difficult to perform their everyday tasks, and approximately 25% said they were less interested in the things they used to do before the attack (Glad, Aadnanes, & Dyb, 2012). Furthermore, about 10% said that it had become much more difficult to get along with their family and friends (Glad, Aadnanes, & Dyb, 2012). Many of the survivors were part-time or full-time students, and we found that 61% reported impaired academic performance, and 29% reported impaired school well-being (Stene, Schultz, & Dyb, 2018). In a qualitative interview of 65 students in the Utøya Study (aged 16–29 years), a majority of students (69%, n=45) reported negative changes in their academic performance, particularly difficulty concentrating and a failure to remember what they had just read (Schultz & Skarstein, 2020). For example, one girl in her final year of high school said:

Everything fell apart! It used to take me one minute to read a page, maybe half a minute. But now I had to read the page over and over again. I spent 20 to 30 minutes on a page – I'm not kidding. I just sat there staring at it, reading over and over, trying to make it stick. And in math ... well, I simply couldn't concentrate [...] Everything went so slow. I used to have top grades, and then I ended up with Cs. My plans for university were blown ... just like that (Schultz & Skarstein, 2020: 5).

These findings demonstrate both how exposure to a terrorist attack can negatively affect young survivors' academic performance and well-being at school and the potential long-lasting impact on careers and life paths. When asked to what extent they were back to normal functioning in various life areas eight years after the attack, two thirds of the survivors answered that they were back in relation to school, studies, and work and/or in relation to family (Dyb, et

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al., forthcoming). About 50% said they were completely back in normal function in their spare time and in relation to friends. The fact that so many reported that they were *not* back to normal functioning almost a decade post-terror shows how long-lasting such impairment can be.

## 6. Media Attention, Compensation, and the Trial

### *A. The Impact of Media Attention on Survivors*

The Utøya survivors received considerable media attention after the attack. In fact, almost everyone who participated in our study said that journalists had contacted them, and 88% had given interviews about their experiences on Utøya Island (Thoresen, Jensen, & Dyb, 2014). The third-wave interviews of the Utøya Study (30–32 months after the attack) asked about survivors' personal experiences with the media in more detail, and the written descriptions of media experiences of 235 survivors were analyzed (Glad, Thoresen, et al., 2018). Of the 261 youths who participated, 192 (73.6%) described an experience with the media's approach, the interview, or the coverage. As many as 90% described negative experiences with the journalists' approach. A recurring theme was that, in approaching the survivors, the journalists had neither shown respect nor been considerate but rather invasive. For example, one survivor stated:

My first encounter with the media was pretty negative. There was a meeting that day when the entire press corps was outside, and the camera flashes were going like crazy in the room where we were trying to take care of each other and grieve. It annoyed me so much. [...] Basically, it was rough that we didn't even get 12 hours to process what had just happened (Glad, Thoresen, et al., 2018: 7).

In relation to interviews, journalists were mostly described as both caring and considerate, while the survivors' accounts of their experiences with the media's coverage of their stories were more mixed. Positive experiences included being pleased with the angle of a story or being given opportunity to read articles before publication. Others reported negative experiences, e.g., that the angle of their story had been excessively negative or overly dramatic, or that their story or photo had been published without their consent. For some, it had been a burden to be recognized in the public as a result of the media attention (Glad, Thoresen, et al., 2018).

### *B. Compensation for Victims of Violent Crime*

According to Norwegian law, a person who is victim to a criminal act that violates life, health, or liberty may be entitled to compensation from the state. This compensation covers three areas:

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compensation for permanent and significant injury, compensation for financial loss, and damages for non-economic loss. We interviewed survivors about receiving the latter (Nilsen, Langballe, & Dyb, 2016). Everyone who was on Utøya during the terrorist attack was eligible to apply for compensation, and approximately three years after the attack (T3), 99% reported that they had applied. Due to the high number of victims, the settlement after the terrorist attack was based on an appraisal of pilot cases that were meant to represent different groups of affected individuals. Based on these cases, survivors from Utøya were divided into three groups, which received different amounts based on their level of physical injury.

In the Utøya Study, we wanted to investigate how Utøya survivors experienced receiving such state compensation. More specifically, we were interested in learning more about how the survivors understood the state compensation scheme and what significance it had for them to receive damages for violence. We found that receiving damages for violence was significant for many of the Utøya survivors (Nilsen, Langballe, & Dyb, 2016). At the same time, our results also resonated with previous studies that have suggested that victims of violent crimes have uncertainties regarding why they receive damages for violence (Dahlstrand, 2012). For this reason, we saw that it is important that victims of violent crime receive clear information about why they are receiving monetary compensation. This information should be unambiguous and be presented to all the offended. We also know from previous studies that in order for individual victims to experience a sense of justice, it is central that everyone's stories are seen and heard (Wemmers, 2010). Administrative justice arrangements, such as the crime compensation scheme, can appear impersonal and objective. It is therefore also important that individual victims receive customized information and personalized answers to their questions, for instance from a counsellor or a contact person. In our study, we found that for some, it was helpful to learn more about the principles behind the state compensation scheme and how specific monetary amounts are calculated for damages for violence (Nilsen, Langballe, & Dyb, 2016). Such steps may ease negative feelings, such as shame or ambivalence about receiving compensation. For others, advice about financially managing the compensation allocation may be more useful. For them, this could mean that the compensation is perceived as support rather than becoming an additional concern on the top of other problems (Nilsen, Langballe, & Dyb, 2016).

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*C. The Trial and Testifying in Court*

In the Norwegian legal system, victims have a range of participatory rights. Most of these rights were implemented in 2008, when the authorities proposed changes to the legal status of victims (Ot.prp. nr. 11 2007-2008). The amendments included the right to have a legal representative in all cases in which the victim has suffered serious injury to body or health caused by a criminal act. The legal representative is to safeguard the victim's interests during both the investigation and the trial. This means that the victim's lawyer must inform the victim of developments in the case, prepare the victim for the trial (particularly in relation to legal testimony), and support the victim during trial by speaking on behalf of the victim and participating in the cross-examination of the victim, the accused, and other witnesses (NOU2006:10).

The number of victims and survivors involved in the court case after the Utøya Island attack was of a size never seen before in Norway (Langballe, Nilsen, & Schultz, 2019). Oslo District Court began the extensive work of preparing for the trial immediately after the attack. The trial started on 16 April 2012 and lasted for ten weeks. Due to the large scale of the case, survivors were selectively called to testify in person. In total, 45 survivors gave testimony: 12 who had witnessed murders on Utøya Island; and another 33 who had themselves been shot, injured, or otherwise survived direct attempts on their lives (Langballe, Nilsen, & Schultz, 2019). In this particular case, in addition to receiving a legal representative, the court also facilitated visits so that the survivors could familiarize themselves with the courthouse before the trial and arranged meetings between the prosecution and the survivors.

As part of the Utøya Study, we interviewed 31 of the survivors who testified in the trial. The main impressions provided by their stories were that it was important to them to testify and that they seemed to be satisfied with the support they had received (Laugerud & Langballe, 2017). They voiced the importance of having the opportunity to actively participate in the legal trial by giving testimony (Laugerud & Langballe, 2017). Although they described the courtroom as an intimidating arena, they also described how the court case gave them opportunities to regain control and exercise power over the perpetrator as a match they could win (Laugerud & Langballe, 2017). Laugerud and Langballe (2017) found that the following five general themes emerged from the young people's accounts of their experiences testifying in court:

- They did not want to reveal to the perpetrator how the injuries he had inflicted on them affected their lives.

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- They were unsure of how to word their testimony so as not to offend other victims.
- They were afraid of making formal mistakes and needed a lot of assistance from their legal representatives.
- They felt that the trial gave them an opportunity to regain control and take power back from the perpetrator.
- They developed strategies for communicating indirectly, on a symbolic level. For example, some survivors deliberately dressed in clothing that made their scars visible, rather than wearing clothes that were more in line with the courts' formal dress code. These summer outfits (t-shirts, shorts, and sundresses) stood in sharp contrast to what the scars on their bodies told of the horror that had unfolded on the island. This again was a way for the youth to show the perpetrator that they were standing there, upright, despite their wounds.

Apart from collecting these stories, the study did not explore whether the process of testifying affected the survivors' recovery.

## V. IMPACT ON FIRST RESPONDERS

Terrorist attacks clearly affect the directly exposed victims and their families, but in addition, first responders often witness atrocities. This can result in psychopathology, including PTSD. In a meta-analysis of PTSD, Berger, Coutinho, et al. (2012) found that first responders experience traumatic events repeatedly and report more current PTSD (10%) than the general population (3.5%). Several potential risk factors for PTSD among first responders have been identified, including losing someone or knowing someone injured, number of pre-trauma stressors, and shortage of supplies and resources (Declercq, Meganck, et al., 2011; Pietrzak, Schechter, et al., 2012). Other risk factors include subjective experience of intense fear, helplessness, or horror during the traumatic event (Declercq, Meganck, et al., 2011). On the other hand, union membership and greater family support while working on site has been found to play a protective role (Pietrzak, Schechter, et al., 2012).

After the attacks in Oslo and on Utøya on 22 July 2011, 1790 first responders, including health care personnel, police officers, firefighters, and affiliated and unaffiliated volunteers responded to a self-reported questionnaire (Bogstrand, Skogstad, & Ekeberg, 2016). The researchers found that firefighters and unaffiliated volunteers reported more perceived threat compared with the other groups. Among the professional personnel, the prevalence of sub-threshold PTSD was 2% and possible PTSD 0.3%, while figures among the unaffiliated

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volunteers were 24% and 15% respectively. The results indicate that professional rescue workers are more protected from post-traumatic stress reactions than unaffiliated volunteers. The same study found low levels of alcohol and medicinal drug use among the rescue workers after the terror attacks, but notably, a strong association was found between both medicinal drug and alcohol use and elevated levels of posttraumatic stress reactions (Bogstrand, Skogstad, & Ekeberg, 2016).

## VI. IMPACT ON THE WIDER COMMUNITY

Terrorism may create fear and provoke stress reactions not only in the direct victims but also in the general population. Thoresen, Aakvaag, et al. (2012) have investigated the emotional responses in the Norwegian population following the 22 July terrorist attacks. Representative samples were drawn from the Norwegian Population Registry, and telephone interviews were conducted 4–5 months after the attacks. We found that the terrorist attacks seem to have had a significant effect on the Norwegian population, creating grief and insecurity, at least in the short term. Proximity to the terrorist attacks was strongly associated with distress in the population, and early distress was strongly related to later post-traumatic stress reactions. Thoresen, Aakvaag, et al. (2012) found that psychological proximity (e.g., being worried about the safety of close ones, knowing someone at a site of attack, or knowing first responders at a site of attack) was even more strongly associated with post-traumatic stress reactions than geographical proximity to the terror attack sites, underscoring the importance of differentiated measurements of various aspects of early distress. This study also mapped participation in ceremonies for the terrorist attack victims, such as if the respondent had: (1) lit candles/laid flowers; (2) taken part in a flower march/torch march; (3) taken part in gatherings at churches or mosques; (4) sent/signed condolence messages; (5) taken part in memorial services; or (6) taken part in other ceremonies or rituals. The vast majority of the respondents, both in and outside Oslo, had taken part in various ceremonies in honour of the terror victims. The Prime Minister, the King and his family, other ministers, religious leaders, and authorities at state, county, and municipality levels also took part in numerous ceremonies around the country to honour the victims and their families and strengthen resilience in the society.

Another Norwegian study analyzed register data on different negative health outcomes in the Norwegian population (Strand, Mukamal, et al., 2016). This study found an increase in



adverse health outcomes (schizophrenia/psychosis hospitalizations, suicides, acute myocardial infarctions) in the first four weeks after the terror attack, indicating that adverse health outcomes may accompany national stressors.

## VII. STUDY FOLLOW-UP AND IDENTIFIED GAPS

For participants in our study, the national outreach program seemed to have worked well in the first phase after the Utøya attack (Nilsen, Stene, et al., 2017). For example, at 4–5 months post-terror, 87% of participants reported that they had received early and proactive outreach from their municipalities, and 84% reported that they had been contacted by their contact person (Dyb, Jensen, Glad, et al., 2014). In addition, in a qualitative study in which we explored how the caregivers of the survivors had experienced the follow-up, the majority reported that their children had been proactively contacted by health services (Glad, Jensen, & Dyb, 2014). That said, the most salient theme across the interviews with caregivers was a wish for a more active and enduring follow-up, especially for siblings and the family as a whole (Glad, Jensen, & Dyb, 2014). For example, one mother stated:

I have missed help from the municipal crisis team beyond a single conversation. We have not received follow-up locally—no one has contacted us as a family after the first week. We had to get help ourselves and feel forgotten by the municipality! (Glad, Jensen, & Dyb, 2014: 541)

Similarly, in a qualitative study on how the directly affected survivors themselves assessed the outreach from the public health care services, many expressed that the outreach disappeared too quickly and that the follow-up had not been proactive enough (Nilsen, Stene, et al., 2017). At 4–5 months post-terror, 14% of the survivors reported unmet need for services (Dyb, Jensen, Glad, et al., 2014). At the third interview wave (approximately 2.5 years post-terror), one in five survivors reported unmet needs for their psychological reactions, and one in seven for attack-related somatic health problems (Stene, Wentzel-Larsen, & Dyb, 2016). Unmet healthcare needs were associated with higher levels of posttraumatic stress, depression/anxiety, somatic symptoms, and low social support. Survivors with non-Norwegian origin reported more unmet needs for attack-related physical health problems and were less satisfied with post-terror healthcare (Stene, Wentzel-Larsen, & Dyb, 2016). At the fourth interview wave (approximately eight years post-terror), about one in three survivors reported that they needed follow-up from new help services or reinforcement of existing measures (Dyb, et al., forthcoming).

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Of note, Haga, Thoresen, et al. (2017) found that the parents of Utøya survivors experienced a wide range of healthcare needs after the attack. In terms of healthcare consumption among the caregivers, the frequency of primary healthcare service consumption increased significantly for the caregivers of the directly affected in the early aftermath of the attack (0–6 months) and remained significantly elevated through the following 30 months (Haga, Thoresen, et al., 2017). The increase in consumption of primary healthcare services, both in the early and delayed aftermath, largely entailed psychological health complaints, particularly depressive symptoms and PTSD, as recorded by primary healthcare providers (Haga, Thoresen, et al., 2017).

On 21 August 2011, a National Support Group was established to promote the interests of those directly affected by the 22 July terrorist attacks.<sup>3</sup> In October 2019, this group conducted a survey to find out how the directly affected were doing (Støttegruppen 22.juli, 2019). The report uncovered shortcomings in the follow-up and considerable unmet needs. As a response, a regional support program (Los-funksjonen) was established in 2019 (RVTS vest, 2021). The five already existing Regional Resource Centers for Violence, Traumatic Stress and Suicide Prevention (RVTS) in Norway were given the responsibility for implementing this support function regionally, with the aim of contributing to psycho-social support and care for the directly affected when needed. As part of this program, the RVTSs are responsible for helping the National Support Group in making the regional support program known among the directly affected, informing them about relevant services and offering assistance for follow-up (e.g., helping to establish contact with relevant services) (RVTS vest, 2021).

## VIII. SUPPORT NEEDED BY SURVIVORS AND FAMILIES OF VICTIMS OF A MASS CASUALTY

An important factor associated with how survivors cope after a mass casualty such as a terrorist attack is the support and help they receive, not just from their familial and social networks but also from the healthcare system and social services. In a society targeted by a mass casualty, questions immediately arise as to how it will affect the bereaved, the survivors, their families, and the community, and how authorities should respond. Unfortunately, findings from

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<sup>3</sup> See the website of the support group, Støttegruppen 22.juli, <https://22juli.info/english/> (accessed 25 March 2022).

international studies on disasters such as 9/11 suggest that many people directly and indirectly affected by mass casualties do not receive the help they subsequently need from the healthcare system (e.g., DeLisi, Maurizio, et al., 2003; Norris, Friedman, & Watson, 2002; Stuber, Galea, et al., 2006). We also know that many who are affected do not seek help when they need it (Schwartz & Kowalski, 1992; Stuber, Galea, et al., 2006; Weiseth, 2001). As such, proactive follow-up support is recommended after large-scale disasters (Brewin, Scragg, et al., 2008). Early outreach may reduce future unmet needs by providing initial psychosocial and practical support, monitoring healthcare needs, and facilitating access to healthcare services (Call & Pfefferbaum, 1999; Stuber, Galea, et al., 2006).

In contrast to regular healthcare, the idea of outreach is to engage proactively and universally with the population of target, regardless of medical history and apparent levels of distress (Haga, Stene, et al., 2015). In the following, we briefly describe some recommendations for support and follow-up for people affected by large-scale disasters, based on a post-trauma timeframe that includes immediate (acute), medium-term (intermediate), and long-term phases.

### 1. The Acute Phase

Psychosocial responses should be tailored for each specific disaster, taking into account the type of disaster, the impact on the population, and the structure of existing health care systems (Reifels, Pietrantonio, et al., 2013). Also, response plans must be flexible, and resources should be provided according to demands. To date, we have little empirical evidence for useful interventions in the first hours and days after the incident, often referred to as the *acute phase*.

Recommendations are mostly based on theories, consensus documents, and clinical experiences (Fox, Burkle, et al., 2012; Hobfoll et al., 2007). Several models have been used in outreach programs after disasters (for overviews, see Michel, 2014; Shultz & Forbes, 2013).

Psychological First Aid, for example, is a modular form of treatment (Brymer, Jacobs, et al., 2006) widely used for acute intervention after crises and disasters (Forbes, Fletcher, et al., 2010). This evidence-informed modular approach was developed to help people in the immediate aftermath of disaster and terrorism. The aim is both to reduce initial distress responses and to foster short- and long-term adaptive functioning and coping (Brymer, Jacobs, et al., 2006). Major organizations have endorsed this intervention, including the American Psychological Association (American Psychological Association, 2019) and the World Health Organization (WHO, 2011).

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Psychological first aid is summarized on the National Child Traumatic Stress Network (NCTSN) website as the following eight core actions:<sup>4</sup>

**1. Contact and engagement**

Goal: To respond to contacts initiated by survivors, or to initiate contacts in a non-intrusive, compassionate, and helpful manner

**2. Safety and comfort**

Goal: To enhance immediate and ongoing safety and to provide physical and emotional comfort

**3. Stabilization (if needed)**

Goal: To calm and orient emotionally overwhelmed or disoriented survivors

**4. Information gathering: Current needs and concerns**

Goal: To identify immediate needs and concerns, gather additional information, and tailor Psychological First Aid interventions

**5. Practical assistance**

Goal: To offer practical help to survivors in addressing immediate needs and concerns

**6. Connection with social supports**

Goal: To help establish brief or ongoing contacts with primary support persons and other sources of support, including family members, friends, and community helping resources

**7. Information on coping**

Goal: To provide information about stress reactions and coping to reduce distress and promote adaptive functioning

**8. Linkage with collaborative services**

Goal: To link survivors with available services needed at the time or in the future

**2. The Intermediate Phase**

Many survivors and families of victims will need help beyond the acute phase. In the weeks after the traumatic event (often called the intermediate phase), the overall goal is to help those affected acquire skills to reduce stress, solve problems, and prevent symptoms from developing. It is recommended that interventions in this phase are directed towards the following three areas in particular (Kassam-Adams, 2014).

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<sup>4</sup> See the NCTSN webpage, <https://www.nctsn.org/treatments-and-practices/psychological-first-aid-and-skills-for-psychological-recovery/about-pfa> (accessed 27 January 2022).

### *A. Preventing Negative and Maladaptive Thoughts*

First, it is important to prevent those affected from developing negative thoughts, such as thinking that the world is dangerous or that other people wish them ill (Jensen, Stene, et al., 2019). Many such thoughts can be more or less erroneous interpretations of reality, and they have been shown to maintain post-traumatic stress (Diehle, Schmitt, et al., 2014; Jensen, Holt, Ormhaug, Fjermestad, & Wentzel-Larsen, 2018; Meiser-Stedman, McKinnon, et al., 2019).

### *B. Avoiding Poor Coping Strategies*

Many traumatized people have re-experiences or flashbacks (i.e., they experience something as if the traumatic event is happening again, here and now); they may sleep poorly; they may have headaches or muscle tension (Jensen, Stene, et al., 2019). The ways some survivors try to deal with such painful and frightening responses can themselves be problematic and in fact exacerbate their difficulties, for example, when people use sedatives or sleep-aid drugs to calm down or fall asleep. Learning positive and alternative coping strategies, such as muscle relaxation techniques, breathing exercises, positive self-talk, etc., can help the mind become less troublesome and prevent unhealthy coping strategies from creating new difficulties (Jensen, Stene, et al., 2019).

### *C. Maintaining Social Relationships*

Finally, it is important that those affected by a mass casualty event do not isolate themselves and are helped to maintain positive social relationships. Good social support has proven to be important for healing after trauma (see, e.g., Charuvastra & Cloitre, 2008), but many are reluctant to accept support even when it is there; moreover, friends and family may be unsure of how to provide support. Some survivors also experience negative reactions from their surroundings and shield themselves from social contact (Arnberg, Hultman, et al., 2013). Therefore, it is important to explore reasons for isolation and lack of social support, so that later difficulties can be prevented (Jensen, Stene, et al., 2019).

## **3. Long-term Phase**

For individuals in need of more extensive help, targeted responses should be provided (O'Donnell, Lau, et al., 2012; Zatzick, Roy-Byrne, et al., 2004). Specialized health care services

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need to be involved if victims develop PTSD or other health care or social problems (such as long-term sleep problems, a reduction in functioning level, social isolation, excessive use of alcohol or drugs, or a reluctance to engage in daily activities). Specialized treatment protocols are recommended in up-to-date guidelines (see International Society for Traumatic Stress Studies (ISTSS), n.d.); National Institute for Health Care Excellence (NICE), 2022). Survivors and families exposed to mass casualties may need specialized health care services years after the incident, as documented in the Utøya Study and outlined above (see also Haga, Thoresen, et al., 2017; Stene, Wentzel-Larsen, & Dyb, 2016).

## IX. RECOMMENDATIONS

The terrorist attack on Utøya Island had long-term health implications for those directly affected, including high levels of PTSD reactions, anxiety, depression, complicated grief, headaches, and other pain and somatic symptoms. It also impacted the daily functioning of survivors, including their ability to study and their interpersonal relationships. These impacts on functioning may be caused by the psychological and physical consequences of the trauma, but they can also be related to insufficient outreach from health and social services and inadequate support and awareness from schools, workplaces, families, and friends (Glad, Stensland, & Dyb, 2021).

The recommendation to municipalities and specialized health care services in the national outreach plan from the health authorities after the terrorist attack was that proactive follow-up should last for one year. However, our findings clearly show that many survivors struggled for several years post-terror, and the need for help extended well beyond the first year. This is in line with findings from a recent systematic study on PTSD post-terror (García-Vera, Saz, & Gutiérrez, 2016). As such, we recommend that a core principle for follow-up after future major terrorist attacks should be long-term assistance and aid. The Utøya Study also revealed that many survivors, even those who were not physically injured, experienced somatic complaints that required treatment. Current recommendations for preparedness planning focus primarily on assessment and interventions targeting psychological symptoms (e.g., Bisson, Berliner, et al., 2019). These should be revised to encompass identification and accommodation of survivors' psychological *and* somatic reactions and needs (Stensland, Thoresen, et al., 2020).

After the 22 July 2011 terrorist attack, most outreach concentrated on helping those who survived. However, importantly, and in line with a recent systematic review on traumatic

reactions post-terror (García-Vera, Saz, & Gutiérrez, 2016), we found that the people close to those directly affected, such as their caregivers, can themselves be traumatized and develop post-trauma health problems (Haga, Thoresen, et al., 2017; Thoresen, Jensen, et al., 2016). As such, people in the immediate social network of survivors should be considered “affected” in their own right and receive follow-up (Haga, 2019). In Norway, primary healthcare is the entry point to specialized healthcare, as well as to social benefits and public welfare services. Our figures suggest an important role for general practitioners (GPs) in managing parents’ post-disaster distress. GPs need to be aware that high number of parents may turn to primary healthcare with psychological health complaints in the wake of a terrorist attack or other mass casualty event, which may facilitate appropriate preparation (Haga, Thoresen, et al., 2017).

We also found that survivors with non-Norwegian origins were more likely to report unmet needs for attack-related physical health problems and to be less satisfied with their follow-up experiences (Stene, Wentzel-Larsen, & Dyb., 2016). In the literature, it has been hypothesized that ethnic minorities tend to somatise distress, but findings are inconsistent. Whereas some have not found any difference in somatization by ethnicity (Bekker & Schepman, 2009), others have indicated that somatization is either less common (Bauer, Chen, & Algeria, 2012) or more common (Aragona, Tarsitani, et al., 2005) in ethnic minorities. Other possible explanations for our finding could be cultural or language-related barriers to satisfactory healthcare (Stene, Wentzel-Larsen, & Dyb, 2016). Either way, after future attacks, we recommend that particular attention should be paid to survivors with minority backgrounds. For example, an effort should be made to provide easily accessible information about both the general healthcare system and (if applicable) the services and follow-up that have been made available of the directly affected. Also, to the extent that there may be language barriers, access to interpreters is important.

Exposure to a terrorist attack can be particularly detrimental for young survivors, as it may disrupt their psychosocial development and education, with potential long-term adversity, including impaired academic performance, affecting future career opportunities. Given the long-term disruption and impairment we found in the survivors’ academic performance after Utøya (Schultz & Skarstein, 2020; Stene, Schultz, & Dyb, 2018), it is important that appropriate school support is provided after future attacks. Greater educational follow-up on the part of teachers may offer a good point of intervention with traumatized students (Schultz & Skarstein, 2020). For example, we would recommend that educational psychologists provide counseling for

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teachers, so that they can give psycho-education and help students in exploring their functional study skills to improve their self-efficacy in order eventually to recover their academic functioning (Schultz & Skarstein, 2020).

The media coverage of a terrorist attack can be extensive and long-lasting, but few researchers have explored how media attention may affect survivors. Our results suggest that media exposure can be an extra strain for survivors of mass casualties, particularly for those who are struggling post-terror. As such, journalists need to be careful and considerate when they approach, interview, and report on people exposed to trauma. In addition, we recommend that in the early phase after an attack, survivors should be warned about the media attention they may receive and be briefed on how to handle it. Such information could, for example, be integrated into an outreach program for the directly affected.

## X. CONCLUSION

Mass casualties such as terrorist attacks violate security and feelings of safety. The prevalence of post-traumatic stress reactions, other mental and somatic health problems, and negative social consequences is often substantial among survivors. The results from the NKVTS Utøya Study underline the challenges that survivors and their families face after terrorist attacks. As described in this report, 47% of the survivors had posttraumatic stress reactions on a clinical level 4–5 months after the event. For many, these reactions and other psychological problems lasted for many years. The need for mental health services was substantial, and about 70% required specialized mental health services during the first years. Grief about the loss of friends was complicated by their posttraumatic reactions and interfered with their own healing process. Pain and other somatic symptoms were common and appeared to also complicate recovery from psychological problems. This insight calls for action from decision-makers in providing adequate outreach programs in health and social services. To successfully improve readiness and respond adequately to victims' needs after terrorist attacks, disaster guidelines and future outreach programs must integrate the findings of empirical research. In other words, a systematic, needs-based response to terrorist attacks and other disasters requires the integration of real-time research in preparedness planning. Post-terror outreach should be proactive, long-lasting, and consider the diverse needs and characteristics of the affected individuals, including, for example,



minority background status. Furthermore, the outreach should be broad, targeting people in the immediate social networks, schools, and workplaces of survivors.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Crime Prevention & Community  
Safety in Rural Communities**

**Professor Karen Foster**

**Dalhousie University**

**April 2022**

[masscasualtycommission.ca](http://masscasualtycommission.ca)

# CRIME PREVENTION & COMMUNITY SAFETY IN RURAL COMMUNITIES

Karen Foster | March 2022

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## I. Introduction

“Community safety” has moved to the centre of crime prevention discourse and policy worldwide. In part this shift is because the criminological theories that are dominant today draw attention to how community contexts—including built environments, social networks and relations, and structural factors like social inequality—influence crime. The movement toward community safety also reflects the fact that community engagement and bottom-up approaches have become the norm across policy and governance domains, from health to economic development. Unlike crime responses of decades gone by, which prioritized punishing criminals, the community safety approach prioritizes prevention, and not just “situational” prevention but rather the creation of the general conditions known to enhance community safety.

This report examines the extant research on community safety with an eye to drawing insights relevant to rural Nova Scotia. There is ample scholarship on this topic, including empirical studies identifying best practices in community safety and crime prevention, but unfortunately, very little of it takes place in rural communities. Nevertheless, some general lessons from urban research and theory are likely transferable to rural communities, and at the very least, they point toward the need for more rural research, adaptable pilot programs, a comprehensive community safety strategy, and long-term, sustainable investment in locally relevant initiatives.

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## II. Methodology

This report presents the results of three scoping reviews of rural crime prevention and community safety literature, supplemented with more targeted literature reviews to answer questions raised during the process. First, the database *Sociological Abstracts* was searched for the keywords “rural,” “community safety,” and “crime prevention.” This yielded 34 results, 13 of which were removed for being irrelevant (e.g., only focused on urban settings with no utility for rural situations), and the remaining 21 were analyzed. A second search on *Sociological Abstracts* was conducted, this time for only the keywords “rural” and “community safety” in the title or abstract, and limited to peer-reviewed journal articles. This yielded 38,194 results, so the first four pages of results (approximately 100 sources) were scanned for relevance. By the end of the fourth page, relevant articles were few and far between. A third search in *Sociological Abstracts* for the keywords “rural,” “crime,” and “safety” yielded only 43 results, 34 of which were removed immediately for a narrow focus on, for example, food or all-terrain vehicle safety. Once the results of these three searches were analyzed, additional, more targeted searches were performed to answer questions arising and to provide additional details about the Nova Scotia context. These supplementary searches and sources are identified in the text below where relevant, and the bibliography is divided into four sections: one for each set of search terms and one for the supplementary material.

## III. Findings

### 1. The “Community Turn” in Crime Prevention and Safety

Scholars and practitioners reflecting on how crime is understood and addressed across much of the world have noted that from approximately the 1990s to the present, there have been several interrelated shifts in thought and practice that together constitute a “community turn.” The

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primary shift has been toward an emphasis on *community* in criminology, policing, and policy. On one side, this shift has entailed a turn away from offenders (i.e., their traits) toward their environments, both physical (i.e., the built environment, notably in the Crime Prevention Through Environmental Design or CPTED approach) and social (i.e., relationships and social organization). At the same time, criminology has increasingly questioned the utility of punitive approaches—reactive responses to crime, such as criminal prosecution and imprisonment—and instead considered preventative approaches, which seek to identify and mitigate risk factors for crime.

This is not to say that criminology paid no attention to communities before the 1990s. Indeed, the “roots” of two of the most influential environmental criminology theories of the past several decades, social disorganisation and collective efficacy, “go back, in part, to the theorising of Durkheim and Tonnies” in the late 1800s and early 1900s (Donnermeyer 2015: 161). Those two theorists were fundamentally focused on the structures and relationships within communities and how those shape individual behaviour.

The shift toward community after the 1990s, however, has entailed a recognition that communities should be engaged in defining and working on crime, requiring a movement away from centralized, top-down crime responses toward localized, bottom-up ones (Gilling et al. 2013: 335). This approach, along with the more generic recognition of community factors and the emphasis on prevention rather than (or in addition to) punishment, come together under the umbrella of “community safety.” The term seems straightforward, but it connotes something very important and actually quite complex about the way crime is understood and about assumptions regarding how it should be dealt with. Where once the norm may have been for police alone to deal with crime through “situational crime prevention” (Gilling 2001: 381)—using intelligence and surveillance to intervene to stop a specific crime from happening—the community safety

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approach involves a broader range of stakeholders working together at the community level to identify and mitigate risk factors for crime, toward goals that run the gamut from criminal justice and risk management to restorative and social justice (Gilling et al. 2013: 337). As Gilling has noted, “community safety” is still a “preventionist discourse,” but it targets more general “risk factors” like “unemployment, bad housing and low educational attainment” (2001: 382), as well as more intangible things like “‘quality of life,’ which derives from [community members’] personal safety and their sense of security in everyday life” (Hope 2005: 375). Even the focus of the community safety approach on socioeconomic factors has evidently intensified in practice over time: Menichelli (2020) examined UK community safety plans and found, from the 2000s onward, a decreased emphasis on antisocial behaviour and enforcement (except in such things as violence against women and sexual offences) and an increased emphasis on “safeguarding,” supporting (and educating) vulnerable populations (47). *Why* enforcement still plays “an important role” with regard to domestic violence and sexual offences, the authors do not discuss any further.

With its 2002 “Guidelines for the Prevention of Crime,” the United Nations endorsed and influenced the shift toward community safety internationally, including in Canada (Leonard et al. 2005). Updated in 2014, the UN document defines crime prevention as “encompass[ing] a wide range of approaches” from “social, economic, health and educational measures” that “promote the well-being of people and encourage pro-social behaviour” to changing “neighbourhood conditions” that facilitate crime, preventing situational crime through, for example, better environmental design, supporting victims, and working with offenders to prevent recidivism (United Nations 2014: 4–5). Common to all of these varied approaches is the “active participation of communities and other segments of civil society.” The document insists that “communities, in particular, should play an important part in identifying crime prevention



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priorities, in implementation and evaluation, and in helping to identify a sustainable resource base” (6).

Despite the apparent international consensus on community safety, it remains the subject of debate in criminology. The first key critique is that “safety” and “prevention” entail assumptions about who or what is risky, and efforts to prevent risk from materializing can be stigmatizing and marginalizing to certain places, activities, or social groups (Denney 2003; Feenan 2000). The second is a “powerful critique of most, if not all, things ‘communitarian’” (Hughes 2004: 431), which calls into question “moralising accounts of community” and urges that they be replaced with more “progressive” ones (431–32). The problem with appeals to community is that they may be conservative. In other words, they may lament a loss of a former kind of community (e.g., where social cohesion came from rigid gender roles and ethnic and religious similarity) and fail to appreciate the ways in which community is simply evolving. They may also draw attention disproportionately to the way individuals in a community interact with one another and thereby downplay more structural issues such as poverty and inequality. As Crawford has argued, the “community safety” approach draws on

the presupposition that the contemporary crime problem is in part associated with the decline of community as the mainstay of social life. As such, [proponents] seek to encourage a stronger and more participatory civil society... However, in this article I wish to cast a critical eye over some of the (often ignored) assumptions which underlie recent appeals to community in crime prevention and control and their potential implications for future social relations... I identify and review the implications of three particular areas of special attention: first, the increasing social and spatial polarisation and concentration of poverty and wealth; secondly, the commodification of security; and thirdly, policy debates concerning a growing “underclass.” Finally, I question the extent to which crime is an appropriate vehicle around which to (re)construct open and tolerant communities (Crawford 1999: 512).

A third and most prominent critique of the community safety approach is that it devolves responsibility for crime prevention down to the level of communities, or worse, to individuals, without adequately resourcing them to take on this work. Moreover, this “responsibilization”, according to its critics, “enables the development of a wider net for governing so that ‘the state is

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not, and cannot effectively be, responsible for preventing and controlling crime” (Garland 1996: 453, quoted in Sanders & Langan 2019). The critique of responsabilization is found throughout the community safety literature (Mols & Pridmore 2019; Super 2016). For example, Hope (2005) has noted that the community turn in crime prevention has gone hand in hand with a responsabilization of communities for their own safety. Feenan (2000) has also noted a turn toward “community” in crime prevention, which in Britain has meant downloading authority for crime to local actors and has accompanied a shift toward “risk management” rather than crime prevention. In Canada, Sanders and Langan (2019) have found an example of responsabilization in the form of Ontario’s “Situation Tables.” The initiative, created in an effort to get at the “roots” of crime (566), convenes regular meetings between community agencies, human services professionals, and police. The community agencies report on clients whose risk level—their risk of committing a crime or being the victim of one—is “elevated” to the point that the agency cannot manage it alone (570). The possible risks are entailed in a list of 26 categories, ranging from substance abuse and mental illness to anti-social behaviour. In response, the Situation Table develops a plan to provide multi-agency, “wrap-around supports” to the individual or family in question (570). For Sanders and Langan, this program to engage community stakeholders in the definition and management of crime looks cooperative on surface, but ultimately “extends the reach of the police by attempting to ‘responsibilise’ and shape the perspectives and practices of individuals and organisations,” and disperses responsibility for crime such that the police are no longer the primary means of crime prevention or response (Sanders and Langan 2019: 567).

Thus, if the objective is to strengthen community safety in rural Nova Scotia, it must be done without stigmatizing and marginalizing certain groups or activities that are not inherently criminal; without reinforcing an exclusionary, individualistic, nostalgic idea of community; and without downloading responsibilities that exceed community resources. There are lessons to be

found about how to do this, but a strong urban bias in community safety and policy research means that finding such lessons requires sifting through and considering the applicability of theories, empirical evidence, and best practices developed in and for urban areas.

## **2. Urban Bias in Community Safety Policy and Research**

The “community” in scholarship on community safety, including the critiques listed above, is typically urban, and most often the scale is the urban neighbourhood. Thus there is without a doubt an urban bias in crime and community safety research (Ceccato 2015: 157; DeKeseredy 2015: 180; Deller & Deller 2011; Gilling 2007; Owen & Carrington 2015: 231; Panelli et al. 2004; Scorzafave, Justus & Shikida 2015; Wooff 2015: 287).

What “little research” does exist on rural community safety (Gilling 2007:8) tends to test dominant theories that are developed using data from cities in order to see if they hold up in rural areas (e.g., Wilhelmson & Ceccato 2015; Deller & Deller 2011; Donnermeyer 2015). In numerous studies unearthed during this review, the theory in focus was some form of “social disorganisation theory” or its close cousin, “the theory of collective efficacy” (Donnermeyer 2015: 161). Both of these theories “emphasise the intersectionality of such factors as poverty and unemployment, population change or turnover, single parent families, and race/ethnic heterogeneity as breaking down social control within urban neighbourhoods and, by extension, increasing crime” (Donnermeyer 2015: 161). While they have been widely used to explain variation in urban crime rates for over fifty years and are influential in community safety research and practice (Ren, Zhao & He 2019; Vigne 2019), social disorganization and collective efficacy theories are not reliable for explaining crime nor designing community safety initiatives in the “nuanced context” of rural communities (Donnermeyer 2015: 162; *cf.* Deller & Deller 2011).

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Likewise, the “broken windows” theory of crime, which has been highly influential in criminology generally, stipulates that “neglecting incivilities such as graffiti-covered walls, underage smoking, and bad manners will weaken informal control” (Matsukawa & Tatsuki 2018: 91). In other words, if the environment is being neglected, people will lose interest in keeping it safe and feel powerless to do so. Conversely, if an area looks well-maintained and cared for, it probably means that local residents are invested in it, and criminals will be deterred by the impression that people care about and are watching what is going on in their community. This thesis is one of the core assumptions of the “Crime Prevention Through Environmental Design” (CPTED) approach, which seeks to improve the design of physical space to deter crime, by enabling “natural surveillance” and “access control”, that is, gates and fences (Reynald 2011). There is little to no research testing either the broken windows theory nor CPTED principles in rural communities, although some Canadian rural communities have adopted and endorsed CPTED anyway, for example urging their residents to consider crime prevention in their landscaping decisions.<sup>1</sup>

The neglect of rural communities in these dominant theories may seem like an academic problem, but it affects the kinds of crime prevention initiatives designed in rural areas (Lindström 2015: 275), such that the latter “tend to prioritize urban problems’ such as youth crime and drug abuse” (275). In part, rural communities are ignored in scholarship and policy because they are peripheral; they tend not to have universities (Nova Scotia is an exception), and they tend to be governed by provincial or territorial institutions located in cities, with policy developed in cities by urban dwellers. But when it comes to crime scholarship and policy, there is another factor at

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<sup>1</sup> See, for example, the website of the Alberta Provincial Rural Crime Watch Association: <https://www.ruralcrimewatch.ab.ca/news-events/bulletin-board/crime-prevention-through-environmental-design-cpted>.

play: the “rural idyll” that characterizes rural life as simple, slow, peaceful, and friendly. As Donnermeyer has concluded, “rural was ignored as a location for serious criminological scholarship and in its place a kind of rural idyll (Halfacree 1993) was constructed in which the heterogeneity of the city was contrasted to an assumed homogeneity of the rural” (Donnermeyer 2015: 161). The next section considers the rural idyll and attempts to lay out some general and less controversial, albeit never universal, qualities of rural communities.

### **3. What Is Different about Rural Places?**

The literature in rural studies has been and continues to be preoccupied with defining its object. The “rural idyll” is broadly recognized as misleading or at best a half-truth. “Rural” does not necessarily mean simplistic, tranquil, and cohesive; it is not all rolling hills and coastlines, wide horizons and unspoiled wilderness. The children there do not all run in fields and climb trees; the adults are not all farmers and fishers. The pastimes and tastes are not all “traditional” (Bell 2006: 149). Not everybody knows one another, nor does everyone get along. That is the idyllic version of the rural, and as a social construction of rural life, it has some truth to it, but it is not the whole picture. Rural places can also be complicated and noisy; their landscapes can be industrial, with landfills, mills spewing acrid smoke, and factories on sprawling parking lots. Children’s experiences vary, with many struggling to find a place to be a kid, away from the judgment of adults but without putting themselves in danger. The adult experience varies too, from wealthy retirees to small-town service-sector workers and the seasonally employed. Like any place, rural communities can have tense relations between different people and groups; they have insiders and outsiders, wealth and poverty, and personal rivalries. But if rural cannot be defined in idyllic terms, what is it?

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In rural community safety literature and across rural studies, one definition has gained traction: Halfacree's (2006) "three-fold model [...] based on Lefebvre's understanding of spatiality, where spatial practices, representations of space and spaces of representations combine to form a three-part dialectic where space is perceived, conceived and lived" (Halfacree 2006 in Wooff 2015: 288; *cf.* Mawby 2015; Wilhelmson & Ceccato 2015). In other words, rural can be defined by what it more or less objectively *is*, in terms of how it shapes lived realities and possibilities—more sparsely populated and less built up than cities, often more agrarian, often a considerable distance away from an urban area (i.e., not close enough to be a suburb). In Canada, Bollman (2022) has conceptualized rurality as a function of "density" and "distance to density" that can be quantified and used to measure the remoteness of any place. Density is how populated an area is, in a ratio of people to geographical size; and distance to density is the distance, measured in driving time, between a place and the nearest Census Metropolitan Area. This standardized measurement can produce very good indicators of how far a person might have to travel for healthcare, how long schoolchildren might spend on the bus to school, and how costly a centralized government might believe it is to deliver some public services. Remoteness is thus part of defining rural.

But rural is also defined by how it is perceived; rural is an identity, such that a community that finds itself in quite close proximity to a sprawling city, with access to all of its amenities, possibly even amalgamated into that city, may retain a rural identity in the declarations and self-perceptions of the people who live there. Rurality is also something that is *done*, or *practiced*, governed by tacit norms of behaviour that are often defined explicitly or implicitly in opposition to perceived urban norms. Hence, in a rural community, it might be deemed abnormal to honk a car horn in traffic, and normal to wave hello to everyone on the road and leave doors unlocked. There may also be different social structures in rural communities. Many rural communities "are

high in what is now often referred to in the literature as social capital” (Scott & Hogg 2015: 171)—that is, people know each other, and social networks are strong and enduring. Many rural communities have “big” families that are well-known, well-respected, and active and influential in community and economic life (Owen & Carrington 2015: 234). But even this has an underbelly, insofar as some people are marginalized from the dominant social networks, and even those within the networks can be constrained by them in unpleasant ways. Rural communities have been found to be “predominantly patriarchal and masculine” (Somerville et al. 2015: 222), often because of the centrality of male-dominated industries such as resource extraction. Yet there are examples of rural communities where arts and culture are among the dominant industries—such as Lunenburg, Nova Scotia or Stratford, Ontario—and the gender relations there can be decidedly different.

Thus, rural places have some defining characteristics—they typically are a considerable distance from urban amenities, the people who live there consider them to be rural, and there are certain cultural norms and characteristics that are perceived to be rural—but these are not universal or uncontested. The Canadian Rural Revitalization Foundation has a saying about this: if you have been to one rural community... then you have been to one rural community (CRRF 2015: 2). Nevertheless, pertinent to the issue of rural community safety, one component of the “idyllization of rural life” (Scott & Hogg 2015: 173; Somerville et al. 2015: 221) is the assumption that rural places are safe and friendly. But “rural areas can be frightening” too (Panelli et al. 2004: 448), and they are by no means free of danger or crime.

#### **4. What Is Different about Rural Crime and Victimization?**

As mentioned above, much of the work in rural crime research attempts to test whether urban theories apply in rural areas the same way. But it is not just that the dominant theories do not fit;

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there are also blind spots in understandings of what kinds of crime matter in rural communities. There are offences that are highly relevant in rural places but not in urban, such as environmental crime on farms, and these are underexamined (but *cf.* Barclay and Bartel 2015). There are different dominant crimes in different communities—for example, in a study of policing in small communities in Oklahoma, Shukla et al. (2019) were informed that much of the property crime is actually linked to drugs (207). Additionally, there are kinds of crime that would seem *unlikely* in rural areas but are actually common. As DeKeseredy (2015) has noted, “a sizeable portion of corporate/white collar crimes, such as the dumping of toxic waste and the exploitation and victimization of farm labor [...] occur in rural communities” (184). Likewise, Somerville et al. (2015) has found plenty of evidence of niche illegal and illicit activities, including “cattle and sheep rustling, tax evasion, [and] EU subsidy fraud...” (223).

Canadian statistics point to some definite rural-urban differences at the aggregate level. For instance, rural residents are actually more likely to experience crime when rates are compared to urban on a per capita basis (Perreault 2019). And certain kinds of crimes are more common in rural areas: the rates of physical assaults, firearms offences, sexual assaults, and sexual violations against children, for example, are higher in rural areas in Canada (Perreault 2019). But the aggregate view obscures some important provincial variation. When the statistics are broken down by province, it becomes clear that rural crime rates are only higher than urban in Newfoundland and Labrador, Manitoba, Saskatchewan and Alberta (Perreault 2019). The rates of specific types of crime in rural communities also vary widely depending on the province.<sup>2</sup> Moreover, when rural communities are compared to each other, there is significant variation in crime rates (whereas urban crime rates are less variable) (Perreault 2019).

<sup>2</sup> See the following table for provincial rates of specific criminal code violations in rural areas: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00009/tbl/tbl05-eng.htm>



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Thus, it is difficult to pin down exactly what characterizes rural crime in a universal way.

As Somerville et al. (2015) have explained,

It is not just that the various versions of the rural idyll conspire to distort people's perceptions of rural crime; it is also that the different interpretations of rurality imply different understandings of rural crime. In particular, the concept of a "differentiated countryside" (Murdoch et al., 2003) suggests that the types of crime committed may vary and may be viewed differently from one rural area to another. It also suggests that rural crime, like rurality, is to be understood in terms of the localities in which it occurs, how it is socially represented, and the everyday circumstances in which it is committed, experienced and interpreted (221).

Overall, interest in rural crime and in understanding its causes is warranted. A considerable amount of crime happens in rural communities, including violent crime. However, the oft cited statistic showing that the rural crime rate is higher than the urban rate in Canada (Griffiths 2019: 247; Mawby 2015: 262), upon closer reading, is driven by a few outliers. As Statistics Canada's report on rural crime makes clear, "the higher crime rate in rural areas was driven by a small number of police services that reported very high crime rates. In fact, most police services serving a predominantly rural population recorded relatively low rates of crime" (Perreault 2019: 3).

Still, no matter how low the aggregate crime rate is in rural communities, it matters. And efforts to understand, prevent, and respond to it will not be well served by transplanting theories and initiatives developed in, by, and for urban communities. The research that exists on rural crime suggests that what it is, how, when, and where it happens, whether or how it is reported, and how it is dealt with, are all strongly shaped by two characteristics of rural communities, and each has the potential to enable crime as well as to constrain it. These two characteristics are isolation (that is, the distance between homes, as well as the distance between communities and rural and urban areas) and social cohesion (that is, the strength and types of ties between people in the community).

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*A. Isolation*

Two of the least controversial characteristics that define rural places are the lower population density—which means that households are more spaced out—and the longer distances from more populous areas. These two characteristics are forms of isolation: people in rural communities are more physically isolated from one another, and communities themselves are more physically isolated from other communities.

In rural community safety literature, both of these forms of isolation have been found to have the potential to be protective *and/or* endangering. According to Ceccato (2015), “geographical and social isolation are part of the dynamic of crime in rural areas,” insofar as they make crime detection difficult (158). Isolation can also affect the reporting of crime: Panelli et al., in their study of domestic violence in Australia, have written that “physical isolation has been associated with a number of different factors including distance from local centres, poor roads and seasonal conditions (Alder 1996)”, and “some studies of domestic violence have noted that these attributes can also result in social isolation (Fletcher & Lunn 1996),” making people less likely to report domestic violence (Panelli et al. 2004: 448). Statistics on crime in Canada support this hypothesis; self-reported victimization is lower in rural Canada compared to urban (Perreault 2019). But at the same time, “some authors have noted what we call the ‘insulating effect’ of distance that can result in feelings of safety...” (Panelli et al. 2004: 448). Lower population density also makes crimes of convenience more difficult to pull off; things like burglaries or theft might require more coordination. The efficiency of straightforward theft—from unlocked cars or homes, or from pockets—is lowered when there are fewer of those targets around.

However, when it comes to accessing services after a crime has happened, there is little doubt that isolation makes things more difficult. In communities where there is limited local law enforcement, there is a greater potential for “vigilantism or at least banishment [of criminals] as a

solution to crime that locals might find reassuring” (Panelli et al. 2004: 462). Looking at domestic violence, Owen & Carrington (2015) have also described the “tyranny of distance”—a common concept across rural studies—which results in “victims of DV [...encountering] considerable difficulty in accessing appropriate services, as this and other studies have found” (235).

### *B. Social Cohesion*

As mentioned earlier, rural communities have generally been found to be more cohesive than cities and higher in social capital (the enduring, generative, and often beneficial bonds between people), and in this way, they reflect some of the assumptions entailed in the rural idyll.

Accordingly,

much of what has passed as rural criminology has been content to look at these networks in terms of their social control effects, the idea being that tighter social integration in rural places helps to prevent crime. Indeed, for a very long time it could be said that insofar as criminology focused on rural crime at all it was not to explain crime in rural settings, but rather to offer rural social order as an explanation for the relative absence of crime (Scott & Hogg 2015: 171).

But many scholars studying rural crime have pointed out that, like isolation, social cohesion—“the so-called ‘cohesive community values’ [that] strengthen rural communities”—“may also have the unintended effect of ‘enabling’ crime” (Ceccato 2015: 159; *cf.* Somerville et al. 2015). For example, in rural communities where everybody seems to know everybody else, residents have been found “to keep community problems to themselves by viewing crime as a personal matter and not seek the help of law enforcement agencies” (Deller & Deller 2011: np). The constraining effect of social cohesion is especially concerning in cases of domestic violence. In interviews with rural domestic violence service providers, Owen and Carrington (2015) have found that “the impact of personal shame and embarrassment was a constant theme” (233), as the “stigma” of domestic violence in small, tight-knit communities deterred women from reporting abuse. The authors concurred with previous research that “in small towns with high levels of

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mutual recognition and active local gossip networks, shame and embarrassment can act as major deterrents to reporting violent crimes” (Owen & Carrington 2015: 233). In rural Australia, research suggests “the cultural importance of family and the conservative and traditional beliefs” are a more specific manifestation of social cohesion that “ensure that women experiencing violence have great difficulty reporting abuse” (Alston 1997: 16, cited in Panelli et al. 2004: 448).

The everyone-knows-everyone character of many rural communities also affects police. As Griffiths (2019) has found in northern Canada, “police officers in rural communities face challenges in insulating their family and private lives from the scrutiny of community residents, always being on duty, and in meeting community expectations that officers will be closely integrated into community life and activities” (248; *cf.* Shukla et al 2019).

### *C. Gender*

Crime and safety are always gendered (Kruttschnitt 2013), and rural crime is no exception. However, the research in urban areas (e.g., the gender and public safety research of Angeles & Robertson 2020) is difficult to extend to rural communities. Much of the research on rural crime that deals explicitly with gender is focused on domestic violence. And all of it, taken together, “demonstrates that rural women are at higher risk of experiencing intimate male intimate violence than those in more densely populated areas. The key risk factors identified include [...] isolation, male peer support, [and the] “ol’ boys network”), but our knowledge about private violence in the lives of rural women is incomplete” (DeKeseredy 2015: 182).

Owen and Carrington (2015) have explained that rural women face additional, or at least different, barriers to leaving violent relationships and seeking support compared to women living in cities, as they are

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faced with making a calculated risk of reaching out to limited services to deal with the abuse and increase their likelihood of losing personal resources and supports in the process. If they want to leave or end violent relationships, for many in rural areas, this means having to face the tyranny of distance [...] and travel long distances to seek DV services [...]. Rural women who leave abusive relationships face the prospect of only being able to access limited support services (Owen and Carrington 2015: 235).

Women with very limited resources (for example, women who do not have access to a car) are even more disadvantaged in this situation (unable to drive to access services but also unable to view apartments to rent). In communities with few formal amenities and tight bonds, as one of Owen and Carrington's research interviewees explained, "there's a whole economy of favours," and women who draw on their friends and family to help them out of domestic violence situations risk using up all their favours and having their private lives exposed to the entire community (Owen & Carrington 2015: 235).

More women than imagined may also be affected by limited resources. Owen and Carrington have found that many "farm women" did not qualify for low-income targeted support because on paper their families appeared to have money. But they personally could not access it (Owen & Carrington 2015: 236). Thus, many women in their study site were "unable to access personal resources or access formal public services as a result of not meeting the income test criteria" (237).

The gendering of rural crime is pertinent largely but not only to domestic violence. In the United States, DesKeseredy (2015) has found that "gender plays a key role in the development of rural hate groups, which consist primarily of 'emasculated white men,'" and "a disproportionate share of all hate groups [are] located in rural areas" (184). Very little research exists that explores gender, rurality and crime beyond a binary view of gender or with reference to sexuality, although calls for such research have been made (Dwyer et al. 2015).

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*D. Insider/Outsider Relations*

The characterization of rural communities as peaceful by default glosses over many dangers, including the increased risk of domestic violence facing rural women. It also combines with tighter social bonds to feed into a perception that when rural crime *does* happen, it is because some outsider has infiltrated a community's boundaries (Halfacree 1996). Both Panelli et al. (2004) and Somerville et al. (2015) have noted that "it is easier (and safer) for residents of small rural communities to erroneously attribute crime to outsiders than accuse neighbours within the confines of small groups" (Somerville et al. 2015: 222). The result is "narrow and exclusionist" "constructions of rural community" (Panelli et al. 2004: 464).

Rural residents are not solely responsible for perpetuating this myth. Scott and Hogg (2015) have noted that "rural media, for example, do much to highlight difference, diversity and fragmentation as problematic features of the lived countryside, especially when focused on crime problems" (173). Moreover:

An American study of urban press reporting of crimes in small towns has shown how such accounts often serve to confirm the image of them as places where bad things do not happen even as the reports might seem to suggest the opposite. They do so by constructing a sense of dissonance between the place and the bad event occurring within it (Scott & Hogg 2015: 173).

When crime and danger are associated with outsiders, anyone who looks different from the norm is subject to being "register[ed] as a disturbance of the rural, a discordant presence" (Scott & Hogg 2015: 173; see also Yanay 1994). Mols & Pridmore (2019) have found, for example, that neighbourhood watch groups tend to become suspicious of anyone who looks different, even when no crime has happened. While their research is urban, it is reasonable to assume that the insider/outsider dynamic in perceptions of rural crime is problematic because it likely hinders efforts to address the real sources of crime, and it also undoubtedly serves to make rural places more dangerous for marginalized groups within them (cf. Loftus 2009).

*E. Policing*

Isolation and social cohesion in rural communities also shapes policing in interesting ways. In a scan of the literature, Wooff (2015) has pointed out that extant studies find that officers in rural areas have to work to build respect and trust while they also enforce the law. Previous research also found a greater use of “discretion” in policing (290), an emphasis on “crime prevention over enforcement,” and “a wider range of tasks” among rural officers compared to “their urban based colleagues” (Wooff 2015: 291; cf. Shukla et al., 2019). Wooff’s research has also found that rural policing is highly context dependent, with discretion woven into the unique fabric of each community (Wooff 2015). Several studies have noted the higher visibility of police in rural communities: they stick out and are more easily scrutinized by their communities, and officers often feel as if they have no private life (Shukla et al. 2019; Griffiths 2019).

There is mixed evidence around the issue of trust in police in rural communities. As mentioned earlier, rural residents might be less likely to report certain kinds of crime because they worry about the effect it would have on community relations. However, the evidence to support this hypothesis is mixed. There is plenty of qualitative evidence (e.g., Owen & Carrington 2015) showing that women are less likely to report domestic violence in rural areas. But Kaylen and Pridemore (2015) have found that police notification and emergency medical treatment following *violent* victimization are no lower in rural areas compared to urban or suburban. Lindstrom (2015) has noted that trust in police is found to be higher in rural communities, but even this is inconsistent (275). At the same time, Griffiths (2019) has pointed to previous studies that show that rural communities “populated by large numbers of Indigenous persons whose contact with the police historically and in contemporary times may have resulted in suspicion and distrust of the police, with a corresponding lack of confidence in, and legitimacy of, the police” (248). In Canada, studies have shown that rural households are *more* likely to

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report property crimes than urban, but about as likely to report violent crimes (Perreault, 2019: 9). Regardless of the ambiguous findings on levels of reporting and trust in police, it remains true that police are part of any crime prevention strategy, and rural policing is highly context dependent, involves more officer discretion, and benefits from officers who know and live in the area (although the close ties between officers and population do present some unique risks, detailed further below). As Griffiths (2019) has argued on the basis of his own research and that of others, “effective crime prevention programs require relationships between the police and the community based on public confidence in, and the legitimacy of, the police” (252).

**5. What Do Safe Rural Communities Look Like?**

As the previous sections have emphasized in different ways, there is no simple binary of “safe” versus “unsafe” community characteristics. Some of the community attributes that work to prevent crime can also work to conceal or perpetuate crime (Panelli et. al. 2004: 454). Moreover, there is insufficient research to test whether lessons from “safe” urban locales can be transferred to rural ones.

This is true of “collective efficacy” (Deller & Deller 2011; Donnermeyer 2015: 161)—that is, the willingness and ability of residents to engage in crime prevention and their belief that their actions can make a difference. As noted earlier, the theory of collective efficacy holds that communities where residents feel empowered to control crime are safer because of it (Ren et al. 2019; Vigne 2019). This theory has been tested extensively in cities, but there is less empirical research on how it works in rural communities. As a closely related concept to social cohesion, in rural areas collective efficacy has been theorised to enable or conceal certain kinds of crime as much as it prevents other kinds (Donnermeyer 2015: 161). The flipside of high collective efficacy, “social disorganization,” is the theory that low rates of “residential mobility, cultural



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heterogeneity, family instability, etc.” are correlated with lower rates of crime (Donnermeyer 2015: 174). This mostly holds true in urban research, but again, rural studies show that in some cases, low social disorganization—low residential turnover, homogeneous populations, and strong influential families—can work to hide and facilitate crime. Domestic violence, as mentioned above, is a good example of the type of crime that a static, patriarchal, homogeneous community may collectively ignore (Panelli et al. 2004; Owen & Carrington 2015). While these findings are contradictory and confusing, it is nevertheless a reasonable assumption that safe rural communities will be those that channel the strong social ties among their relatively stable populations toward crime prevention and support for victims. Communities that treat victims’ safety as more important than community interpersonal relations and residents’ reputations are inherently safer (Panelli et al. 2004: 450). More research and experimentation with community safety initiatives is needed to determine how this can be achieved.

Less controversial or uncertain is the role of social inequality in shaping community safety. While the precise relationship between inequality, poverty, and crime is not fully understood, it is generally accepted that communities with lower levels of poverty and social inequality are safer (Donnermeyer 2015; Gilling 2001; Pease 2001; *cf.* Crawford 1999: 152). Safe communities tend to be those that work against social, economic, and political marginalization and toward inclusion of all people in these aspects of community life.

The wider literature on crime prevention also emphasizes the importance of social capital, which entails networks, generalized trust, and shared norms within a society. Higher social capital is linked to lower crime rates, but inconsistently—that is, some aspects of social capital seem to matter, while others do not. Moreover, the causal direction is unclear—that is, we do not know whether higher crime rates diminish social capital or vice versa (Buonanno et al. 2009). The evidence to support the social-capital–crime link in rural communities is limited (Scott &

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Hogg 2015), and like social cohesion, social capital seems to work in two directions—to conceal and facilitate crime as much as it prevents it. However, the trust that people have in each other, in law enforcement (Griffiths 2019), and in institutions such as schools, courts, and government, is a reasonable place to look for ways to strengthen community safety. Communities where trust among diverse groups of residents *and* between residents and institutions is high are likely safer, but care must be taken to mitigate the crime-facilitating potential of social capital.

### **6. How Does Rural Nova Scotia Compare?**

In Nova Scotia, where 43% of the population lives in rural areas, the rural crime rate is just slightly higher than the urban (Perreault 2019). Interestingly, this is “mainly the result of a high number of frauds” (Perreault 2019), but the rates of other kinds of crime are still high enough to put to rest the notion that rural is inherently peaceful and safe.

Rural Nova Scotia is a good example of how “rural” is not a homogeneous category. Its population is older and ageing and has a higher rate of disability than its cities (NS Accessibility Directorate 2020). Like many rural communities, the province’s rural areas are generally less diverse than its cities, but recent survey research has shown that rural Nova Scotians are not much less open to immigration than their urban counterparts (McLay & Ramos 2021). But immigration is not the main source of the province’s racial, ethnic, or cultural diversity. Nova Scotia is unique in Canada in that it has a rural Black population—African Nova Scotians—who have lived throughout the province since the 1800s and call several rural communities home. There is limited research on the experience of rural African Nova Scotians, but what does exist points to the importance of the intersection of race and rurality. Historically, African Nova Scotians were settled on “land in impossible-to-farm districts, which were practically reserves, from which [they] filed mornings to work as cheap labour in white homes and in white-controlled

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cities and towns,” in the words of African Nova Scotian poet, George Elliot Clarke (2012). Their marginalization, economically, politically, and socially, continues today, although their culture is strong and proudly protected, and the global *Black Lives Matter* movement has brought new awareness to police practices such as “street checks”, which are disproportionately used on Black people in Nova Scotia (Wortley 2019). One Master’s thesis project carried out at Acadia University in 2017 found that African Nova Scotians living in Digby, a small coastal town and surrounding rural area in the province’s Valley region, experienced everyday, widespread racism they considered to be more characteristic of the “50s” than the present day (Bundy 2017: 83). This experience extended to interactions with police and the justice system, whether interviewees and their friends and family were the victims of crimes not being taken seriously or the target of unsubstantiated accusations motivated by racism. The researcher concluded that “African Nova Scotians in Digby are believed to be seen as the dangerous ‘other’ and are associated with crime” (Bundy 2017: 88). Her research also showed how gender intersected with race and rurality to shape the experiences of rural African Nova Scotian women with regard to the police (Bundy 2019). Bundy’s research participants in these studies felt targeted, not protected, by the police and did not trust them, just as they felt ostracized by the rest of the community in Digby.

Rural Nova Scotia is also the ancestral and current home of several First Nations and Indigenous peoples, who are marginalized in everyday life and particularly in the justice system, in similar but distinct ways compared to African Nova Scotians. Recently, tensions have flared over Indigenous peoples’ exercise of “moderate livelihood” fishing rights in rural Nova Scotia, with non-Indigenous fishers allegedly setting fire to the storehouses of Indigenous fishers (Hogan 2020). Interestingly, the rights in question can be traced back to a Supreme Court decision involving Donald Marshall Jr., who caught and sold fish without a license but fought the resulting charges in what became “a six-year legal battle over First Nations treaty rights” (Butts

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2020). Decades before the case, Marshall had also been wrongly accused of and imprisoned for a murder he did not commit. His eventual acquittal triggered a Royal Commission into racism in the criminal justice system. While that Commission focused on Marshall's wrongful conviction, the murder victim was an African Nova Scotian named Sandy Seale. The murder itself and the lack of serious effort to identify, arrest, and prosecute the actual murderers (who were white) has been attributed to anti-Black racism as well (Metallic 2019). Thus, there is ample historical and contemporary evidence that racism affects community safety in rural Nova Scotia, such that African Nova Scotians and Indigenous people are often marginalized in social and economic life and targeted by punitive and crime prevention initiatives. Although tense and distrustful relationships within communities and between communities and police can exist anywhere, in rural Nova Scotia it is important to attend to the ways in which such relationships are shaped by racism and colonialism.

When asked what they love about their communities, rural residents of Nova Scotia have emphasized safety, quiet, and nature (more so than their urban counterparts) (Foster et al. 2020). They are less likely than urban Nova Scotians to say they like being close to good jobs and amenities (Foster et al. 2020). Indeed, there are fewer amenities in rural Nova Scotia, but none of the province's communities are extremely remote. A 2019 survey of Nova Scotians asked respondents to indicate if their community had, within it or within a very short drive, the following amenities: emergency room, doctor's clinic, bank, college or university, full-sized grocery store, convenience store, gas station, library, recreation facility (pool, skating rink, gym), pharmacy, fast food restaurant(s), sit-down restaurant(s), and pub(s) or bar(s) where alcohol is served. 92–98% of respondents said they had each of these amenities close by, with two exceptions: only 72% said they had a college or university in or very near their community, and 88% said they had an emergency room (Foster et al. 2020). Importantly, however, the presence of

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an amenity within driving distance does not necessarily connote access; across rural Nova Scotia, one of the primary concerns is access to healthcare, including primary care, emergency rooms, and specialists (Foster et al. 2020).

Unlike the sites of most rural crime case studies examined here, Nova Scotia's rural areas are not dominated by farming. In fact, many of the province's rural areas are fishing communities. Fishing operations are qualitatively different than farms: the structure of the workforce, how families work together, the money involved, and, importantly for this report, the way vessels and fleets can be networked into global trade routes that can be used for smuggling illicit drugs (Pottie 2021). While there are works of investigative journalism (e.g., Silver Donald Cameron's *Blood in the Water*) and fiction (Frank Parker Day's *Rockbound*) that deal with the darker underbelly of fishing in Nova Scotia, no academic research was unearthed in these searches, even with more targeted keywords.

Where farming is heavily concentrated, the rural crime literature assembled here may be more applicable, but even that literature has little to say about some of the relevant structural features of farming in Nova Scotia: for example, the highly seasonal character of the work due to relatively short growing seasons, or the considerable reliance on temporary foreign workers to cultivate and process farm products (Horgan & Liinamaa 2017). The connections drawn between rural perceptions of and reactions to crime, and the insider-outsider dynamics, most certainly has relevance in communities where temporary workers come and go. Moreover, agriculture's increasing reliance on precarious forms of labour and citizenship (Weiler et al. 2016) might shape community experiences of crime and safety, but this is not addressed in the existing literature on rural crime or literature on farm labour.

Yet despite the best efforts of some tourism campaigns, not all of Nova Scotia's rural areas are organized around fishing or farming. Some of the province's rural and small-town

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communities have strong manufacturing sectors (e.g., Michelin in Bridgewater), while others are driven by farming (e.g., the Annapolis Valley). Some rural communities are growing (e.g., Hants and Colchester County), and others, like Cumberland County, are shrinking (NS Finance and Treasury Board 2022). Since 2020, the province experienced record in-migration, with many new residents settling in rural areas. Across the entire province, house prices have increased dramatically, with out-of-province buyers cashing in on more expensive markets elsewhere and paying cash for less expensive homes in Nova Scotia (Foster et al. 2021). Not every buyer actually moves into their new home; short-term rentals, such as Airbnbs, are growing at a higher rate in rural and small-town communities across Canada, taking homes off the market and dramatically shrinking the stock of long-term rental options (Combs et al. 2020). In some rural communities, the result of high in-migration and short-term rentals is a housing crisis (Foster et al. 2021).

Turning to crime prevention, Nova Scotia has nine small-town municipal police agencies and over forty RCMP detachments outside the Halifax Regional Municipality. It does not have an overarching crime prevention strategy or plan. This dispersed and ad hoc crime prevention approach can be situated in the context of a larger federal government reallocation of resources toward the “local or municipal level” for the “creation of crime prevention and community safety councils” since around the 1990s (Leonard et al. 2005: 234). Specifically:

In 1994, the government of Canada established the National Strategy on Community Safety and Crime Prevention. [...] The broader vision was to encourage federal, provincial, and territorial cooperation and emphasize the mobilization of citizens to take action at the local level to work toward safer communities (Leonard et al. 2005: 234).

One component of this initiative is the “Crime Prevention Investment Fund” (CPIF) fund, which supports crime prevention pilot projects and evaluates them.

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At least one CPIF-funded project took place in Nova Scotia: a Restorative Justice project with 6000 participants. It appears to have been successful, with 78% of participants not reoffending 26 months after the program’s end, compared to only 49% of nonparticipants (Leonard et al. 2005: 239). But like most of these short-term, grant-dependent projects, it ended. Other rural studies scholars have pointed out that the social and economic development of small communities is stymied and exhausted by the endless cycle of grant applications and reporting that are characteristic of the “proposal economy”: “a system that empowers [communities] to imagine, engage, and propose but not to count on the state to provide certain services” (Stern & Hall 2015: np). In the proposal economy, “proposal-making and applying for grants have become normalized activities,” and small communities and the civic groups and institutions within them have become accustomed to short funding cycles of several years or less, in which they must create, implement, operate, and evaluate programs and projects to solve pressing community problems, only to run out of funding and begin the process over again. This is arguably what has happened in Nova Scotia’s bottom-up community safety activities: over the last thirty years, the province has, like other Canadian provinces, run numerous “crime prevention strategies with a focus on community and social development” (Leonard et al. 2005: 233), but a look at the provincial government’s website reveals that most are now stale—deadlines and announcements associated with most (if not all) are from years ago.<sup>3</sup>

Outside the initiatives funded by the CPIF and formed under the National Crime Prevention Strategy, it is worth noting that Nova Scotia has a “Diversity and Community Capacity Fund” that aims to support community-led “capacity-building efforts of organizations

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<sup>3</sup> See the Nova Scotia Crime Prevention webpage: <https://novascotia.ca/just/Prevention/>.

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that represent traditionally marginalized communities and promote diversity and social equity.”<sup>4</sup>

While not explicitly a crime prevention initiative, the Diversity and Community Capacity Fund targets the social capital attributes that have generally been found, albeit inconsistently, to improve community safety. Without doubt, more could be done to improve rural community safety in Nova Scotia and across Canada.

Indeed, a more recent 2019 parliamentary report shone a spotlight on rural crime in Canada. In response to criticism from opposition parties, the Liberal government ordered the Standing Committee on Public Safety and National Security to conduct a study of rural crime in Canada. In 2019, the committee released a brief report that found that long police response times were “the core of the crime problem in rural areas [...] causing an erosion of public confidence” (Standing Committee 2019: 2). It recommended that the provinces and territories “increase investments in policing and innovative solutions, including emergency response and dispatch centres” and that “the RCMP should consider ways to partner with other policing agencies and make greater use of the auxiliary and reserve programs in rural areas” (3). Overall, the Committee argued that “effective crime reduction measures should have at least four components: adequate police resources, partnerships with the community, robust victim support and a justice system that inspires public confidence” (3).

When it was presented in Parliament, the opposition parties critiqued the brevity of the report and its contents. They pointed out several important issues that it ignored. First, rural Opposition Members of Parliament noted that the RCMP sends new recruits to rural areas, and many of them do not know the local contexts (Standing Committee 2019: 11). Relatedly, they

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<sup>4</sup> See the Nova Scotia Communities, Culture, Tourism and Heritage webpage: <https://cch.novascotia.ca/investing-in-our-future/diversity-and-community-capacity-fund>.



observed that there are not enough Indigenous RCMP officers or cultural awareness among officers. They raised the issue of rural suicide and urged for more investment in rural suicide prevention and mental health services. Echoing the focus of the international literature examined here, they underscored the need for domestic violence prevention and support for victims. Many said their communities had reduced 911 service (Standing Committee 2019: 11–15).

## 7. What Works?

A search for clear examples of effective community-level safety initiatives is fraught with the same problem that makes such initiatives difficult to carry out: a lack of long-term investment resulting in a lack of long-term programs with evaluations showing their efficacy. Nevertheless, robust synthesis of empirical research on community safety has underscored the same basic principles again and again. For instance, Griffiths (2019) and Leonard et al. (2005), both writing in Canada, converged on similar factors known to be important in crime prevention.

### *A. Collaborative Approaches: Potential and Pitfalls*

The first of several “attributes of an effective crime prevention model” is “ongoing collaboration and communication with the community and with specific groups within the community” (Griffiths 2019: 247). As Leonard et al. (2005) have detailed, this involves “broad-based” engagement with a “cross-section of the community” (235) represented by “multiple partners” and “various groups” in all aspects of community safety, from a “comprehensive needs assessment,” which might itself help in “raising awareness in the community about the issues and the need for collective action” to “recruiting workers or volunteers from the community” to carry out safety initiatives (243). This insistence on community partnerships and bottom-up definitions of priorities and appropriate and effective responses reflects the new “norm” (Harkin 2018: 125) in community safety (*cf.* Gilling et al. 2013). Indeed, as Leonard et al. (2005) have found,

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“experiences in many countries illustrate the mainstreaming of local governance and partnership in crime prevention and community safety” (235).

Yet researchers have also pointed out that the insistence on community involvement is “premised on research studies largely conducted in urban centers where police and community resources can be mobilized. Less is known about the challenges and opportunities for crime prevention in sparsely populated rural and northern communities” (Leonard et al. 2005: 247; *cf.* Choi & Lee 2016). Moreover, the literature abounds with cautionary tales and critiques of community engagement. Gilling et al. (2013) have noted that the “local” in local community is in practice a negotiated term among different stakeholders and may be a point of tension in deciding who is to be involved and consulted in planning and carrying out community safety initiatives (336). Additionally, recalling the earlier discussion of the double edge of social cohesion, many studies in this scoping review found that communities construct crime and differentiation in ways that sometimes marginalize certain groups or activities, or are based on discrimination (Panelli et al. 2004: 457). Many rural communities have an “establishment” group—people who have been there longer and wield more social, economic, and political power. These “established groups not only treat others as inferior, but also make them feel inferior, which can have a paralyzing effect on groups with less power and cohesion” (Scott & Hogg 2015: 176). In Scott and Hogg’s research site in Australia, for example, Indigenous peoples have been “repeatedly characterized as a discordant presence” (177). Other studies referenced by the authors found that “concern about crime may actually be concern about unwanted social change—a threat to ‘how the place used to be’, and thus a further confirmation of an idealized rural” (Scott & Hogg 2015: 175). Through the act of “claim-making,” particularly by dominant groups in communities, “some activities are highlighted as socially problematic in rural places and others are ignored. This, in

turn, influences the allocation of crime control resources and, notably, impacts upon how police do their work” (Scott & Hogg 2015: 175).

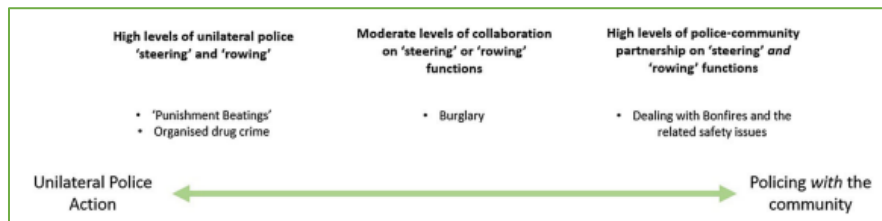
While there is scant research on such processes of defining crime in Nova Scotia, the link between how crimes and social problems are defined and the marginalization of particular groups is, without a doubt, relevant to the local context. Indeed, the CPIF is still active, and it is worth noting that many of the projects across Canada are child-focused, early intervention approaches that work on teaching pro-social behaviours and conflict resolution to children and their families (Leonard et al. 2005: 239–40). The same focus is found in Finland (Savolainen 2005: 176)—that “the most common variant [of community crime intervention] entails efforts to reduce crime and violence among juveniles; typically by addressing risk behaviors (e.g., drinking and drug use) and/or risk groups, such as children of immigrants. More than one third of the local projects that have received government funding [in Finland] belong to this general category” (176). While there is a good scientific reason to target youth in crime prevention activities, it also has the unintended consequence of linking youth with crime in general, and with casting suspicion on what are usually innocent pastimes—loitering or skateboarding, for example. In rural communities where there may be few structured opportunities for teenagers to socialize, hanging around in groups is a usually harmless activity that is often punished or prevented, pushing young people out of community spaces and into more risky situations (Foster & Main 2018: 39–41). The example of youth highlights the importance of listening to communities about what is troubling them, criminally, while also remaining cognizant of how the social construction of crime can go hand in hand with xenophobia and the marginalization of certain groups (Scott & Hogg 2015: 175; *cf.* Mols & Pridmore 2019; Super 2016).

In any case, Harkin (2018) has argued that not all problems are possible to address collaboratively. “Crimes with serious, violent implications” such as the “punishment beatings” he

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asked respondents about, “are probably less amenable to community approaches” (see **Figure 1**), and residents in Harkin’s study were less willing to be involved in such matters anyway, sending “the clear message [that] there are certain safety issues which are strictly the ‘job of the police’” (Harkin 2018: 130). Accordingly, extant research points to the importance of “the integration of crime prevention initiatives at all levels of the police organization; (4) the support of patrol and investigative unit officers; [and] (5) crime prevention as a core component of police organizational and operational performance” (Griffiths 2019: 247).

*Figure 1: Collaboration within Community Safety Partnerships, as Studied by Harkin (2018: 134)*



*B. Research, Evaluation and Sustainability: A Challenge for Community Capacity*

Even if a community succeeds in mobilizing residents and law enforcement around a safety initiative or around an overarching community safety plan, the community faces the additional problem of keeping that momentum going. This is particularly challenging given some of the other best practices put forward by community safety literature. Griffiths (2019) has found that that any crime prevention and community safety initiative should be “evidence-based and best practice-informed,” should employ “performance metrics to assess the impact and outcomes,” and, importantly in light of the above discussion about short funding cycles, needs to be sustainable (247). Leonard et al. (2005) have further emphasized the critical need for program evaluation to identify what works and to help direct limited resources to the most promising actions. But such best practices—conducting research and evaluations, ensuring long-term

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program sustainability, etc.—are stymied by what is fashionably referred to as “community capacity.” As Leonard (2005: 244) has asserted, the only way for a national strategy to “support research-based community action” is to “build community capacity,” which can be “hardest in the high-crime areas where it is most needed” but they “have the most to gain” (246).

Interest in community capacity has grown dramatically since the late 1990s, and in that time some important critiques have surfaced as well. The term has generally been used to refer to a collection of attributes and resources akin to social capital: capacity is theorized as a bundle of community relationships, skills, and political engagement, and communities are presumed to need healthy amounts of these traits to be able to help plan, operate, and support community safety initiatives. According to Craig (2007), this term is now used around the world in social and community development, but echoing the critiques of responsabilization outlined earlier, he has argued:

Its widespread use represents a continuing failure of governments properly to engage in “bottom-up” development, is built on a “deficit” model of communities which fails to engage properly with their own skills, knowledge and interests, and helps to obscure structural reasons for poverty and inequality (Craig 2007: abstract).

He has also noted that community capacity is difficult to operationalize and in practice can be indistinguishable from earlier community development frameworks and practices. However, there are positive models of community capacity that lay out the activities and initiatives that build capacity, as well as the indicators that show where capacity is actively being built. The Aspen Institute, for example, has developed an approach to measuring and increasing community capacity that is available for any community group to use (Aspen Institute 2009). Importantly, their metrics move beyond the narrowly economic.

### *C. Inclusive Social and Economic Development*

Where earlier “environmental criminology” theories “tended to focus on the physical aspects of environment,” newer theories and resulting practices have focused on “connections among

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individuals—social networks and the norms of reciprocity and trustworthiness that arise from them” (Matsukawa & Tatsuki 2018: 91–92). These aspects of community life have in some cases completely displaced more tangible economic indicators in actual crime prevention activities. As Matsukawa and Tatsuki (2018) have summarized:

Other similar studies have concluded that social capital has a significant effect on homicide rates with no effect from variables such as unemployment rate or population age composition (Rosenfeld et al., 2001), that cohesion and shared expectations of the wider community lower the rate of crime and disorder (Sampson et al., 1997), and that strong community networks reduce the potential for violent crime by helping young people to acquire a sense of status and self-esteem (Kawachi et al. 1999) (Matsukawa & Tatsuki 2018: 92).

Similarly, other research has found that “organizations that foster collective efficacy and social cohesion can contribute to decreased levels of crime (Wo 2014)” independently (Vigne 2019: 255). Additionally, rural criminology has demonstrated that the impact of social factors on crime—and specifically the presence of “personal, face-to-face, stable interaction around a familiar and shared set of norms”—is *greater* in rural areas. That is, social factors have greater explanatory power in making sense of crime in rural communities, compared to urban areas, where economic indicators are better predictors of crime (Donnermeyer et al. 2006: 206).

However, the weaker power of economic indicators in explaining rural crime does not mean they do not matter, just that the relationship between economics and crime in rural communities is complex and not fully understood. As Donnermeyer et al. (2006) have made clear, poverty is one of the most important factors shaping social cohesion and collective efficacy in any given community. Yet it can work in different, counterintuitive ways, such that high poverty rates, especially in communities with high inequality, might correlate with higher crime *or* poverty. On the other hand, widespread poverty in a single community might help draw people together around shared goals and values, thereby reducing crime (Donnermeyer et al. 2006:

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208). Nevertheless, the limited evidence that exists suggests that poverty, more often than not, increases the incidence of crime in rural communities (Barnett & Mencken 2002).

This theory, evidence and experience connecting poverty reduction, inclusion, social cohesion and community safety provides support for an “inclusive social development” approach to community safety. As a broad approach, inclusive social development entails a rejection of the laissez-faire idea that economic development is inherently good for everyone—that a rising tide lifts all boats—and a commitment to putting in place the policies and programs that help the most marginalized people benefit from economic growth and change. Pulling this approach into its 2014 Guidelines for the Prevention of Crime, under the heading of “Social Development,” the United Nations has stated:

Governments should address the risk factors of crime and victimization by:

- (a) Promoting protective factors through comprehensive and non-stigmatizing social and economic development programmes, including health, education, housing and employment;
- (b) Promoting activities that redress marginalization and exclusion;
- (c) Promoting positive conflict resolution;
- (d) Using education and public awareness strategies to foster a culture of lawfulness and tolerance while respecting cultural identities (UN 2014: 9).

This influential set of guidelines points toward the kind of social cohesion that actually works to prevent crime and keep communities safe for all residents. It is not the social cohesion that can “naturally” occur in rural communities—the tight bonds based on strict, protected differentiation of insiders from outsiders or set by influential families. It is a kind of social cohesion that, in theory, underpins greater social capital and community capacity, insofar as it is premised on inclusion and the prevention of stigma and marginalization. While the urban bias of the research on which these guidelines are based must be borne in mind, it stands to reason that these generic principles work, perhaps with some local modifications, in rural communities.

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The rural crime and safety research collected for this report underscores the relevance of the guidelines above. Scott and Hogg’s research has noted the role that “small town gossip” plays in “the construction of stereotypes and categorization of people in the community and determines who is, and who is not, accepted” (2015: 175). Young rural residents are especially affected by these stereotypes and “feel alienated in rural communities” (175). Nova Scotian communities are already worried about the effect that alienation has on youth outmigration from rural communities (Foster & Main 2018), but the same factors can lead to criminal and other negative behaviours (Scott & Hogg 2015: 175). Urban research, as mentioned earlier, has found that neighbourhood watch-type initiatives invariably lead to neighbours monitoring one another and targeting specific groups, such as youth, immigrants, or people experiencing poverty (Mols & Pridmore 2019: 285; *cf.* Yanay 1994). While these studies were conducted in cities, they point to a crime preventative factor that is already considered an aspect of social capital and might be key to building community capacity, fostering the “right” kind of social cohesion, and making communities safer: trust. This point will be returned to in the section below on recommendations.

The importance of reducing inequalities and mitigating poverty as part of a crime prevention plan is less prominent in the UN guidelines, but not entirely absent. The guidelines encourage nations to consider the impacts poverty and unemployment have on crime and work to redress them (UN 2014: 12), and the broader inclusive social development approach endorsed in the guidelines puts inequalities and poverty in the crosshairs of any economic or social development program.

*D. Policing: Relationships, Trust, and Local Knowledge*

Policing rural communities is distinct from urban law enforcement. Numerous studies have found that rural policing entails more “discretionary practices”—that is, police using contextual



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knowledge to decide, in the moment, how to handle any given problem (Wooff 2015: 295; Griffiths 2019). Environmental conditions in rural communities—“notably a lack of nearby back-up [and] bureaucratic challenges associated with part-time working”—shape the experiences of police officers and residents (Wooff 2015: 295). Police in Wooff’s study emphasized the more acute need for “situated knowledge of the community” in rural policing (2015: 295). This kind of knowledge is difficult to glean from a book; there seems to be an agreement in this literature that situated knowledge is possible only for officers who have spent considerable time in or, better yet, are from rural communities. In a study of policing in Nunavut, Griffith’s observed a lesson that is probably applicable to most rural locales:

Officers previously posted to Inuit communities in Nunavut noted that those officers who were raised in farming communities and small towns tended to be more “people smart” and to have skill sets that translated to remote environments than officers from urban centers. In the words of one officer, “Those people who were raised in a small town have a greater appreciation for knowing their neighbors, being a little bit more compassionate, being easy to talk to” (Griffiths 2019: 256).

These traits make officers’ jobs easier because they are found to build trust between communities and law enforcement. Like Wooff (2015), Griffiths (2019) has found that “effective crime prevention programs require relationships between the police and the community based on public confidence in, and the legitimacy of, the police” (252). Accordingly, Lindstrom (2015) has found that even if, in theory, police can be dispatched from further away in as much time, the closure of local police stations entails a crucial loss of rural policing skills (and contextual knowledge of the locale) (Lindstrom 2015: 276), which may lead to less effective crime prevention and diminish community safety.

However, there are different ways to “localize” policing, and not all of them are good. In the United Kingdom, beginning in the late 1990s and early 2000s, the centralized police service was replaced with elected “police and crime commissioners” (Joyce 2011). The goal was “to restore a degree of local control over police affairs” among “a whole range of community affairs”

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that were transformed around the same time (Joyce 2011: 8). But the police commissioner system has been roundly criticized for investing one person with unchecked power (9). The risk of corruption with the police and crime commissioners is very high, but that risk and the dire need for transparency in rural policing is present no matter how local law enforcement are organized. Shukla et al. (2019: 206) have noted that rural police may be more prone to corruption given the potentially strong ties between them and the populations they are policing. Thus, like most crime preventative factors at the local level, even localized policing has a double edge that must be carefully blunted.

*E. Evaluation: Finding and Supporting What Works*

One part of establishing and maintaining transparency in any community endeavor is evaluation. Rural community safety research reveals both the challenge of robust program evaluation and the need for it. Leonard et al. (2005: 236–37) have urged community safety and crime prevention initiatives to incorporate methods such as randomized controlled trials as well as qualitative in-depth methods, with the latter being potentially more “realistic in some settings, particularly in at-risk, high-need community settings” (240). The CPIF was designed to make evaluation a mandatory part of funded programs, but scanning the results of completed projects shows that most evaluations were not long enough to measure meaningful results. For example, a follow-up of 12–24 months after an early-intervention program with young children cannot possibly tell us whether it is helpful in preventing crime later in life. This problem is not unique to Canada. Savolainen (2005) found that that evaluations of Finland’s crime prevention programs showed no impact on crime rates and noted that lack of adequate evaluation has been one of the main criticisms made of similar strategies across the world (188). The primary problem is that the community groups leading crime prevention or community safety initiatives do not have the

expertise or the resources to actually undertake evaluations, and funding cycles are too short to support longitudinal evaluations.

#### **IV. Recommendations**

Bearing in mind the urban bias of extant community safety research, the heterogeneity of rural communities, and the inconsistent support for even the most dominant criminological theories in rural areas, it can nevertheless be said that rural Nova Scotia needs community safety programming that can be tailored to the unique needs of specific rural communities, that works to mitigate marginalization and stigmatization, that emphasizes social development, and that have the resources, infrastructure, and operational support to facilitate community engagement and ongoing evaluation. There are several more specific steps that would make progress toward this goal.

##### **1. Nova Scotia Needs a Provincial Rural Development Strategy**

Only some of Canada's provinces have a rural development strategy, and even fewer have a body dedicated to province-wide rural social and economic development (Hayes and Krawchenko 2022). Combining the critical insights from the foregoing research about community capacity and responsabilization with the widespread consensus that community safety stems from inclusive social development, it is clear that even a localized, bottom-up approach needs stable, sustainable funding; reliable and standardized (albeit customizable) approaches; supplementary expertise, which might not reside in community; and access to research and evaluation services. These conditions are not realistically going to arise from a small rural community alone, and history shows that structuring support in the form of short-term project-based grants just creates a churning, choppy community safety approach. A dedicated rural development strategy, along with the operational and monetary resources to support it, as well as, ideally, an office of

## Crime Prevention and Community Safety in Rural Communities

government responsible for stewarding it, is arguably the best way to improve the social and economic conditions in rural communities. Based on the crime prevention and community research examined here, it is clear that inclusive, tolerant communities where people trust each other and where resources are more equitably distributed are also safer communities. Thus, a carefully coordinated and sustainable rural development strategy is, by default, a rural community safety strategy.

## **2. Social Development Should Build Trust and Community Capacity**

Whether they are nested in a comprehensive rural development strategy or not, efforts to improve community safety will be well served by an emphasis on the interrelated factors of trust and community capacity. Thankfully, there are models to guide the development of both. The Aspen Institute, as mentioned above, has developed a “Workbook” for communities looking to build capacity and then measure their progress. The workbook aims to:

Improve the ability of individuals, organizations, businesses and government in their community to come together, learn, make well-reasoned decisions about the community’s present and future, and work together to carry out those decisions—that is, to build their community’s capacity (Aspen Institute 2009: 1).

It contains, essentially, a crash course in community development and evaluation. The risk entailed in such a resource is that it further facilitates the responsabilization of communities that lack the resources to mount a sustainable safety strategy. Thus, it would be better used as a guideline for a larger provincial government strategy that mobilizes the necessary resources and provides an overarching framework for communities to tap into. While every rural community needs a plan tailored to its specific context and resources, it is also silly for every community to have to reinvent the wheel alone. As the basis for a larger framework, capacity-building helps justify allocating resources to programs and initiatives without requiring them to promise an economic return. This would be a shift for Nova Scotia: Krawchenko (2016: abstract) has found

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that “governmental funders” in Atlantic Canada “prioritize economic and business development objectives above social, cultural, and community-oriented ones. These preferences shape the types of projects that are funded and the community groups that propel them, undermining the adoption of truly neoendogenous, community-driven practices.”

One component of capacity-building that emerges as especially important, particularly given the tendency of social cohesion to devolve into marginalizing and stigmatizing crime responses, is community trust-building. The University of Minnesota Extension department has a resource on trust-building that lays out different kinds of trust, ways to build trust, how trust features as a component of social capital, and links to further research and resources. The entire resource is tailored to rural communities.<sup>5</sup> It is worth noting that Nova Scotia has relatively recent data on trust that could serve as a baseline for any evaluation: Engage Nova Scotia’s Quality of Life Initiative collected surveys from over 12,000 residents in 2019, including a suite of questions pertinent to social trust.<sup>6</sup> The newness of this data means analysis is scant, but one team of researchers has examined Nova Scotians’ trust in institutions—NGOs and businesses seem to be at the top, and federal and provincial governments at the bottom in most regions—and advocate for “trust-based” community wellness programming. If trust is the basis for wellbeing programming, it may offer lessons for crime prevention too (Flood & Laurent 2021).

### **3. Nova Scotia Should Dedicate Resources to Strengthen Community and Family Responses to Domestic Violence**

Given the connections that appear from media reports to be present between the events in Portapique in April 2020 and domestic violence, and on the basis of rural research on domestic

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<sup>5</sup> See the department’s website: <https://extension.umn.edu/vital-connections/building-trust-communities>.

<sup>6</sup> See the Quality of Life Initiative webpage at the Engage Nova Scotia website: <https://engagenovascotia.ca/about-qol>.

## Crime Prevention and Community Safety in Rural Communities

violence, it seems imperative that any broad social development or narrower community safety strategy should entail a significant effort to address domestic violence. The research examined here finds that rural women are at increased risk of domestic violence, and their efforts to get to safety are stymied by communities that seek to conceal or diminish their experiences and by service providers that are inaccessible to anyone with limited resources (for example, without access to a personal vehicle). More community consultation is needed to determine exactly what should be done, but it may include education about what domestic violence looks like, supporting satellite domestic violence services in rural communities, and carefully considering the conditions of eligibility for such services.

#### **4. Nova Scotia Should Localize Frontline Law Enforcement Services**

The research on rural policing examined here points to the need for officers who know their communities but have oversight to ensure transparency and equity. As Wooff has noted, rural policing should not be considered “an appendage of urban policing” (2015: 294). Griffiths (2019) has found great

potential to develop a model of policing of community policing that is more personalized and less anonymous than is found in urban centers and that is appropriate for the needs of individual communities. This model includes a destructuring of centralized “command and control” hierarchies and the empowerment of line-level officers to work with communities to identify local policing priorities and to fashion community and culturally appropriate initiatives (Griffiths 2019: 259).

Where Nova Scotia’s rural communities are currently served by a mix of RCMP and local municipal detachments, in many cases staffed by officers rotating through short-term rural placements, there is a need to consider how to recruit law enforcement with local, situated knowledge, particularly in communities with higher populations of Indigenous peoples and African Nova Scotians. Relatedly, greater racial and gender diversity in local police services should be the goal.

## V. Conclusion

Despite a relative paucity of rural research on community safety, this report has found some general, sensible, and very likely transferable (with some evidence-based and context-driven modification) lessons from the broader, urban-dominated literature on community safety. At the heart of community safety approaches, no matter where they are implemented, is the goal of meaningful, inclusive community involvement in identifying risks, imagining ways to mitigate them, and carrying out crime prevention initiatives. There are pitfalls in community engagement, and in community safety it is particularly important to understand and work to overcome the crime-facilitating effects of tight social bonds, as well as the socially constructed nature of crime and the attendant risk that crime prevention will feed into pre-existing suspicions about marginalized and stigmatized groups in any given community.

Crime and safety also need to be understood as deeply enmeshed in the larger fabric of society. They are shaped by structural factors, most notably social inequalities, and thus any community safety policy or initiative needs to be grounded in a much deeper effort to nurture inclusivity and equity across social domains. It is impossible to build safe communities on foundations shaken by poverty, racism, xenophobia, and gender-based violence. These interrelated issues require the commitment and cooperation of rural residents, elected officials, law enforcement, and other public or social services.

It is also critical to acknowledge that most rural communities do not have the capacity to handle community safety on their own; they need financial resources, expertise, and labour, and they need this to be coordinated and assured by a body with more capacity, such as a provincial government. There is great potential for community safety approaches to be efficient and integrated, for example if they are funded, supported, and evaluated as part of a larger rural development strategy.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Understanding Violence in  
Relationships**

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**June 2022**

[masscasualtycommission.ca](https://masscasualtycommission.ca)

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## Executive Summary

This report addresses the issues of intimate partner violence (IPV), coercive control, and responses from law enforcement to these phenomena. The literature circumscribes different phenomena of violence such as IPV, gender-based violence, family violence, domestic violence, and coercive control, which are distinguished in the first section of the report. The distinction helps refine the focus of the report mainly towards intimate partner violence and patterns of violence (coercive control). A detailed discussion of intimate partner violence, inclusive of both physical and non-physical violence is included, along with tactics and impacts of coercive control behaviours.

Coercive control is the central thread of the report and is perceptible in each section presented as well as in the overall issue of violence against women in intimate relationships. Recent research has demonstrated that women in Canada continue to be more likely than men to be victims of intimate partner violence (Conroy 2021a; Conroy 2021b). This report therefore focuses on women in abusive relationships, with attendant discussion of coercive control, theories on violence in relationships, barriers to leaving an abuser, challenges in reporting intimate partner violence to the police, as well as police officer perceptions of intimate partner violence.

Intimate partner violence comes to the attention of the criminal justice system through law enforcement. Police officers therefore have an important role to play in recognizing the prevalence of the issue and in determining potentially criminal behaviour. Section V of the report looks at police understandings and perceptions of intimate partner violence before examining police assessments of intimate partner violence, once again including considerations of coercive control. Various risk assessment tools in use by police in Canada and the United Kingdom (including B-SAFER, SARA, ODARA, and DASH) are critically examined for their inability to address and recognize patterns of violence.

## **I. Introduction**

The issue of violence in relationships is complex and can encompass various forms of violence and abuse and involve different actors. The distinct but sometimes overlapping phenomena of gender-based violence (GBV), intimate partner violence (IPV), coercive control, and family violence have their own specificities and require diverse responses. In this report we address the distinctions between those different types of violence, then focus on intimate partner violence, as it is “one of the most common forms of violence against women and includes physical, sexual, and emotional abuse and controlling behaviours by an intimate partner” (WHO 2012: 1).

There is vast literature covering gender-based violence, intimate partner violence, coercive control, and family violence, and we define them in order to highlight their differences as well as to refine the discussion specifically towards intimate partner violence and coercive control. Throughout this report, the pattern of violence, namely coercive control, is brought to the forefront, as it is one aspect of intimate partner violence not well understood, despite the fact it is omnipresent in abusive relationships (Johnson 2008; Stark 2007). We define intimate partner violence and coercive control and discuss how they are issues of gender. We also elaborate on the tactics of coercive control and its impact on victims, which leads into our subsequent discussion on barriers that prevent victims from leaving abusive partners and the police response to violence in intimate relationships. In this report, “violence” is considered to include both physical and non-physical tactics and patterns of behaviour. This is supported by the WHO (2014) definition of intimate partner violence, which includes “physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours,” and Stark’s (2007) emphasis on non-physical dynamics of power and control against a victim that include threats, humiliation, and intimidation to elicit fear and harm.

After examining the prevalence of the issue in Canada, we discuss the difficulties in leaving an abusive relationship. It can be difficult to understand how people engage in violent relationships, and it can be hard to comprehend the challenges faced by victims trapped in abusive relationships. Barriers take multiple forms and can inhibit a victim from leaving a relationship. We also discuss coping strategies adopted by victims and the reluctance to report situations to law enforcement. We acknowledge the fact that it is difficult to report due to the pattern of violence that victims are caught in, which generates fear. The thread of coercive control as a pattern of violence is central to understanding both police perceptions of intimate partner violence and the limitations of police officers' use of IPV risk assessment. Despite the criminalization of physical violence and harassment in relationships, police tasked with responding to intimate partner violence still regularly fail to recognize its severity and extent. One factor that contributes to this failure is the fact that coercive control is not yet captured in the Criminal Code, making it difficult to define, study, and respond to this phenomenon.

## **II. Defining Forms and Patterns of Violence**

### **1. Definitions**

There is no universally agreed upon terminology or definition to summarize events of violence within relationships. Vast amounts of research cite “gender-based violence,” “family violence,” and “intimate partner/domestic violence” to describe forms of violence and abuse that are consistently highlighted as predominantly inflicted against and experienced by women. Recently, the term “coercive control” has also gained traction and recognition. This term emphasizes the long-term nature of harm that results from continued experiences of abuse as opposed to one-time or periodic incidents of physical violence. While these terms often include overlapping criteria, resulting in the frequent interchanging of terminology, we also consider that they encompass

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unique specificities and capture various contexts, rates of perpetration, and tactics of violence. Current definitions of each are provided here, along with discussions of their differences and limitations.

The most inclusive term is that of “gender-based violence” (GBV). Gender-based violence is defined as violence experienced due to a person’s gender or how they express it (Perreault 2020). In addition to physical violence, gender-based violence may also include more covert behaviours that are not criminal yet still cause victims to feel unsafe and threatened and can have long-term physical and emotional impacts (Cotter & Savage 2019; Perreault 2020). As a result, women, especially those who identify as Indigenous, 2SLGBTQ+, live with disabilities, and/or reside in rural or remote locations, are at much higher risk of experiencing gender-based violence (Cotter & Savage 2019). While this definition of gender-based violence highlights that women – especially those experiencing increased vulnerabilities and marginalization – are often the primary targets, the term does not refer specifically to violence that occurs within a relationship. Victims of gender-based violence may be targeted by individuals or groups outside of their circle of intimate relationships, families, or known persons.

In contrast, “family violence” is frequently used to denote any violence or abuse committed against someone who shares a familial relationship, including current or former intimate partners as well as extended family such as parents, children, grandparents, cousins, or in-laws (Conroy 2021a; Johnson & Dawson 2011). While this term incorporates and recognizes abuse perpetrated between intimate partners, it also includes the harm, control, and neglect that may be carried out amongst family members, that is, in relationships where there is an additional expectation of trust and caregiving. Canadian statistics of family violence in 2019 determined that 31% of police-reported family violence was perpetrated by a spouse, 13% by a former spouse, 20% by a parent,

11% by a sibling and 11% by a child (Conroy 2021a: 4). The remaining 14% of police-reported family violence was not specified; however, may include violence perpetrated by extended family members (i.e., grandparent, uncle) as this relationship category was also included in the definition of family violence, but no specific data included<sup>1</sup>. Gendered differences were noted insofar as within these categories, women were more frequently the victims of spousal violence, whereas men experienced higher rates of abuse perpetrated against them by a relative (Conroy 2021a). The dynamic of a relationship between non-spousal relatives is different to that of an intimate partner, resulting in abuse that occurs for alternative motives and is perpetrated under different circumstances (Johnson & Dawson 2011).

“Intimate partner violence” (IPV) is defined as behaviours occurring solely between current or former intimate partners, whether or not currently living together (Cotter 2021). It may include physical violence as well as sexual, psychological, or emotional harm (Johnson & Dawson 2011; WHO 2014). The term “domestic violence” is also commonly used interchangeably within literature to refer to this scenario; however, it can lead to assumptions that such violence takes place only within single home/family contexts. Considering the wide range of relationship dynamics that contain various degrees of sexual intimacy or geographical proximity, the term “intimate partner violence” more fully encapsulates all affected individuals and does not restrict our perceptions to only considering those who are legal spouses and/or residing in the same household (Johnson & Dawson 2011).<sup>2</sup>

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<sup>1</sup> The Family Violence in Canada (2019) report also encompasses data on police-reported violence against seniors and children that are more frequently perpetrated by non-intimate partners such as casual acquaintances, neighbours, strangers, or roommates.

<sup>2</sup> Throughout this report we occasionally refer to “domestic violence,” as researchers continue to use this term interchangeably with intimate partner violence.

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When concentrating on intimate partner violence, research suggests that women consistently experience more severe forms of violence compared to men, are more likely to receive injuries, and more often report feelings of fear and being controlled by their male partner (Cotter 2021). Statistics also identify that women report far greater incidents of name-calling, being prevented from speaking to others, and increased supervision, such as a male partner demanding to always know their whereabouts (Cotter 2021). These non-physical forms of abuse are not criminalized *per se* in Canada; but they reflect tactics that can be summarized as “coercive control.” In this report, coercive control is defined as an ongoing pattern of behaviour used by perpetrators to gain power and control by diminishing a partner’s autonomy and self-esteem (Stark 2007). While gender-based violence and coercive control share similarities in that their effects result in the violation of an individual’s human rights, coercive control is an ongoing pattern of abuse targeted at a specific intimate partner that can result in the long-term consequence of loss of freedom, confidence, and self-esteem (Stark 2007; Wiener 2017).

## **2. Intimate Partner Violence and Coercive Control**

Coercive control better conceptualizes the ongoing patterns of abuse and accumulation of harm that occurs through both time and space as opposed to the incident-specific and injury-inducing violence that predominates in current definitions and law enforcement responses towards intimate partner violence (Patafio et al. 2022; Robinson & Myhill 2021). In his seminal book on coercive control, Evan Stark (2007), a sociologist and forensic social worker drawing from experiences working with and advocating for hundreds of victimized women, described it as a “liberty crime,” as it denies a woman’s autonomy, undermines her dignity, and deprives her a sense of freedom and safety, ultimately trapping her within an abusive relationship. Speaking from the perspective of a “battered women’s activist,” Arnold (2009) has considered Stark’s definitions to reflect the

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most severe end of the spectrum of control, where a victim is completely dominated, has lost all autonomy, self-esteem, and ability to make her own decisions. While various research understandings exist as to what constitutes “coercive control,” three commonalities emerge: 1) perpetrators have intent to gain and exert control over their partners; 2) victims also view the behaviour as negative; and 3) perpetrators are able to make credible threats towards their victims (Hamberger et al. 2017). Overall, Stark (2007) has suggested a pattern of coercive control may employ threats, intimidation, stalking, degradation, isolation, humiliation, shaming, and the micro-regulation of daily activities.

The association of violence with coercive control differs from traditional understandings of physical violence and intimate partner violence. Research into coercive control suggests that non-physical abuse may result in more cumulative harm than sporadic events of physical violence and injury (Robinson & Myhill 2021). Whereas physical violence may be the primary tactic used to dominate a partner in a “typical” intimate partner violence scenario, coercive control presents as an overall dynamic of a relationship, with physical violence used as a means to maintain this control and show that threats are credible (Hamberger et al. 2017; Patafio et al. 2022). Additionally, physical violence may never occur in a relationship until the perpetrator’s control is challenged. Such scenarios of a single explosive use of violence may result in homicide (Arnold 2009), and research shows that coercive control is a risk factor for intimate partner homicide (Johnson et al. 2019; Monckton Smith 2020). However, physical and sexual violence are high on conventional hierarchies of violence, while non-physical violence, such as that which often characterizes coercive control, is minimized. Monckton Smith (2020) has emphasized, “when we cannot see any violence and we cannot hear any threats, when all that is left is the control, it is the perfect undetectable storm” (118), and we should not just look for or expect to see bruises and

broken bones to justify serious abuse taking place; doing so results in missing many situations that are equally as severe. Understanding coercive control in the context of intimate partner violence requires a shift in how these situations are viewed.

### **3. Gender and Coercive Control**

Research has persistently identified gendered patterns of intimate partner violence, with perpetrators of coercive control being predominantly male and victims being predominantly female (Robinson & Myhill 2021; Stark 2007). Even though women have gained increased autonomy and freedoms in many societies in recent decades, men continue to hold positions of dominance (Robinson & Myhill 2021), and women's subordination persists in both the public and private spheres (Anderson 2009; Arnold 2009). Women collectively continue to experience a "glass ceiling" in employment, economic inequality, and fewer disposable resources, making it much more difficult to leave relationships (Arnold 2009).

Heterosexual relationships, in which coercive control predominantly manifests, tend to adhere more closely to stereotypical understandings of masculinity and femininity, and coercive control is sometimes employed to enforce such roles within relationships. Traditional gender roles encourage women to be – or to be viewed as – submissive and dependent, whereas men are expected to be dominant and assertive (Anderson 2009; Myhill 2015). Within the context of a relationship, this can translate to expectations that the male will pursue a female partner, make decisions, and take control, resulting in many instances of coercive control going unrecognized, as they are masked by normal gender performances (Anderson 2009). Gender norms also relegate women to household tasks such as cooking and cleaning, as well as raising children (Arnold 2009). The micro-regulation of daily activities, a form of coercive control highlighted above, centers around these traditional roles of what it means to be feminine and masculine (Anderson 2009). It



reinforces patriarchy (Arnold 2009) and reflects historical gender norms, resulting in women being at greater risks of victimization. It also explains why it is an exceptional circumstance when coercive control is successfully inflicted by a woman against her male partner (Myhill 2015; Stark 2007).

#### **4. Tactics of Coercive Control**

Coercive control begins small. Intimate relationships rarely begin with overt abuse; instead, victims are groomed (Wiener 2017). Leslie Morgan Steiner (2012), a survivor of intimate partner violence, has outlined how she became a victim through a gradual process of manipulation from her spouse. Initial behaviours on the part of a potentially coercive partner such as displays of infatuation, close attention, and care can easily be interpreted as romantic gestures. Wiener's (2017) interviews and focus groups with female survivors of intimate partner violence also reveal such grooming strategies. These women, many of whom had experienced abuse from more than one intimate partner, described how they were overcome with the initial intensity of the relationship, quickly giving their abuser access to their homes, families, and deepest secrets (Wiener 2017). The perpetrator is then able to concentrate his actions and expectations on these extremely personal areas that will be known to have the greatest impact (Stark 2007).

Ongoing tactics take many forms and vary from relationship to relationship. Examples described here are not exhaustive and instead merely provide a sample of behaviours of coercive control. A perpetrator may stalk or closely monitor the victim's whereabouts, embarrassing her in front of family, friends, or colleagues (Arnold 2009). Emotional abuse may be inflicted through put-downs, name-calling, and constant criticism, as well as by removing the victim's access to support networks by isolating her (Wiener 2017). More specific tactics may be exhibited through denying or limiting access to transportation, denying household utilities such as heat or water,

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controlling food consumption, removing or breaking telephones so the victim is unable to speak to anyone or call for assistance, preventing attendance at work or school, and making her request or beg for money (Sharp-Jeffs 2017). Stark's interviews with female victims of coercive control (2007) resulted in descriptions and experiences similar to those suffered by prisoners, hostages, and kidnap victims. The women reported humiliating physical examinations, interrogations, lockdowns, denial of access to hygiene routines, being kept on strict eating or sleeping schedules, being talked about in the third person as if they did not exist, and forced silences (Stark 2007).

While in the past, a perpetrator's absence from the home may have allowed moments of reprieve for the victim, recent developments in technology mean that some perpetrators now have the ability to control and monitor victims without being physically present. Technology-facilitated coercive control can take many forms, such as installing spyware on the victim's phone, enabling GPS tracking devices onto vehicles, and sending persistent and/or threatening messages through various portals such as text messages, social media accounts, or email (Cuomo & Dolci 2021). Dragiewicz et al. (2018) have described harassment through social media accounts either to the victim and/or her close friends and family, impersonating the victim online, distributing private information, and sending and uploading personal and private content designed to humiliate or embarrass the victim. Combinations of these tactics, especially with the presence of technology, make it even more difficult for a victim to make attempts to leave without alerting the perpetrator. Even in a situation where a victim feels she has successfully terminated the relationship, a perpetrator of coercive control may continue to have the means by which to monitor and harass his target. This reality results in many victims feeling as though they can never escape the abuse.

### **5. Impacts of Coercive Control**

The overall impacts of experiencing and living with coercive control pervade multiple aspects of a victim's life, including her behaviours and actions, health, appearance, employment, education, and relationships with family and friends (Hamberger et al. 2017). Wiener (2017) has emphasized that living with coercive control chips away at a victim's sense of autonomy and self-worth, referencing narratives from survivors who described being trained to blame themselves for their partner's behaviours and losing their confidence to make their own decisions about their life (Wiener 2017). As an activist, Arnold (2009) has supported Stark's (2007) conclusions about coercive control, confirming that survivors are conditioned to believe that the perpetrator is always present and knows their every move, resulting in continued feelings of being trapped and unable to make their own decisions. As Williamson (2010) has described, "the impact of living within an unreality of someone else's making is that you become paralyzed. This woman cannot do anything because whatever she does is wrong" (1415). With developments in technology, this constant fear and surveillance may not end even upon physical separation, resulting in exhaustion and feelings of hopelessness (Cuomo & Dolci 2021).

A victim of coercive control is conditioned to respond in certain ways towards her abuser. She is not selected or victimized because she is already vulnerable, an easy target, or "weak," even though to outside observers her responses to coercive control may appear as compliance or dependence. This can result in criticism for not being a "true" victim, suspicion of mental illness, or accusations of exaggeration because there is no obvious evidence of physical abuse (Stark 2007; Wiener 2017). It has been recorded that many victims of coercive control suffer from poor mental health, including depression, anxiety, and post-traumatic stress disorder (Crossman et al. 2016). However, these conditions are usually the effects of living in an abusive relationship rather than the cause. In a study by Williamson (2010), none of the women had had a history of mental health

disorders until their experiences living in an abusive relationship, and some symptoms persisted even following the termination of the relationship, such that the women suffered from fear, anxiety, and triggering experiences for years to come.

### **III. The Prevalence of Intimate Partner Violence**

It is difficult to measure the prevalence of intimate partner violence, as not all situations are disclosed or reported, and some victims may attempt to disclose or indicate a problem but are ignored or dismissed (Leisenring 2011; Wolf et al. 2003; Wydall & Zerk 2021). This means that we have no comprehensive data about those who experience violence in their relationships. Therefore, it is important to be cognizant of the difficulty in reporting when considering the pervasiveness of intimate partner violence in Canada. We depend on police reports and self-reported surveys to capture how widespread the issue is. In this section, we provide a broad picture of the specificities of intimate partner violence in Canada, examining who the victims are, the forms of abuse they encounter, and the impacts of such violence. We also provide a description of intimate partner homicide, the ultimate form of violence in relationships, as it gives a clear picture of which individuals are more at risk of being killed in an intimate relationship.

The most recent report of intimate partner violence by Statistics Canada was released in October 2021 (Conroy 2021b). Analysis was based on self-reported data from the 2019 General Social Survey (GSS) on Canadians' safety (victimization). It did not consider police-reported cases but instead concentrated on disclosures from a sample of the general population (22,412 respondents) who were married or living with a common-law partner, as well as a sample of those who were separated or divorced but had contact with their former partner in the previous five years. The terminology used was "spousal violence," a narrower term than our preferred definition of intimate partner violence, which also encompasses dating relationships. The 2019 GSS marked the

twenty-year period for which Statistics Canada has compiled data on victimization and shows that “Spousal violence is significantly lower in the provinces in 2019 than 20 years prior (19% in 2019 versus 28% in 1999)” (Conroy 2021b: 4, 5), and “the large majority (80%) of spousal victims said the violence they experienced was not reported to police” (Conroy 2021b: 11). Considering that the analysis was based on self-reporting, it is possible that fewer people simply reported intimate partner violence in 2019. What remains unchanged is that women continue to be more likely victims of spousal violence than men “1.5% versus 0.8%” (Conroy 2021b: 7). The report also highlights that violence is more common in former spousal relationships compared to current relationships: “Almost half (45%) of victims of a former spouse said they experienced violence after separation and, of these, nearly four in ten (38%) said the violence occurred more than six months after their separation” (Conroy 2021b: 7). This is corroborated by additional research that shows that actual or pending separation is a risk factor for intimate partner violence and intimate partner homicide (Dawson & Piscitelli 2021).

The report by Statistics Canada highlights differences between forms of violence used by men and women. Severe forms of violence are experienced by women, such as “to be pushed, grabbed or shoved (72% of women versus 52% of men), sexually assaulted (17% versus 7.4%) or choked (14% versus 3.4%) by their spouse” (Conroy 2021b: 8). In comparison, men are commonly victims of their spouse “throwing something that could hurt them (60% versus 39% of women), kicking, biting, or hitting them (43% versus 18%) or slapping them (37% versus 17%)” (Conroy 2021b: 8).

Gendered differences are also apparent when considering impacts of abuse. Women are more likely than men to experience negative emotional impacts after an episode of violence, such as feeling upset, hurt, disappointed, angry, annoyed, fearful, isolated, or lowered self-esteem, to

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name a few, “while men were more likely than women to say they felt no emotional impact” (Conroy 2021b: 9). A previous report by Gabora et al. (2007) also highlighted studies that assessed emotional impact. Women who committed violence against their male intimate partners were more likely to report feelings of continued fear in the relationship, whereas men were more likely to consider that their female partners’ attempts at violence against them were humorous or insignificant (Gabora et al. 2007).

Statistics Canada has also recently published a statistical overview of police-reported family violence (Conroy 2021a). It covers various forms of violence encountered within the family, including violence against children, youth, and older adults, as well as intimate partner violence. In 2019, 107,810 victims reported an incident of intimate partner violence to the police in Canada (Conroy 2021a: 29). These reported incidents were most often perpetrated by “a current boyfriend or girlfriend (36%) or a spouse (29%)” (Conroy 2021a: 29). While just over half (53%) of victims of violence were female, the vast majority (79%) of victims of intimate partner violence specifically were women (Conroy 2021a: 29), and there was no difference whether they lived with the perpetrator or not. The most common form of violence was recorded as physical assault, followed by other offences such as threats of violence and sexual assault. These specific forms of violence are criminalized in Canada. The Criminal Code does not include an offence of intimate partner violence or coercive control. Crime statistics are shaped by what is defined as criminal conduct, and this report about the relative frequency of these forms of violence should be interpreted in a manner that does not overlook these limitations of data collection.

In terms of the rates of intimate partner violence per 100,000 people across Canada, Saskatchewan (724) and Manitoba (607) appear to be the provinces with the highest rates of intimate partner violence, while Ontario (251) and Prince Edward Island (270) had the lowest in

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2019 (Conroy 2021a: 31). The rate of police-reported intimate partner violence per 100,000 in Nova Scotia was reported to be 354 (Conroy 2021a: 40) and had increased by 14.3% in 2019 compared to 2016 (NS Advisory Council 2021). Each of the territories had far greater rates compared to the rest of Canada, with Nunavut reporting the highest overall (5,249), followed by the Northwest Territories (4,083) and Yukon (1,365) (Conroy 2021a: 31). Additionally, there was a significantly higher rate in rural areas compared to urban areas (548 versus 300 per 100,000 population). Women victimized in rural areas experienced “a rate of intimate partner violence that was 3.5 times higher than men (860 versus 246),” and “Indigenous people are twice as likely to experience spousal violence compared to non-Indigenous people” (Conroy 2021a: 31).

Women are overrepresented in the most dangerous form of violence: homicide. Eight in ten (80%) of the 497 victims of intimate partner homicide in Canada that occurred between 2014 and 2019 were female, and a majority (75%) were killed by their current or former spouse or common-law partner (Conroy 2021a: 30). It appears that increased rates of homicide occur when partners live or have lived together, as there were far lower rates of homicide (25%) among relationships that were classified as “dating” (Conroy 2021a: 30). According to the Canadian Women Foundation (2021), approximately every six days, a woman in Canada is killed by her intimate partner. Similar to the increased likelihood of experiencing spousal violence overall, Indigenous women represented 26% (125 victims) of “intimate partner homicide victims between 2014 and 2019” (Conroy 2021a: 30). The Canadian Domestic Homicide Prevention Initiative (CDHPI) documented trends and patterns of domestic homicides in Canada for the period 2010–2019 and found that “the majority of adult Indigenous domestic homicide victims were female (73%)” (Dawson et al. 2021: 18): “Research suggests that colonization, poor socio-economic

status, systemic and interpersonal racism, and intergenerational violence largely contribute to the heightened risk faced by Indigenous populations” (Dawson et al. 2021: 6).

#### **IV. Barriers to Leaving and/or Disclosing an Abusive Relationship**

Why do victims stay in abusive relationships? Why don't victims report their situations? For many people, what happens in the home is considered a private matter and should be dealt with only by the parties involved. Many of the characteristics of coercive control and intimate partner violence are viewed as a normal part of family life and perceived as common relationship conflict or simply a disagreement between partners. Several reasons preventing victims from leaving abusive relationships are highlighted throughout research, including the fear of recrimination or consequences; inability to point to real loss; low expectations of the criminal justice system; embarrassment, shame, or guilt for what has been experienced; concerns for their children; hope or disillusion that their partner will change, etc. (WHO 2012).

It can also be difficult for victims themselves to recognize that they are in an abusive relationship, as it is a gradual process that immerses the victim (Policastro & Payne 2013). Some women assess their relationship as positive, have emotional ties to their partners, and do not see any reason to leave even when there are violent incidents (Ben-Ari et al. 2003). Leaving an abusive partner relies on having basic needs such as housing (Anderson & Saunders 2003) and the financial means for self-support (and for children if there are any). If we take additional cultural or precarious immigration status into consideration (Sokoloff & Dupont 2005), victims may encounter language barriers and/or be dependent on their partners to live in Canada. These are only the initial challenges of leaving abusive relationships; survivors will often face further psychological, organizational, and institutional hurdles (Storer et al. 2021). Leaving is a long process involving multiple attempts and coping strategies to survive.



There are both internal and external factors that constrain the process of leaving an abusive relationship (Barnett 2000), including social pressures, the abuser's persistence, psychological factors, available resources, and institutional responses (Lacey et al. 2011). Reasons preventing help-seeking may be vast, intersect, and influence each other. To date, research on barriers that prevent victims from seeking help focuses mainly on women victimized in the context of their intimate relationship (Ansara & Hindin 2010). Therefore, explanations regarding the reasons why victims stay in abusive relationships are related to women.

### **1. Why Victims Stay in Abusive Relationships**

Different theories have been offered over time to explain why victims have difficulty leaving their abusers. For instance, Walker (1979) developed the “learned helplessness” theory, which suggests that abused women experience low self-esteem, blame themselves for what is happening, become passive, and do not seek help. In contrast, the survivor theory (Gondolf & Fisher 1988) views women as active in seeking help. While it may seem that women are passive and non-reactive, such behavior can be the result of coping strategies and self-preservation (Waldrop & Resick 2004) to protect themselves and their children. The power and control theory (Pence & Paymar 1993), also known as the Duluth model, provides an explanation for the lack of help-seeking from abused women: as women are caught in a pattern of controlling behaviour, it is difficult to overcome the pressure of the abuser. Johnson and Ferraro (2000) have refined the power and control perspective in light of the context, motive, and severity of violence, explaining that “intimate terrorism” (Johnson & Ferraro 2000: 949) is connected to a pattern of control and can involve severe violence over time. This work is important, as it is the first conceptualization of intimate partner violence to introduce the notion of a pattern of controlling behaviour in the context of violent situations.

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Stark (2007) has since elaborated the theory of coercive control, explaining how abused women are trapped in their personal lives which prevents them from seeking help.

Regardless of theory, women in intimate partner violence situations develop coping strategies to survive in their relationships and to actively seek help even when it is not obvious to outside observers. The learned helplessness theory was widely adopted in the 1980s to try to make sense of women staying in abusive relationships. However, the power and control perspective offers more insight into the barriers faced by abused women as well as distinguishing different types of violence, motives of the perpetrators, and the contexts in which violence occurs (Johnson 2008). The work of Stark (2007) also sheds light on the level of control experienced by women, which functions to create further barriers to leaving abusers.

Research shows that initial factors preventing an escape from an abusive relationship are often economic and psychological (Anderson & Saunders 2003; Barnett 2000). Anderson and Saunders (2003) conducted a review of studies on women's decisions to stay or leave. These type of studies "began to appear in the mid-1970s" (165), and Anderson and Saunders wanted to understand what factors lead to leaving an abusive relationship. Economic reasons were found to be an important factor preventing women from leaving an abusive relationship: "Women who had a source of income independent of the abuser, including welfare, or who had incomes larger than those of their partners were much more likely to leave the abuser" (Anderson & Saunders 2003: 171). Barnett (2000) also reviewed studies and highlighted the problems of economic dependency as a major factor preventing a woman from leaving an abuser.

Leaving is a process that may take several attempts (Anderson & Saunders 2003; Storer et al. 2021). Storer et al. (2021) have conducted a study of Twitter users' reasons for staying in their abusive relationships using a sample of 3,086 tweets, employing the #WhyIStayed and #WhyILeft

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hashtags from the period of September 2015 to October 2016. Among the emerging themes from their analysis, the decision-making process in leaving an abusive relationship appears to be complicated and takes significant time. As stated by Storer et al., “Recasting leaving as more of a process rather than a singular ‘turning point’ could help honor the hills and valleys that often accompany abuse survivors’ journeys navigating their relationships” (2021: 6571). Each time a victim attempts to leave, she learns different coping mechanisms. Fear is also central to the process of leaving and can hamper the attempts of abused women to actively seek help. Scheffer Lindgren and Renck (2008) conducted interviews with “fourteen women who had lived in heterosexual violent relationships” (114), finding that one central aspect of leaving was “the fearfulness as a driving force to leave” (115). In other words, when fear manifested, women were “forced to choose between leave or die” (Scheffer Lindgren & Renck 2008: 121).

The coping strategies that women experiencing intimate partner violence develop in order to survive may include maintaining a status quo position, refusing to recognize violence, handling the violence informally, and/or resisting the abuse (Johnson 2008; Scott 2016). These behaviours are used to prevent, minimize, and anticipate further violence (Haeseler 2013; Childress et al. 2018). In the context of the micro-regulation of everyday life, many victims lose their agency to resist the pattern of abuse (Williamson 2010). Through monitoring and isolation, women lose their autonomy and liberty, seriously constraining their ability to cope with non-physical tactics (Crossman & Hardesty 2018).

It is difficult to pinpoint commonalities across experiences of intimate partner violence that explain why victims find it difficult to leave. Leaving an abusive relationship is a non-linear process involving the recognition of intimate partner violence, the attempt to manage the issue privately, and seeking help formally or informally (Ansara & Hindin 2010). From an outside

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perspective, it may seem easy for a victim to leave an abusive relationship, and it is not uncommon to hear the question: why doesn't she leave? It is important to take into consideration every aspect of an abusive relationship to fully understand what hinders an ability to escape. Research must therefore focus on diverse aspects of the process of leaving and help-seeking, including barriers faced by vulnerable groups, such as women with children (Pettersson & Thunberg 2021; Sheehy & Boyd 2020), women from rural communities (Mantler et al. 2021; Wendt & Hornosty 2010), women from racialized groups (Hulley et al. 2022; Shankar et al. 2013; St. Vil et al. 2017; Sokoloff & Dupont 2005), or Indigenous women (Hoffart & Jones 2018), to name a few. Having children with the abuser can prevent women from leaving, as it leads to major changes in family lives (Pettersson & Thunberg 2021). Difficulties regarding custody also lead women to stay because of issues between criminal and family courts and not wanting to engage in lengthy and expensive custody battles (Sheehy & Boyd 2020). Disclosing intimate partner violence by women living in rural communities is difficult, especially if there is a lack of privacy and trust. In rural areas, service providers are more likely to have a personal relationship with clients (e.g., be a relative), and services such as safe house/shelters may be widely known by community members as well as perpetrators instead of remaining inconspicuous (Mantler et al. 2021; Wendt & Hornosty 2010).

Racialized women experiencing intimate partner violence face barriers due to institutional racism (Hulley et al. 2022). Immigrant women also face barriers to leave an abusive partner related to their understanding of gender roles, the lack or no knowledge of support in the country of adoption, immigration laws, culture and religion, issues of cultural competence, and lack of diversity within frontline services (Shankar et al. 2013: 1). Hoffart and Jones (2018) have explained that “the relationships between the residential schools, the intergenerational trauma, intimate partner violence and the normalization of intimate partner violence” (38) has caused

Indigenous victims to view that “violence was normal and acceptable problem-solving mechanism” (40) and impact the ability to seek help. The common denominator amongst all victims of intimate partner violence is the lack of capacity to reach out formally or informally.

Using a subset of female respondents in the 1999 Canadian General Social Survey, Barrett and St. Pierre (2011) have examined sociodemographic differences in the overall use of informal or formal supports. They classified “a family member, a friend or neighbor, a coworker; a minister, priest, clergy, or other spiritual advisor” under informal support (Barrett & St. Pierre 2011: 54) and police, doctor or nurse, lawyer, crisis centre, counselor or psychologist, and other professional services as formal support. Sociodemographic variables such as visible minority, aboriginal, or immigrant status, education, income, geographic region, participation in religious activities, and language were analyzed. Their findings suggest that severe forms of physical violence lead women to seek help both “formally or informally” (Barrett & St. Pierre 2011: 58). Their findings also “indicate the importance of informal support from friends, family members, coworkers, and spiritual or religious advisors in the lives of women in marginalized populations” (Barrett & St. Pierre 2011: 63).

## **2. Seeking Help**

As explained above, the type of violence involved may impact help-seeking behaviour. While physical violence can leave physical evidence, non-physical violence often does not. As intimate partner violence is a pattern that evolves over time, it becomes extremely difficult for the victim to disclose what is happening and to consider the behaviour as a violent act or series of violent acts. Seeking help or disclosing intimate partner violence experiences is therefore complex and is commonly done through informal supports such as friends and family rather than through formal

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channels such as the health care system, social services, or the criminal justice system (Ansara & Hindin 2010; Postmus et al. 2009).

Attitudes towards abused women (Flood & Pease 2009) and stigma attached to intimate partner violence (Overstreet & Quinn 2013) are not without consequences for survivors seeking help. Flood and Pease (2009) have studied factors shaping community attitudes to violence against women (domestic violence, sexual assault, and sexual harassment). They have highlighted the influence of attitudes regarding violent behaviour perpetrated by men against women, naming gender roles (traditional gender norms) and culture as major contributors to women's victimization: "attitudes shape both the perpetration of violence against women and the responses to this violence" (Flood & Pease 2009: 125). Attitudes towards violence against women vary considering gender norms, as they have found that a "consistent predictor of attitudes supporting the use of violence against women is attitudes towards gender roles" (128) and the belief that there are specific roles for men and women. They have also pointed to culture, emphasizing the influence of attitudes towards violence against women. Socioeconomic factors as well as race and ethnicity are contributing to the attitudes towards violence against women, varying from one culture to another and from country to country. The understanding of marriage and the role of women in diverse cultures also influences attitudes (Flood & Pease 2009).

Overstreet and Quinn (2013) have explored how intimate partner violence stigma plays a role in reducing help-seeking behaviour. Stigmas operate by treating certain characteristics or experiences as negative defining features of personal identity (Goffman 1963), resulting in strong social norms to distance oneself from those identities. Overstreet and Quinn (2013) have elaborated on the intimate partner violence stigmatization model with specific regard victim-blaming and the recognition of severe physical violence. They have identified sixteen articles that

focus on people who have experienced intimate partner violence and have addressed one of the three components of intimate partner violence stigma identified in the stigmatization model (Overstreet & Quinn 2013). Using three electronic databases to search articles published in 2011, the intimate partner violence stigmatization model takes into consideration anticipated stigma (meaning the concerns about what can happen when others know about an intimate partner violence experience), internalized stigma (when victims believe the experience reveals their true self); and cultural stigmatization (emphasizing how at the societal level, stereotypes may influence the experience of stigmatization) (Overstreet & Quinn 2013). These findings demonstrate the ways that stigma can be internalized by survivors who censor themselves and accept negative beliefs about themselves.

Stark (2007) has developed the notion of the “entrapment enigma” to explain the duration of abuse and make sense of the reality of women staying in abusive relationships. Stark has explained that women stay in abusive relationships because they feel trapped in their situations, and there is evidence of a “disjuncture between what victims and outsiders expect from separation” with the abuser (Stark 2007: 116). He has also opened the discussion on gender norms and the normalization of controlling behaviour by men in society, which renders certain types of violence hidden. Barriers such as isolation and shame act to prevent disclosure and reporting.

### **3. Barriers to Seeking Help from Police**

Since the early 1980s, some jurisdictions have made changes to facilitate the reporting of intimate partner violence, including introducing mandatory charging policies and otherwise criminalizing intimate partner violence (Brown 2002). However, barriers remain. Studies show that while women may feel protected when they call the police (Ursel et al. 2008), subsequent police responses (or non-responses) mean that those women may not call the police again if future

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incidents occur (Gover et al. 2013). Several studies have described patterns of dismissal by the police, mistaken accusations of the women themselves as perpetrators, revictimization during police response, and the failure to recognize non-physical violence, specifically coercive control.

For example, Leisenring (2011) conducted semi-structured interviews with 40 women in the United States who reported experiences of intimate partner violence to the police. Four main factors that appear to influence a woman's inability to show their victimization are 1) failing to leave an abusive relationship; 2) admitting to using violence or damaging property themselves; 3) unsuccessfully managing emotion; and 4) failing to describe or define the situation in their own favour. As a consequence of not convincing the police of their victimization, some women were themselves arrested, while in other cases, no police action was taken at all (Leisenring 2011).

Such findings continue to be supported in recent Canadian research. Aspinall (2021) has confirmed that arrested women participating in court-mandated treatment as abusers frequently disclose to program staff that their use of violence was retaliation for or defence against their own victimization that went unrecognized by police. Additionally, in some cases, a manipulative partner made the initial call to police to portray the victim as the problematic party and thereby control the narrative. Extensive research by Sheehy (2014) on 141 women who killed their abusive partners between 1990 to 2005 has also shown how narratives from others (including family, friends, police) portray the women as the abusers. This is illustrated in the case of Donelda Kay, who agreed with the police version that she was angry and stabbed her partner (Sheehy 2014: 167). Analyzing 208 cases of women who were court-ordered to participate in an intervention program after assaulting their partner, Larance and Miller (2017) have found that “more than 75% of the women identified survivorship histories that involved their current or past partner” (1545).



Grace (2019) has explained that with mandatory charging policies, police have the obligation to lay charges when responding to incidents of intimate partner violence, and they must identify the primary or dominant aggressor. Research revealed that women who were charged were “in physically and emotionally abusive relationships, and some even had visible injuries on their bodies at the time of police intervention” (Grace 2019: 183). Defensive wounds such as scratching or biting tend to surface immediately, and an abused female may be arrested for intimate partner violence alongside her partner if police misinterpret her defensive violence as that of a mutual aggressor (Miller & Iovanni 2007).

Dichter and Gelles (2012), who surveyed 164 women about their perceptions of safety and risk after police response for intimate partner violence, have articulated the need to “identify the form, context, and meaning of the violence from the victim’s perspective in order to match women with effective interventions” (59). This statement underscores the fact that there are manifestations of violence that may not be understood as such. Such research points to the reality that formal support (police response) often fails to protect women and may even “exacerbate her risk by removing a deterrent; if the partner learns or perceived that he will not be held accountable, he may be more likely to proceed with violence than if he thought he would be subject to formal sanction” (Dichter & Gelles 2012: 59).

Wolf et al. (2003) conducted five focus groups with culturally diverse groups of women who obtained social services as victims of intimate partner violence in one US city, including 40% (123) who reported previous contact with police. The barriers women faced in contacting the police were grouped into three themes: “victim’s situational and personal factors; victim’s fears and past negative experiences with police response; and victim’s fears of possible repercussions” (Wolf et al. 2003: 123). Fear and negative experiences with police response (the perpetrator in question was

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not arrested and/or the victim was mistakenly considered the perpetrator) and fear of retaliation (from the perpetrator after the police intervention) were important factors in not reporting.

Similarly, Gover et al. (2013) conducted a qualitative analysis of the accounts of 102 women who had previously engaged with the criminal justice system. Among the reasons they gave for not contacting the police were: dissatisfaction with the criminal justice system (a negative impression of the police); not being taken seriously (disbelief over their description of events); potential negative consequences for themselves and/or their children; love and desire to protect the offender; and fear of the offender. Such research highlights the way that past experiences with the criminal justice system can negatively influence women's decisions to contact police again: "survivors who once engaged the system may have felt revictimized during the process of reporting the crime to law enforcement" (Gover et al. 2013: 113).

Wiener (2017) conducted interviews and focus groups with survivors, police, and independent criminal justice domestic violence advisors, specifically focusing on the issue of coercive control. The findings demonstrate the difficulty in recognizing patterns of violence, as there may be episodes of violence but "the fear it engenders is not [apparent]" (Wiener 2017: 504). When asked to respond in situations where fear is present, police officers often do not have the resources or skills to assess a pattern of violence. Wydall and Zerk (2021) have also explored victim experiences in seeking protection from law enforcement. Conducting several interviews with fourteen survivors over a four-month period, they sought to understand the impact of coercive control on help-seeking. They found that the primary reason the participants reached out to the police was because they felt unsafe to remain in their relationships. Women highlighted the level of control their partners had on their ability to make decisions in seeking help and how they were able to present the circumstances of their situations. Wydall and Zerk found that the behaviour of

women was routinely in question, especially “if they changed their course of action, they perceived that the police, in particular, were sometimes impatient, coercive and even aggressive” if the women were not cooperative (2021: 623). Likewise, Duhaney (2021) has examined the experiences of Black women arrested for intimate partner violence in Canada and found that “the women did not believe that police understood them as victims” (16), as they were not considered to “fit within the stereotypical images of femininity” (10).

This clearly shows how the perception of behaviour can influence professional response and how, as described earlier, victims may not be seen as “true” victims when their reactions to situations do not conform to expectations.

#### **V. Law Enforcement Involvement in the Issue of Intimate Partner Violence**

Intimate partner violence comes to the attention of the criminal justice system through law enforcement, especially through calls to police agencies. Police officers responding to domestic dispute calls thus have a very important role in determining if a situation constitutes intimate partner violence and if it is criminal behaviour. Current police policies or protocols on intimate partner violence restrain police conduct, i.e., police cannot arrest someone where there are no reasonable and probable grounds to believe an offence has been committed (i.e., without evidence). This does not prevent police officers from exercising discretion in their decision to arrest and/or charge someone. The amount of discretion police officers exercise in their role is constrained by policies guiding proper response. Mandatory charging policies are a good example of limits on police officers’ discretion, as such policies mean that officers have an obligation to arrest if presented with evidence that an assault has occurred. Even when police officers are not able to make an arrest or lay charges due to lack of presented evidence, it remains important for them to understand the signs of coercive control and the potential escalation of risk. Failing to do so results

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in missed opportunities to follow-up with the victim and/or perpetrator as well as to make appropriate referrals to community and social services.

To assess an IPV situation, police officers in Canada use various instruments (assessment tools, checklists, etc.), combined with the offences listed in the Criminal Code. These instruments help counteract personal judgment and perceptions in the exercise of police officers' work. Nevertheless, police officers' perceptions of intimate partner violence influence their use of risk assessment tools as well as their decisions to make arrests (or not) when facing situations involving intimate partner violence.

The importance of stereotypes and myths that fuel perceptions of intimate partner violence cannot be overlooked. They influence the way professionals consider victims and abusers. Myths surrounding intimate partner violence are false beliefs supporting violence as normal, justified, or minimized. Intimate partner violence myths emphasize blaming the victim to the effect that professionals undermine the gravity of women's experiences (Fleming & Franklin 2021). Police officers are not exempt from the influence and impact of myths and stereotypes shaping their attitude and perceptions in responding to intimate partner violence situations. Lockwood and Prohaska (2015) have shown that "[...] officers who held traditional views of women's roles or approved of marital violence were less likely to arrest the offender or to provide crisis counselling to victims" (80). This implies that gender stereotypes, as well as the roles and expectations of men and women, continue to be at play.

This section examines police officers' perceptions of intimate partner violence and the assessment tools available to them when evaluating potential cases of intimate partner violence.

### **1. Police Officers' Perceptions of Intimate Partner Violence**

The following discussion focuses on police understandings, attitudes, and perceptions of intimate partner violence, including coercive control. This includes an examination of police perceptions of physical and non-physical violence in the context of intimate partner violence. Police officers' understanding of the complexity of intimate partner violence itself likely influences their actions and their use of discretion when responding to calls for service (Gill et al. 2021; Myhill & Johnson 2016; Perez Trujillo & Ross 2008). To efficiently assess intimate partner violence situations police officers must understand dynamics and patterns of violence so that they can recognize a potentially harmful situation. The wealth of research available on police perceptions regarding intimate partner violence point to the fact that police response is necessary if the situation is serious. Defining what is to be considered serious in policing intimate partner violence is intimately connected to the circumstances, level of physicality of the violence, and the victim's behaviours (DeJong et al. 2008; Gill et al. 2021; Gover et al. 2011; Lockwood & Prohaska 2015; Myhill 2019; Perez Trujillo & Ross 2008; Robinson et al. 2018). Police officer perspectives of what is appropriate behaviour between intimate partners can lead to misunderstanding the dynamics at play.

Research shows that police officers have diverse perceptions of intimate partner violence and respond according to their understanding of the issue (DeJong et al. 2008; Gover et al. 2011; Gill et al. 2021; McPhedran et al. 2017). Examining police officers' views of intimate partner violence, for example, DeJong et al. (2008) found two perceptibly different views among police officers that they have categorized as either "problematic" or "progressive" (683).<sup>3</sup> The researchers identified various themes within police officers' problematic views, including "simplification of

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<sup>3</sup> Analysis was based on narratives from police ride-alongs and individual interviews.

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intimate partner violence, victim blaming, patriarchal attitudes toward women and presumption of victim non-cooperation” (DeJong et al. 2008: 688). Alternatively, progressive views of the issue among police officers were related to the recognition of the complexity and seriousness of the issue, the understanding of barriers to leaving faced by victims, and recognition of the importance of police intervention.

Similarly, Gill et al. (2021) have examined how conventional and progressive views, as expressed in a survey completed by 169 police officers in New Brunswick, influence their attitudes towards the issue of intimate partner violence. Analysis showed that “the majority of police officers (N=90, 58.6%) adopted a conventional view of IPV that was based on naming different forms of violence using terms from the Criminal Code of Canada” (Gill et al. 2021: 27). Intimate partner violence is not assessed as a pattern occurring over time, leading officers to believe that there is no violence if, e.g., there is no injury present at the time. In comparison, police officers holding progressive views of intimate partner violence can identify a pattern of violence over time and see the difficulties for victims to leave or escape an abusive relationship (Gill et al. 2021: 14).

Because the criminal justice system has set standards for what constitutes a criminal offence of intimate partner violence (mainly assault and threat of assault, for instance), it is difficult to recognize violent behaviours. Stark and Hester (2019) have shown that many women return repeatedly to the criminal justice system as victims, but their situations are not “sufficiently grave or injurious to merit a serious crime charge or conviction under the existing approach” (84). These cases fall off the radar and are largely untracked by the criminal justice system.

Eigenberg et al. (2012) have argued that presuppositions about intimate partner violence should be re-examined to ensure better training for police officers. They have emphasized the fact that police officers perceive intimate partner violence as being limited to one kind of violence (i.e.,

physical) or otherwise being a minor issue (e.g., when it is non-physical). Consequently, “there is an implicit, and sometimes explicit, belief by many reform advocates and law enforcement officers that domestic violence should be treated the same as any other crime” (Eigenberg et al. 2012: 131). As discussed above, however, intimate partner violence involves perpetrators who know the victims very well and who exhibit controlling behaviours over time. The immediate incidents that police officers are generally called upon to respond to can be preceded by a history of power and control perpetrated against the victims and are not often presented in the same manner as other crimes committed against a person.

Highlighting that intimate partner violence differs from other crimes, Peterson and Bialo-Padin (2012) have emphasized the importance of collecting evidence. Generally, when at a scene, police officers will look for evidence of physical violence, injuries, or some form of damage to property resulting from an incident in order to arrest and lay charges. After examining “domestic violence cases based on prosecutorial experience in Brooklyn, New York” (2012: 103), Peterson and Bialo-Padin identified what kind of evidence is considered most valuable in domestic violence cases, highlighting the fact that police officers:

are often entering volatile and emotionally charged situations that are potentially dangerous for both the victims and the officers. If a victim lashes out at law enforcement, if she doesn’t want her abuser arrested, it is easy to understand how police may become disengaged or may emotionally distance themselves from the situation: if the victim doesn’t seem to care what happens to her, why should the officer (Peterson & Bialo-Padin 2012: 116–17)?

Recognizing that most victims do not want to testify against their abuser, spending time collecting every possible sign of a violent situation is necessary. Peterson and Bialo-Padin (2012) have therefore advocated for better training of police officers to “address how various types of evidence can be used to build a case and explain the need for special types of corroborative evidence” (117).

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Robinson et al. (2016) have provided further confirmation that police officers are more prone to intervene in cases of intimate partner violence if there is evidence of physical violence. In a survey of 473 officers in the United States and 260 officers in the United Kingdom, they found that even when police have a good understanding of intimate partner violence, the presence of violence “influences their perceptions of the suitability and utility of various policing tactics” (205). Myhill’s (2019) study with 32 frontline police officers in the United Kingdom likewise found that intimate partner violence incidents involving physical violence were regarded as serious, and the officers were “more likely to arrest the perpetrator” (60). Findings from a survey by Gover et al. (2011) of 309 police officers in large urban agency in a western US state have illustrated that police officers misunderstand the dynamics at play in intimate partner violence situations and consider that they are mainly “verbal family arguments” (632) that do not require police intervention. This is not without concern, since the focus on a specific incident does not allow a thorough assessment of the context in which the event occurred. It does not account for a potentially escalating pattern of violence, the complexity of relationships, nor the barriers that might prevent victims from leaving their abusive partners (DeJong et al. 2008; Gill et al. 2021).

Several researchers (Gill et al. 2021; McPhedron et al., 2017; Ward-Lasher et al. 2017) have also found that some police officers believe that women commit violence against their partners at an equal rate to men, even though national statistics in Canada indicate that 79% of victims of intimate partner violence are female (Conroy 2021a: 29). Police officers also often hold the belief that remaining in an abusive relationship is more dangerous than leaving (Gill et al. 2021), while research shows that leaving increases the level of danger for the victim (Monckton Smith 2021).



Other studies have also demonstrated that police officers' perceptions of intimate partner violence are influenced by the victim's behaviour at the scene, the victim's reaction to violence experienced, and the empathy towards the victim (Gracia et al. 2011; Perez Trujillo & Ross 2008). Police officers' perceptions regarding intimate partner violence are also shaped by their understanding of their role in law enforcement more generally (Balenovich et al. 2008). What emerges from the research regarding police officers' perceptions is the lack of broader vision of what constitutes intimate partner violence. Robinson et al. (2018) have highlighted the importance of considering the context of a relationship and the incident of violence that took place to make a decision. In the context of the criminal justice system, this requires reframing police responses considering patterns of violence that takes place over time, beyond a single incident. As Stark (2012) has noted, "Putting the abusive incident in its historical context changes how police respond to victims" (214). The implementation of the coercive control offence in England and Wales therefore reframes the "[police's] typical approach from responding and taking stock of crime 'incidents' as isolated events towards looking to a series of interrelated events and the harm that follows from these" (Barlow et al. 2019: 4).

Policing coercive control thus involves a drastic shift in the way a situation is approached and assessed, as it becomes about "seeing what is invisible in plain sight" (Wiener 2017: 500). As defined earlier, coercive control refers to various tactics to monitor and micro-regulate by denying rights and resources to the victim. It is not easy to recognize these tactics from an incident-based approach, as they occur over time and are less perceptible than physical violence. In seeking evidence of only physical violence at a scene, officers may assess the situation as low risk if controlling behaviours are not recognized as being harmful to the victim (Wiener 2017; Crossman et al. 2016; Bishop & Bettinson 2018). Research points out that evidence of physical violence

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alone may not necessarily indicate a pattern of violence in a relationship (Dutton & Goodman 2005; Johnson 2008).

A lack of understanding of a pattern of coercive control during the initial police response may set the tone for intervention availability. If physical violence is the central focal point of intervention, police officers can make the wrong call: “If they get it wrong at that first point of contact then you’re sending the wrong resource or you’re not sending another resource at all, you’re not correctly identifying the risk, whether that’s risk to the victim or to children” (Brennan et al., 2019: 647). To address behaviours of coercive control, police must spend additional time asking further questions that may allow them to document more broadly what they encounter at the scene, resulting in more information about the context of a situation.

## **2. Lethality Risk and Domestic Violence Death Review Committees (DVDRCs)**

Within Canada, a number of provinces have established Domestic Violence Death Review Committees (DVDRCs), whose objectives include the identification of known risk factors in closed cases of homicide in intimate relationships to better inform current and future risk assessments and reduce missed opportunities for intervention (Campbell et al. 2016). Ontario, the first province to establish such a committee in 2002 (Campbell et al. 2016), developed a list of 40 risk factors that has since been adopted for use in other jurisdictions, including New Brunswick. The risk factors are all considered to be weighted equally; however, it is recognized that some, such as strangulation, are likely a stronger predictor of risk of homicide compared to others (Office of the Chief Coroner 2019). Reviewing cases in retrospect allows for the identification of risk factors that are recognized as “red flags” and require a response. It is often found that family and friends but also police and other social service agencies knew of problems in a relationship yet did not know how to respond or missed an opportunity to intervene (Campbell et al. 2016). For police

officers, these interventions may not necessarily be arrest; however, recognition of multiple risk factors could promote safety planning and designations of high-risk that are offered earlier support (Office of the Chief Coroner 2019).

A review of 183 IPV-related deaths in Ontario that occurred between 2002 and 2012 determined a high prevalence of a select few factors. First and foremost, incidents of domestic homicide continued the pattern of being a highly gendered occurrence, with this sample determining that 92% of victims were female, and 91% of perpetrators were male (Dawson & Piscitelli 2021: 785). The most common risk factor was a recorded history of the perpetrator's prior acts of domestic violence, which was found in 73% of all cases, followed closely by an actual or pending separation of the relationship at the time of the homicide, which was found in 70% of cases (Dawson & Piscitelli 2021: 785). Additional factors concerned the presence of obsessive behaviours on the part of perpetrators (54%), perpetrators suffering from depression (50%), prior threats or attempts at suicide from perpetrators (49%), an escalation of violence prior to the homicide (48%), a sense of fear on the part of victims (45%), prior threats to kill the victims (43%), perpetrators being currently unemployed (40%), and previous attempts to isolate the victim (39%) (Dawson & Piscitelli 2021: 785).

An annual report from the Ontario DVDRC summarized additional cases leading up to 2018, finding a continued prevalence of these risk factors (Office of the Chief Coroner 2019). An addition of "victim vulnerability" was added to the list, which includes considerations of the victim's mental health or addiction issues, disability, language and/or cultural barriers, economic dependence, and residence in a rural or remote location. Since its addition, this factor was subsequently located in 43% of domestic homicide cases reviewed since 2017 (Office of the Chief Coroner 2019).

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A review of domestic homicides in New Brunswick between 2009 and 2018 yielded results that are comparable to the ones established in Ontario. An escalation of violence and a known history of intimate partner violence by the perpetrator were present in 68% of New Brunswick cases, with a pending or actual separation of the relationship and displays of obsessive behaviour following closely at 63% (Gill & Aspinall 2021). Lastly, a CBC News investigation regarding intimate partner homicides across Canada between January 2015 and June 2020 discovered that a recent separation played a role in 22% of cases of domestic homicide, followed closely by previous reports made to police (15.4%) and evidence of coercive control (15.2%) (CBC 2021).

### **3. Formal IPV Risk Assessment Tools**

In instances when there are reports or suspicions of intimate partner violence, many professionals working in the field, including police, have access to risk assessment tools to help evaluate their cases. Development and prevalence of such instruments are various, but such tools generally fall into three categories: unstructured, actuarial, or structured professional judgement. Unstructured formats are based solely on professional discretion and “gut instinct” with no formal guidelines (see Kropp & Hart 2004; Nicholls et al. 2013). While widely used, such unstructured risk assessment is problematic as results can be swayed by personal bias, lack of understanding, or information gaps (Kebbell 2019). Alternatively, actuarial tools require evaluators to focus strictly on predetermined categories of risk and exclude additional or context-specific considerations (see Kebbell 2019; Kropp & Hart 2004; Nicholls et al. 2013). Bridging the gap between the two, structured professional judgement approaches encourage evaluators to follow specific guidelines but allow for their own decisions and interpretations of risk (Kebbell 2019; Kropp & Hart 2004; Nicholls et al. 2013).

Within Canada, the Danger Assessment (DA), Ontario Domestic Assault Risk Assessment (ODARA), Spousal Assault Risk Assessment (SARA), and Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER) are among the IPV risk assessment tools most used by a variety of frontline service providers. These instruments span the categories of risk assessment approaches identified above. The DA was designed to predict a likelihood of lethality (Campbell 2004; Connor-Smith et al. 2011; Jung & Buro 2017) by asking the victims to report the number of abusive incidents over the past year and respond “yes/no” to risk factors specifically associated with homicide (Campbell et al. 2009). In its original form, the DA is frequently used by shelter staff, victim services, and child protection services across Canada (Canales et al. 2013). A shortened version specifically for law enforcement, the DA-LE, includes eleven factors asking specifically about separation, control, threats and previous attempts to kill, threats or use of weapons, presence of firearms, strangulation, victim’s fear, frequency and severity of abuse, and perpetrator threats or attempts of suicide (Messing & Campbell 2016). However, even though the original DA has been adopted by many frontline service providers, this condensed version does not appear to be implemented amongst Canadian police agencies and is instead found primarily in the United States (Messing & Campbell 2016).

When intimate partner violence is reported, the police are often the first point of contact and, as a result, are frequently responsible for assessing risks presented by the perpetrators, which may also include managing the vulnerabilities of the victim and determining when to refer to and collaborate with additional community services (Belfrage et al. 2012). Hilton et al. (2004) have concluded that police officers are in a good position to quickly assess intimate partner violence scenarios as they often speak directly to victims about their relationships and about their current situation and have ready access to criminal history information. As many police agencies work

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with limited resources, risk assessment tools can help to ensure perpetrator risk and victim safety are responded to and managed with appropriate resources (Almond et al. 2017). Therefore, the abovementioned ODARA, SARA, and B-SAFER are frequently used by Canadian police officers. These assessment tools are predictive, aiming to assess future risk of assault (Millar et al. 2013). Risk assessments are considered relevant during a number of stages within the criminal justice system process, such as at the point of arrest, and when making decisions around sentencing and release (Kropp & Hart 2004). For frontline police officers, these risk assessment tools are often utilized on-scene or during the early investigation process to assist in determining arrest decisions, as well as identifying which cases would benefit from further referral and follow-up. Kebbell (2019) has observed that it is common for police officers to have access to and be trained in utilizing risk assessments. However, it is difficult to summarize national training practices for police officers, as even though the validated tools mentioned above are widespread, police agencies continue to consider and pilot additional assessment methods such as investigative checklists and protocols designed by their individual agencies that may also require their own internal training (Millar et al. 2013).

The ODARA, an actuarial tool specifically developed for police, contains thirteen items aimed at predicting a perpetrator's risk of reoffending (Hilton et al. 2004; Jung & Buro 2017; Millar et al. 2013; Nicholls et al. 2013). Factors assessed include prior intimate partner violence and non-intimate partner violence, prior custodial sentences, breach of release conditions, threats to kill, confinement, victim's fear, number of biological/stepchildren, assault on the victim while pregnant, and barriers to the victim accessing support (Kebbell 2019). The ODARA has been adopted for use by police agencies in Ontario, New Brunswick, and Nova Scotia (Millar et al. 2013). Research conducted in New Brunswick with a random selection of 142 police files has

revealed that when the ODARA was administered, a police officer was more likely to make an arrest and recommend charges to the prosecutor compared with files in which it was not used (Ballucci et al. 2020). In Nova Scotia, if the overall score is seven or above, the case is then designated for case management under Nova Scotia's High Risk Case Coordination Protocol, and information is shared with other service providers with the intent to be able to intervene quickly, provide resources and support, and create a safety plan with the individuals involved (Department of Justice 2013).

As a structured professional judgement tool, the SARA requests assessors to utilize a victim interview, standardized measurements of psychological and emotional abuse, and criminal record history to evaluate intimate partner violence and criminal history as well as psychological and social functioning of the perpetrator (Jung & Buro 2017). While still used by police officers in various jurisdictions throughout Ontario, Alberta, British Columbia, and the Yukon (Millar et al. 2013), its reliance on judgements of mental health means that police officers generally do not have the required training to employ the SARA effectively (Kebbell 2019; Kropp & Hart 2004; Nicholls et al. 2013). In response to such challenges, the B-SAFER was developed in 2005, specifically for police officers as a condensed and revised version of the SARA that does not require a thorough assessment of mental health (Jung & Buro 2017; Nicholls et al. 2013). Like other tools, the B-SAFER process considers issues such as physical or sexual violence, escalation of violence, threats, breach of orders, non-intimate partner violence related criminal behaviour, unemployment and financial difficulties, substance use, and mental health diagnoses (Kebbell 2019; Millar et al. 2013).

#### **4. Limitations to Current Police Risk Assessment Processes**

There is increasing information about coercive control and other non-physical tactics of abuse, yet commonly used risk assessment tools continue to emphasize the presence or history of physical violence. The SARA and B-SAFER concentrate on the presence of actual or threatened physical harm (Kropp & Hart 2004). The ODARA requires “evidence in the police report of physical contact with the victim or a credible threat of death with a weapon in hand in the presence of the victim” in order to use the tool (Mental Health Centre Penetanguishene 2005: 11).

The focus on physical abuse downplays other aspects of intimate partner violence that may be influenced by gender, ethnicity, disability, and other social and structural factors (Barlow & Walklate 2021). When asked what issues women considered most important regarding their risk of future harm, they responded with factors such as emotional abuse and controlling behaviours, jealousy, and untreated mental health issues (Connor-Smith et al. 2011). Campbell (2004) has also argued that more consideration should be given to a woman’s own perception of harm and level of fear. While “victim fear” is identified in a number of risk assessment tools, it is not usually a principal category leading to high risk. Moreover, current risk instruments do not provide sufficient questions to gather information about coercive control, or do not encourage police officers to ask further questions to understand more about the context of relationships (Medina Ariza et al. 2016). As a result, if a perpetrator primarily concentrates on using tactics of coercive control against his partner, there can be little to no record of physical violence. Even after having contact with the criminal justice system, women have been killed after their risk was assessed incorrectly or inappropriately (Barlow & Walklate 2021; Myhill & Hohl 2016).

Not every risk assessment instrument has been developed for the same purpose, yet they continue to be used in a similar manner across jurisdictions. For example, the DA (and subsequent DA-LE) was intended to assess lethality, whereas the ODARA was intended to predict re-assault



rather than homicide (Campbell et al. 2009). The SARA was originally aimed at identifying both but has been evaluated only against repeated assaults (Campbell et al. 2009). Campbell (2004) has pointed out that, overlap between these issues notwithstanding, risk of revictimization, risk of lethality, and determination of factors that may help to keep victims safer all include different considerations.

Lastly, risk assessment tools have largely been validated only for male perpetrators who abuse their female intimate partners. For example, the ODARA is not validated for use with female perpetrators (Ballucci et al. 2020), and cultural differences are also not accounted for. While primarily used with male perpetrators, further research is necessary to determine if similar risk factors within assessment tools are applicable for Indigenous men (Peters et al. 2018). Considerations are also recommended to incorporate storytelling and narrative approaches to future risk assessment structures when administering with Indigenous populations (Peters et al. 2018).

### **5. Coercive Control Assessment**

The United Kingdom adopted a risk assessment tool in 2009 that aimed to capture the presence of coercive control. The Domestic Abuse, Stalking and Honour-Based Violence Risk Identification and Management Model (DASH) is a structured professional judgement tool now used by almost all police agencies in England and Wales (Barlow & Walklate 2021; Kebbell 2019; Turner et al. 2019). Longer than many other risk assessment tools in circulation (at 27 items), it captures seven elements specifically referencing coercive control behaviours: isolation, control, excessive jealousy, threats to kill the victim and/or children, threats to commit suicide, and persistent texting phoning, harassing, or stalking (Myhill & Hohl 2016). As well as identifying the presence of such

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behaviour, police officers are also expected to note any further contextual information or perceptions of relevant situations (Myhill & Hohl 2016).

DASH has been subject to some noted discrepancies regarding if and to what degree professional judgements should be incorporated, as well as to questions regarding the relative weighting of risk factors (Almond et al. 2017). There are also variations in what overall score results in a designation of high risk, though Turner et al. (2019) have reported a general threshold score of fourteen. Ultimately, decisions made from the DASH scoring criteria have helped to determine the degree of subsequent intervention and referrals made to support services for victims (Turner et al. 2019).

A revised tool was also recently piloted amongst three police forces in the United Kingdom after evaluations of the DASH found inconsistencies in the designation of risk (Wire & Myhill 2018). The new tool, now known as the Domestic Abuse Risk Assessment (DARA), reduces the total number of questions asked, changes yes/no responses into scales from “never” to “all the time,” and provides only one free text response box at the conclusion for police officers to summarize their opinions (Wire & Myhill 2018). Responses by police officers have generally been positive, reporting that they felt the revised model helps them understand further the context of the relationships in question and more easily identify the presence of coercive control (Wire & Myhill 2018).

However, similar to earlier findings with the evaluations of the DASH, even when police officers consider coercive control to be high-risk, arrest is less likely to occur if it is not also accompanied by physical violence (Barlow & Walklate 2021; Wire & Myhill 2018). Without the presence of physical abuse, police still tend to conclude that there is no immediate risk to the victim’s safety that requires intervention (Barlow & Walklate 2021). This suggests that even with

guiding questions about coercive control, a lack of personal understanding or stereotypical beliefs held by individual police officers can still impact their decision-making about intervention (Spivak et al. 2021; Turner et al. 2019). It remains necessary for police officers to learn in depth how intimate partner violence works and how a variety of risk factors and contexts can interact to produce different levels of risk at different points in time (Spivak et al. 2021).

Are risk assessment instruments helping police officers address the volatile complexity of intimate partner violence? It seems that knowledge acquired to date is not enough to adequately respond to the issue. Police officers continue to exercise considerable discretion in their decisions to intervene (or not), and while formal risk assessment tools are beginning to guide frontline decision-making, several researchers have demonstrated that police officers still often minimize the issue of coercive control, instead focusing attention on evidence of physical assault. The lack of recognition of patterns of violence involving coercive control leads police officers to respond to intimate partner violence situations solely within the parameters of existing laws and regulations, which likewise largely remain centered around discrete incidents of physical violence or threatened violence.

## **VI. Conclusion**

This report has highlighted the complexity of intimate partner violence. There is not a straightforward explanation of its occurrence, as we need to take into consideration the context in which it occurs, the motive behind the use of violence, the pattern of violence in place, and the impact over time on victims to adequately understand its magnitude and pervasiveness in Canada. Intimate partner violence must also be distinguished from other important and often overlapping issues, including gender-based, family, and domestic violence. The definitional nuances of

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intimate partner violence in particular make clear that the concept of coercive control is central to understanding patterns of violence in intimate relationships.

Coercive control is insidious and remains widely misunderstood in Canada. Knowledge about the tactics and impact on victims helps explain why so many victims have difficulty leaving or frequently return to abusive partners. Understanding intimate partner violence as a pattern of behaviour over time has a real impact on the potential for criminal justice responses. We have demonstrated how police officers are often encouraged to handle intimate partner violence situations as one incident at a time. Though physical violence is recognized as serious and criminal, when police officers are called to a scene, they often do not consider the wider context that precipitated the immediate incident and thus fail to address harm when making decisions about intervention. This report has elaborated on the current difficulties in addressing intimate partner violence from a criminal justice perspective. Police agencies will be able to improve their strategies for and records on intervention only by recognizing and addressing coercive control as a serious issue.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Exercising Judgment:  
Understanding Police Discretion  
in Canada**

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Understanding Police Discretion

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## **I. Introduction**

Discretion is central to policing in Canada. Every day, the police make thousands of decisions that affect the lives of Canadians across the country, determining when the law should (or should not) be enforced, how public complaints and crimes are investigated, and what happens to those suspected of breaking the law. In many cases, these decisions are made by police officers in direct contact with members of the public and play a crucial role in shaping the relationship between those individuals and the state. While public officials in many capacities have discretion to make decisions in the ordinary course of their work, the decisions made by police officers are underpinned by their unique ability to use force in the execution of their duties, accompanied by extensive powers with respect to arrest, detention, search and seizure, and the gathering of evidence.

This report aims to shed light on several key aspects of police discretion and decision-making, beginning with the fundamental issue of the relationship between discretion, law, and the legal duties of the police. The report is not a comprehensive overview of the extensive literature on police discretion in Canada and elsewhere but instead looks to provide a foundation for broader discussions about the scope of police discretion, the factors that influence its exercise, and whether it needs to be subject to more extensive and effective limitations. Fundamentally, the report considers whether the role of the police as a public institution and the demands placed on police officers as individuals are compatible with the notion of discretion as traditionally conceived. Given the many challenges facing the police in Canada today, there is a pressing need for a serious and structured discussion about the nature and scope of their discretion and whether it should continue to be regarded as an inescapable aspect of modern policing.

## Understanding Police Discretion

This report is divided into four substantive sections. The first focuses on the challenges of defining police discretion and presents two contrasting accounts of discretion from the literature on policing: one that regards officer discretion as a freedom arising from the absence of effective limits on police authority; and another that views that same discretion as a form of privilege or resource granted to the police. Defining police discretion is central to this report for two reasons. First, it is a necessary precondition to engaging in wide-ranging and principled discussions about how discretion does and, more importantly, should operate. Where police discretion derives from and its relationship to law are fundamentally connected to questions of oversight and regulation. This leads to the second reason that defining police discretion is so important: doing so forces us to think carefully about the function of the police in Canadian society – in particular whether officer discretion is an inevitable consequence of the way in which contemporary forms of policing are currently structured. Being upfront about the normative conceptualizations of discretion thus allows for more clear-sighted consideration of police reform more broadly.

Building on the discussion in section II, section III examines the relationship between police discretion and police duties in Canada, arguing that regardless of whether we view police discretion as a freedom or a privilege, it remains the case that this discretion must be exercised in accordance with various established statutory and common law duties. Here, the aim is to draw attention to the fact that police discretion – even when exercised in low-visibility environments and free from substantial and effective oversight – is nonetheless bounded by our understanding of the policing function and the duties that derive from it. This section also considers the way in which these duties have evolved in Canada, particularly since the introduction of the *Charter of Rights and Freedoms* and, as will be discussed, a growing willingness on the part of courts to allow private law actions in negligence against the police.

Section IV provides an overview of the research literature on the use of police discretion and, with it, a typology of the different factors that influence the exercise of that discretion. After a brief examination of the key characteristics of police institutions and the organizational settings in which discretion operates – frequently referred to as “low policing” and “high policing”<sup>1</sup> – the section goes on to discuss how the character and attitudes of officers, suspects, and victims of crime can influence the exercise of discretion. The section then considers how these situational factors interact with other variables that determine the use of discretion, including the nature and location of the offence and the type of police service involved.

The final section of the report returns to the challenges associated with reforming police discretion and argues that there is a pressing need for legislatures at the provincial and federal levels to provide a clear legal basis for the exercise of that discretion – along with a coherent set of statutory rules that govern and limit its use. The report then concludes by highlighting the lack of independent research on police discretion and calls for greater engagement on the part of police services at all levels with academic lawyers, sociologists, criminologists, and police scholars in Canada.

## II. Defining Police Discretion

There are many competing definitions of discretion in law. Common to almost all of them, however, is an emphasis on the opportunities created by rules for individual judgment and the exercise of authority. For Westen, discretion is the “area within which the discretion-holder has the authority to adopt, or not adopt, whatever rule he [sic] deems fit.”<sup>2</sup> For Galligan, it is “a

<sup>1</sup> Brodeur, JP. (1983) “High Policing and Low Policing: Remarks about the Policing of Political Activities” *Social Problems* 30(5): 507–20.

<sup>2</sup> Westen, P. (1982) “The Meaning of Equality in Law, Science, Math, and Morals: A Reply” *Michigan Law Review* 81: 604–63, 642.

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sphere of autonomy within which one's decisions are in some degree a matter of personal judgment and assessment."<sup>3</sup> For Christie, the essence of discretion lies with "choice in the context of power relationships."<sup>4</sup> These recurring ideas – of discretion as both the ability to choose and the capacity to exercise power – were perhaps best captured by Pratt and Sossin in 2009:

Discretion arises when an official is empowered to exercise public authority and afforded scope to decide how that authority should be exercised in particular circumstances. At root, discretion is about power and judgment.<sup>5</sup>

As Pratt and Sossin went on to note, law and discretion are also inevitably bound together: "more law means less discretion, and less discretion means more law."<sup>6</sup> In other words, as Dworkin once observed, discretion is like the "hole in the donut" – it does not exist except as a space created by law, and its scope is limited by the law that surrounds and produces it.<sup>7</sup>

#### **A. Police Discretion as the Capacity to Choose**

In the context of policing, one of the most influential definitions of discretion can be found in the work of the American legal scholar Kenneth Culp Davis. Writing in the late 1960s, Davis observed that "a public officer has discretion whenever the effective limits of his [sic] power leave him free to make a choice among possible courses of action or inaction."<sup>8</sup> Where that

<sup>3</sup> Galligan, DJ. (1990) *Discretionary Powers: A Legal Study of Official Discretion*. Oxford: Oxford University Press, 8.

<sup>4</sup> Christie, GC. (1986) "An Essay on Discretion" *Duke Law Journal* 5: 747–78, 778.

<sup>5</sup> Pratt, A & Sossin, L. (2009) "A Brief Introduction of the Puzzle of Discretion" *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société* 24(3): 301–12, 301.

<sup>6</sup> Pratt & Sossin (2009), 302.

<sup>7</sup> Dworkin, R. (1977) *Taking Rights Seriously*. Cambridge, MA: Harvard University Press, 77.

<sup>8</sup> Davis, KC. (1969) *Discretionary Justice: A Preliminary Inquiry*. Baton Rouge: Louisiana State University Press, 4. For a discussion of the influence of Davis' work on police discretion, see Nickels, EL. (2007) "A Note on the Status of Discretion in Police Research" *Journal of Criminal Justice* 35(5): 573–78.

public official is a police officer, this discretion translates into the power to make policy with regards to individuals:

The police are among the most important policy makers of our society, and it is high time that the public should realize this reality. They make more discretionary determinations in individual cases than any other class of administrators; I know of no close second... Although the police constantly make policy, they pretend not to, and they try to keep the public from realizing that they make policy.<sup>9</sup>

It is important to note that Davis was alive to the possibility that his definition of discretion could be seen as overly broad. As such, he also stressed that officials like police officers are often subject to guidelines and policies that set out criteria for the acceptable use of their discretion.<sup>10</sup> The question for Davis, however, was whether such guidelines and policies were sufficient to prevent the misuse of discretion and the very real harms that stem from what he referred to as “discretionary injustice”:

[B]y and large, injustice results far more from exercise of discretionary power than from application of rules. The greatest and most frequent injustice occurs in discretionary action, where rules and principles provide little or no guidance, where emotions of deciding officers may affect what they do, where political or other favoritism may influence decisions, and where the imperfections of human nature are often reflected in the choices made.<sup>11</sup>

This early attempt to define the discretion exercised by public officials like the police was significant because it came at a time of growing academic interest in policing and law enforcement. As Bronitt and Stenning have observed, much of this interest can be traced to the work of several prominent US scholars, most notably the criminologist and legal academic Herman Goldstein.<sup>12</sup> Writing in early 1960s, Goldstein argued that the police – contrary to the

<sup>9</sup> Davis, KC. (1970) “Discretionary Justice” *Journal of Legal Education* 23(1): 56–62, 61.

<sup>10</sup> See Bronitt, SH. & Stenning, P. (2011) “Understanding Discretion in Modern Policing” *Criminal Law Journal* 35(6): 319–32, 321.

<sup>11</sup> Davis (1970), 56–57.

<sup>12</sup> Bronitt & Stenning (2011), 320. See Goldstein, H. (1963) “Police Discretion: The Ideal versus the Real” *Public Administration Review* 23(3): 140–48, 148.

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prevailing view at the time<sup>13</sup> – do not in reality pursue policies of “full enforcement.” Instead, they are constantly called on to exercise discretion and make decisions about which laws should be enforced and whose conduct requires their attention.<sup>14</sup> As Goldstein acknowledged at the time, this stems in part from the fact that the police do not have the resources to respond to every violation of the law they encounter. Whether or not the police choose to admit it, the widespread use of discretion is central to the pragmatic execution of their work and the effective functioning of police organizations:

The real choice for a police administrator is not between “full enforcement” and “discretion” but rather more precisely between the ideal and reality... An essential first step [to improving policing] will then be to inform the public, to challenge some of our basic concepts, to take stock of the total responsibilities of the police, to recognize the limitations under which the police operate, and to acknowledge the need for the exercise of discretion. It is then likely that a new atmosphere will be created which will foster some new thinking and some new developments to aid in the improvement of the total system for the administration of criminal justice.<sup>15</sup>

Although Goldstein had significant concerns about the use of police discretion, he also believed that denying its existence was a mistake. Instead, he argued that openly recognizing the central role played by discretion was vital, both to the police’s desire to be seen as professionals and the public’s need to have confidence in them:

The police have sought professional status. But professional status does not normally accrue to individuals performing ministerial functions. One of the marks of a true profession is the inherent need for making value judgments and for exercising discretion based upon professional competence. To deny that discretion is exercised gives support to those citizens who maintain that the job of a police officer is a simple one, that it requires little judgment, and that it is not worthy of professional status. By

<sup>13</sup> See Scott, MS. (2004) “Police Discretion” in LE Sullivan, MS Rosen, DM Schulz, and MR Haberfeld (eds), *Encyclopedia of Law Enforcement*. Thousand Oaks, CA: Sage.

<sup>14</sup> This practice would later be referred to as “selective enforcement.” See: Klockars, CB. (1985) *The Idea of Police*. Beverly Hills: Sage, 93. As Ericson observed in 2007, in Canada, the idea that the police exercise discretion began to be discussed openly only in the 1960s. See Ericson, R.V. (2007) “Rules in Policing: Five Perspectives” *Theoretical Criminology* 11(3): 367–400, 368.

<sup>15</sup> H Goldstein (1963), 148.

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acknowledging the discretionary role the police do fulfill, the drive toward a higher degree of respect and recognition for law enforcement personnel is given impetus.<sup>16</sup>

Crucially, Goldstein’s reflections on the impossibility of full enforcement and the inevitability of discretion were published only three years after another important work on police discretion. Appearing in the *Yale Law Journal* in 1960, Joseph Goldstein’s article “Police Discretion Not to Invoke the Criminal Process” contained two key insights into the nature of police discretion that were to become focal points for much of the scholarship on policing that followed.<sup>17</sup> First, Joseph Goldstein noted that a great deal of police discretion is exercised in what he referred to as “low-visibility” environments, such as the street.<sup>18</sup> As a consequence, it is difficult to subject police decision-making to meaningful scrutiny or establish effective systems of oversight. Second, Goldstein drew attention to the fact that police discretion also encompasses the decision *not to act* when faced with an event or situation that might warrant intervention. Non-action on the part of the police can in fact play as much if not more of a role in shaping the character of law enforcement as does direct action.

As significant as these observations about low visibility and action/inaction were at the time, even more important was Joseph Goldstein’s insight that they were inextricably related. Going further, Goldstein noted that the exercise of police discretion not to act is harder to subject to oversight and review than an exercise of police discretion to act, yet it nonetheless has a potentially greater impact on the administration of criminal justice:

Police decisions not to invoke the criminal process largely determine the outer limits of law enforcement. By such decisions, the police define the ambit of discretion throughout

<sup>16</sup> H Goldstein (1963), 148.

<sup>17</sup> Goldstein, J. (1960) “Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice” *Yale Law Journal* 69(4): 543–94.

<sup>18</sup> Although the distinction between “low-visibility” and “high-visibility” environments may no longer be as stark as when Goldstein was writing – in part due to the prevalence of public area CCTV and the ubiquity of cellphone cameras – it remains the case that a great deal of routine police work is carried out in environments where there is no direct supervision or possibility of formal oversight.

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the process of other decisionmakers-prosecutor, grand and petit jury, judge, probation officer, correction authority, and parole and pardon boards. These police decisions, unlike their decisions to invoke the law, are generally of extremely low visibility and consequently are seldom the subject of review. Yet an opportunity for review and appraisal of non-enforcement decisions is essential to the functioning of the rule of law in our system of criminal justice.<sup>19</sup>

Taken together, the writings of Joseph and Herman Goldstein can be seen as the beginnings of an important shift in the study of policing and police decision-making. By openly rejecting the “myth” of full enforcement and observing that police discretion encompasses inaction as well as action, they played a central role in what Nickels has referred to as the “discovery” of discretion.<sup>20</sup> Their work – and the many critical studies of policing that emerged in the decade that followed – also had a direct influence on efforts to arrive at a definition of police discretion that addressed growing concerns about how discretion operates within the criminal justice system – and in particular how its exercise can lead to the differential treatment of marginalized communities and problems of systemic bias and discrimination. Although some have argued that Davis’ definition of police discretion was intended to be purely descriptive, it is hard not to see his reference to “effective” limits as an acknowledgement of the fact that the exercise of police discretion often takes place outside of the constraints imposed by law. Indeed, Davis explicitly noted that his definition necessarily includes “a good deal of discretion [that is] illegal or of questionable legality.”<sup>21</sup> According to Ericson, researchers who subscribe to the idea of “police discretion-as-deviance” tend to fall into one of two categories: those who see the exercise of such discretion as a benign practice aimed at ensuring legal rules do not “get in the way of efficient criminal investigations and desirable outcomes”; and those who view it as a

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<sup>19</sup> J Goldstein (1960), 543.

<sup>20</sup> Nickels (2007), 570. See also Beckett, K. (2016) “The Uses and Abuses of Police Discretion: Toward Harm Reduction Policing” *Harvard Law and Policy Review* 10(1): 77–100.

<sup>21</sup> Davis (1969), 4.



form of noble cause corruption, with the police favouring crime control over a commitment to due process.<sup>22</sup>

### **B. Police Discretion as a Privilege and Resource**

Davis' writing on police discretion has proved to be enduring – so much so that the influence of his work is “readily discernible in even the most rudimentary introductions to the subject.”<sup>23</sup> Having said this, helpful alternatives to Davis' definition do exist. According to Kleinig, for example, it is a mistake to describe police discretion as the ability to make decisions in the space created by the absence of legal rules or other restrictions. In Kleinig's view, when police officers act outside the scope of their legal authority – or in ways that are fundamentally at odds with their role and responsibilities – they cannot be said to be using their discretion. An officer who uses excessive and unjustified force against a member of the public is obviously making a decision, but in Kleinig's view, they are not exercising discretion.<sup>24</sup> Building on this observation, Kleinig has argued instead that police discretion is akin to a *permission* or *privilege* to make decisions in certain circumstances:

Police discretion is a normative resource that police possess, one that authorizes them to use their considered judgment in certain ways in certain situations. It may be that they are authorized to determine whether a situation should have their intervention or whether to respond to some demand that is made. In other words, whether or not a particular situation falls within the ambit of their social peacekeeping powers may be a matter of discretion.<sup>25</sup>

As Kleinig himself has noted, this view of discretion stands in direct contrast to the one offered by Davis. Where Davis saw police discretion as a *capacity* – a “decision-making power

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<sup>22</sup> Ericson (2007), 370.

<sup>23</sup> Nickels (2007), 573.

<sup>24</sup> Kleinig, J. (1996) *The Ethics of Policing*. Cambridge: Cambridge University Press, 83.

<sup>25</sup> Kleinig (1996), 86.

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that is not completely covered by rules”<sup>26</sup> – Kleinig instead sees a *prerogative*: an authority to “use one’s own judgment about how to make a practical determination.”<sup>27</sup> Importantly, Kleinig has noted that the use of discretion is more acceptable when the person exercising it is seen “as possessing special knowledge and expertise in relation to their sphere of service.”<sup>28</sup> In the case of the police, this raises the question of whether policing is seen and treated as a profession. If it is – and police officers are professionals – then the exercise of police discretion is more likely to be regarded as legitimate: not just by others within the criminal justice system but also by those who are subject to that discretion.<sup>29</sup>

These divergent accounts of police discretion represent two fundamentally different understandings of police action/inaction and ultimately two different conceptualizations of the policing function more generally. Although Davis and Kleinig both recognize that the police have discretion, for one that discretion exists largely because the unsupervised character of police work – and the ineffectiveness of legal and other controls – gives officers the freedom to make choices. For the other, discretion is something that the police are granted in response to their role and in recognition of their expertise. Moreover, the police are expected to exercise this authorized prerogative *with discretion*.<sup>30</sup>

Although work by Davis and Kleinig has helped to frame debates about the nature and scope of police discretion, it remains the case that a widely accepted definition of police discretion has remained elusive. Looking at recent writing on policing in Canada, for example,

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<sup>26</sup> Kleinig (1996), 83 (referring to Davis). Davis himself did not use the term “capacity” in his account of discretion.

<sup>27</sup> Kleinig (1996), 83.

<sup>28</sup> Kleinig (1996), 83.

<sup>29</sup> Kleinig (1996), 83.

<sup>30</sup> Kleinig (1996), 83.

many discussions of police discretion avoid the issue of definition altogether and move directly to the question of how that discretion is exercised. A notable exception to this approach, however, can be found in Schulenberg's 2015 article on discretion and non-arrest decisions.<sup>31</sup> Although she refers to both Davis' and Kleinig's accounts of police discretion and concedes that the term remains ambiguous, Schulenberg has helpfully explained why this is the case:

Specifically, the problem is that we continue to lack a comprehensive understanding of decisions invoking less police authority and social control than an arrest... [But] to focus on the decision to arrest is overly simplistic for two reasons. First, current mandates emphasize community policing, which by definition involves working with citizens to resolve problems and the use of nonarrest actions to resolve problems. Second, arrests occur less frequently than other dispositional alternatives, providing a strong rationale for developing a better understanding of other types of police authority, such as the decision to request a particular behavioural change.<sup>32</sup>

The point made here is an important one. To be meaningful, any definition of police discretion must reflect the fact that such discretion extends well beyond discrete and quantifiable matters that are directly related to arrest, investigation, and the prosecution of crime. Although it may be going too far to argue – as Moskos has – that “every interaction between the police and the public involves discretion,”<sup>33</sup> Schulenberg is right to suggest that many accounts of police discretion – and accompanying efforts to understand how it is exercised – have been too narrow.

### **C. Why Defining Police Discretion Matters**

It would be a mistake to see disagreements over the definition of police discretion as examples of rarefied academic debates that have little to do with the realities of policing. The question of whether discretion is something that arises out of the necessities of police or instead is a power

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<sup>31</sup> Schulenberg, J.L. (2015) “Moving beyond Arrest and Reconceptualizing Police Discretion: An Investigation into the Factors Affecting Conversation, Assistance, and Criminal Charges” *Police Quarterly* 18(3): 244–71, 247.

<sup>32</sup> Schulenberg (2015), 247–48.

<sup>33</sup> Moskos, P. (2012) “Damned if You Don’t: The Dilemma of Police Discretion” *ACJS Today: Academy of Criminal Justice Sciences* 37(2): 19–21.

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that is expressly granted to the police, is a fundamentally important one. If we take the view that discretion is an inevitable consequence of the realities of policing and the problem of imposing “effective limits” on police officers’ authority, then our key question is most likely to be: what is the best way to ensure that this discretion is used appropriately and effectively? If, however, we regard discretion as a privilege or prerogative given to the police, then our question may be a different one: are there aspects of their work that merit the granting of discretion and, conversely, other aspects that should *not* be subject to discretion?

The issue of definition is particularly important in the Canadian context. Prior to the introduction of the *Charter of Rights and Freedoms*, the prevailing view of police discretion and the approach taken by Canadian courts were very much aligned with Davis’ definition. As Stribopoulos has noted,

Before the *Charter*, gaps in the patchwork of statutory and common law rules relating to police powers were rarely of any practical concern to law enforcement. In circumstances where the legal limits on police authority were unclear, the police had discretion in deciding how to act.<sup>34</sup>

However, by opening the door to constitutional claims in the context of criminal proceedings, the *Charter* has brought with it a greater focus on the nature and extent of police discretion in Canada. Combined with growing public concern over abuses of police power,<sup>35</sup> this has led to a situation in which the courts are now routinely asked to consider whether an exercise of police discretion has violated a suspect’s *Charter* rights, exposing many of the “serious deficiencies in

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<sup>34</sup> Stribopoulos, J. (2005) “In Search of Dialogue: The Supreme Court, Police Powers and the Charter” *Queen’s Law Journal* 31: 1–74, 4.

<sup>35</sup> See Ibrahim, D. (2020) “Public Perceptions of the Police in Canada’s Provinces, 2019” Juristat, Canadian Centre for Justice Statistics (25 November 2020).

the scattered collection of statutory and common law rules that make up the law of police powers in Canada.”<sup>36</sup>

Although Stribopoulos has made use of Davis’ definition in his analysis of the Supreme Court’s approach to police powers in light of the *Charter*, in many respects his call for Parliament to better regulate these powers – and provide meaningful safeguards around the use of police discretion – lines up better with Kleinig’s view of police discretion as a privilege. Quoting Davis, Stribopoulos has observed that “[s]ometimes the proper course may be to make legal the illegal official practices that have long been a part of our system,” before going on to note that bringing such practices out into the open is an important first step towards regulating them.<sup>37</sup> This argument is stronger, however, if one starts from the position that discretion is something that is given to the police – a “normative resource” – rather than something that is taken by them. Returning to Kleinig:

[P]olice discretion is not simply a decision-making power that police possess in virtue of the relatively unsupervised nature of their work. It is a normative resource that we grant them or recognize that they have. As such we should expect this authority or prerogative to be grounded in certain justifying considerations.<sup>38</sup>

If the “we” here is the public that the police ultimately exist to serve, then it is for Parliament – and not the courts – to decide on these justifying considerations and lay them out in the sort of comprehensive scheme of legislated police powers and procedures envisaged by Stribopoulos.<sup>39</sup> This approach is also more consistent with the principle of “policing by consent,” which is foundational to the idea of policing in Canada.<sup>40</sup>

<sup>36</sup> Stribopoulos (2005), 4.

<sup>37</sup> Stribopoulos (2005), 73, quoting Davis (1969), 12.

<sup>38</sup> Kleinig (1996), 83.

<sup>39</sup> Stribopoulos (2005), 71.

<sup>40</sup> Goold, B.J. (2016) “Policing and Human Rights” in B Bradford, B Jauregui, I Loader, and J Steinberg (eds), *SAGE Handbook of Global Policing*. London: Sage, 232.

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As a final point, regardless of whether we favour Davis’ or Kleinig’s definition, it is important not to lose sight of the shared understanding of police discretion that has emerged over the last sixty years. While a definitive, overarching formulation of police discretion has yet to be established in Canada or elsewhere, many common features of police discretion have been identified. These include the fact that discretion tends to be concentrated in the lower levels of police organizations, is routinely exercised by relatively inexperienced officers, and is largely unsupervised.<sup>41</sup> These are all aspects of policing that will be considered in sections IV and V below.

### III. Police Discretion and Police Duties

As has been noted, in the United States the “discovery of police discretion” occurred against the backdrop of a longstanding public commitment – on the part of the police as well as legislators and policy-makers – to the principle of full enforcement.<sup>42</sup> Importantly, however, full enforcement has never been a stated policy or guiding principle in Canada.<sup>43</sup> Because the legal and institutional foundations of policing in Canada are based on Peelian principles developed in the United Kingdom during the-nineteenth century,<sup>44</sup> the role of the police has instead been framed in terms of common law duties, as well as statutory mandates and responsibilities, rather than idealized notions of full enforcement.

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<sup>41</sup> Lundman, R.J. (1979) “Organizational Norms and Police Discretion: An Observational Study of Police Work with Traffic Law Violators” *Criminology* 17(2): 159–71, 160.

<sup>42</sup> Ericson (2007), 369.

<sup>43</sup> Schulenberg (2015), 246. See also Carrington, P.J. & Schulenberg, J.L. (2008) “Structuring Police Discretion: The Effect on Referrals to Youth Court” *Criminal Justice Policy Review*, 19(3): 349–67.

<sup>44</sup> Robertson, N. (2012) “Policing: Fundamental Principles in a Canadian Context” *Canadian Public Administration* 55(3): 343–63.

A key question that follows from this is whether these mandates give rise to legally enforceable duties that compel the police to act in particular ways or otherwise limit their discretion. As will be discussed in this section, to date Canadian courts have recognized a number of interrelated duties that can give rise to a private law action in negligence against the police, as well as remedies under the *Charter of Rights and Freedoms*. This stands in contrast to many other jurisdictions such as Australia, New Zealand, and the United Kingdom, where the courts have been far more reluctant to hold the police accountable for harms arising out of the exercise of their discretion.<sup>45</sup> However, as progressive as the Canadian judicial approach may appear, the case law on statutory duties has developed in the absence of a clear legislative foundation or framework for the exercise of police discretion. In this regard, police discretion in Canada appears to fit the Dworkinian model, with the duties established by statute being the “donut” and police discretion being the “hole.” As will be examined more closely in the next section, this approach has resulted in a situation whereby police discretion – at least in terms of its legal meaning– is understood as a set of practices and behaviours that are defined by the limits placed on them (by duties) rather than as emanating from any clear legal foundation.

#### **A. Statutory Duties and the Police**

Policing services in Canada are provided at the federal, provincial, and municipal levels of government, with the duties of the police being set out in a range of federal and provincial statutes. The Royal Canadian Mounted Police, who provide policing services at all three levels, are governed by the RCMP Act.<sup>46</sup> According to sections 18 and 37 of the Act, RCMP officers have duties to preserve the peace, prevent crime, and apprehend criminals, all of which must be

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<sup>45</sup> Bronitt & Stenning (2011), 326.

<sup>46</sup> Royal Canadian Mounted Police Act, RSC 1985, c. R-10.

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performed promptly, impartially, diligently, and with respect for the rights of all persons and the importance of “maintaining the integrity of the law, law enforcement and the administration of justice.”<sup>47</sup> Notably, the word “discretion” – at least as it pertains to police officers – appears only once in the entire Act, and then only in reference to the removal and storage of goods seized under warrant.<sup>48</sup>

Turning to provincial police legislation, there is considerable variation when it comes to statutory descriptions of the role and responsibilities of provincial and municipal police.<sup>49</sup> In some instances, the relevant language is both general and expansive. In British Columbia, for example, section 7(2) of the Police Act 1996 states that the provincial police:

[M]ust perform the duties and functions respecting the preservation of peace, the prevention of crime and offences against the law and the administration of justice assigned to it or generally to peace officers by the commissioner, under the director's standards or under this Act or any other enactment.<sup>50</sup>

In other provinces, however, the legislation is more detailed. Entitled “Duties of Police Officers,” section 42(1) of the Ontario Police Services Act 1990 sets out a list of nine separate police responsibilities, the first six of which are:

- (a) preserving the peace;
- (b) preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention;
- (c) assisting victims of crime;
- (d) apprehending criminals and other offenders and others who may lawfully be taken into custody;
- (e) laying charges and participating in prosecutions; and

<sup>47</sup> RCMP Act, s 18(1) and s 37(a)–(c). Note that section 18 contains a number of other duties, including the duty to execute all warrants and escort “convicts and other persons in custody to or from any courts.”

<sup>48</sup> RCMP Act, s 40.2(10).

<sup>49</sup> For a detailed survey of provincial police statutes, see Long, K and Hollands, A. (2014) “Memorandum: Murdered and Missing Indigenous Women Legal Strategies.” Legal Strategy Coalition on Violence Against Indigenous Women (July 2014), <https://www.leaf.ca/wp-content/uploads/2015/06/2014-07-14-LSC-Memo-re-MMIW-Legal-Strategies.pdf> (accessed 6 April 2022).

<sup>50</sup> Similar language with regards to the duties and functions of municipal police departments can be found in section 34(2) of the Act.



- (f) executing warrants that are to be executed by police officers and performing related duties

In addition to this list, section 42(3) of the Act also states that police officers in Ontario have “the powers and duties ascribed to a constable at common law.”<sup>51</sup> In Nova Scotia, the Police Act 2004 strikes something of a middle ground between these two approaches. While Section 30(1) sets out the duties of the provincial police, the list is less extensive than that found in the Ontario legislation and uses language that is more general than its equivalent in British Columbia:

A member of the Provincial Police is charged with the enforcement of

- (a) the penal provisions of all the laws of the Province;
- (b) any penal laws in force in the Province, other than laws of a municipality; and
- (c) the laws of a municipality, where specified by the Minister.

In the following section, however, the Act goes on to state that the provincial police *shall* provide policing services that include: crime prevention; law enforcement; assistance to victims of crime; emergency and enhanced services; and public order maintenance.

While it is beyond the scope of this report to provide a detailed analysis of all police legislation in Canada, even a cursory review of the statutes that govern policing reveals a striking lack of detail when it comes to the powers and responsibilities of the police. The relevant legislation does not lay down clear rules designed to limit different forms of police decision-making (as Davis’ understanding of discretion might demand) or provide a principled basis for the conferral of discretionary power (in the sense anticipated by Kleinig). Returning to Dworkin’s metaphor, the statutes may go some way to outlining the donut (the duties imposed on the police), but they say next to nothing about the hole (police discretion).

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<sup>51</sup> The BC Police Act 1996 also states in s 38(1)(a) that municipal constables and special municipal constables have “all of the powers, duties and immunities of a peace officer and constable at common law or under any Act.”

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Looking beyond statutes to the various administrative rules produced by the police themselves, the situation is not much better. As Ericson observed, throughout the 1970s and 1980s, police organizations in Canada and elsewhere produced a staggering volume of administrative rules, many of which purported to promote consistency and accountability in police decision-making and the exercise of discretion.<sup>52</sup> According to Ericson, however, researchers have found little evidence that such rules have any meaningful impact on police decision-making or accountability:

Analysts were quick to point out that administrative rule proliferation seemed to be largely a self-referential exercise in the management culture of police organizations. Most rules “died” as the ink dried on the paper on which they were printed. Again, the police do not simply follow the rules. Indeed, in most cases they are not even aware of them... Clearly, it cannot be contended that administrative rules control police decisions in any direct manner. Indeed, in recent years some police organizations have reduced or even scrapped their administrative rule manuals.<sup>53</sup>

The fact that neither the legislation nor police regulations meaningfully account for discretion means that Canadian courts have been left with the difficult task of determining whether the police are under a positive obligation to act in certain contexts and how their powers and duties should be understood against the backdrop of both private law and the *Charter*. In response, there is an emerging jurisprudence on police duties to protect, warn, and investigate, but as will be examined in the next section, the courts have so far struggled to provide a clear account of police discretion or a principled legal basis for its existence.

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<sup>52</sup> Ericson (2007), 379. According to Ericson, the RCMP had generated 8800 pages of such rules by the early 1990s. For a more general discussion of administrative rule-making in Canadian policing, see also Ericson, RV & Haggerty, KD. (1997) *Policing the Risk Society*. Toronto: University of Toronto Press.

<sup>53</sup> Ericson (2007), 371–72.

### B. Duties to Protect, Warn, and Investigate<sup>54</sup>

Although legislation across Canada makes extensive use of the word “duty” when referring to the role and responsibilities of the police, the case law on police duties is relatively limited. As Buckley noted in her report on police duties for the BC Missing Women Commission of Inquiry, this is partly because the Canadian system of police accountability relies on a system of complaint and discipline but also because the common law has traditionally set a “high threshold for suing the police or prosecution authorities for failure to investigate crimes or inadequately investigating crimes.”<sup>55</sup>

Canadian courts have, however, held that the police have a general duty to protect, which can encompass similar duties to warn and investigate. The scope of this duty – and the question of whether a police officer can be said to have breached it as a result of a decision not to act – was considered by the Ontario Court (General Division) in *Jane Doe v Toronto (Metropolitan) Commissioners of Police* (1998).<sup>56</sup> In this case, the plaintiff was sexually assaulted by a man who entered her second-floor apartment from a balcony. Four similar assaults had occurred within the same area in the months leading up to the attack, and the police chose not to warn the public of the danger out of fear the assailant might escape apprehension. The plaintiff sued the Metropolitan Toronto Police for damages on the grounds that (1) the police conducted a negligent investigation and failed to warn women of the risk of an attack; and (2) the police had

<sup>54</sup> This report does not provide an analysis of the current law for use in legal submissions or legal proceedings, and the discussion in this section should be viewed exclusively as scholarly overview and assessment of the relevant case law.

<sup>55</sup> Buckley, M. (2012) “Violence against Women: Evolving Canadian and International Standards on Police Duties to Protect and Investigate.” Background research report for the British Columbia Missing Women Commission of Inquiry (June 2012), <https://missingwomen.library.uvic.ca/wp-content/uploads/2010/10/RESE-5-June-2012-MB-Violence-Against-Women-Evolving-Legal-Standards-on-Police-Duties-to-Protect-Investigate.pdf> (accessed 6 April 2022).

<sup>56</sup> *Jane Doe v Metropolitan Toronto (Municipality) Commissioners of Police* [1998] OJ No 2681 (QL).

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violated the plaintiff's rights under sections 7 and 15 of the *Charter*. In what is widely regarded as a landmark decision, the court found in favour of the plaintiff on both counts. Speaking directly to the question of police duties and negligence, Justice MacFarlane was clear that the police could be held responsible in tort for their failure to protect the plaintiff and other victims:

In my view, the police failed utterly in their duty to protect these women and the plaintiff in particular from the serial rapist the police knew to be in their midst by failing to warn so that they may have had the opportunity to take steps to protect themselves... Here police were aware of a specific threat or risk to a specific group of women and they did nothing to warn those women of the danger they were in, nor did they take any measures to protect them.<sup>57</sup>

In reaching this conclusion, the court observed that the “police are statutorily obligated to prevent crime and at common law they owe a duty to protect life and property,” citing as authority the decision of Schroeder JA in *Schacht v The Queen* some 25 years earlier:

The duties which I would lay upon them [the police] stem not only from the relevant statutes to which reference has been made, but from the common law, which recognizes the existence of a broad conventional or customary duty in the established constabulary as an arm of the state to protect the life, limb and property of the subject.<sup>58</sup>

Although the decision in *Jane Doe v Toronto Police* refers to police discretion only once, in its discussion of the relevant *Charter* issues, the court noted that such discretion must be exercised in a manner that is consistent with the principles of fundamental justice. In this case, the use of that discretion was found to be both discriminatory and negligent. Significantly, the court also noted that a lawful exercise of discretion could provide the basis for a claim in negligence. On this point, Justice MacFarlane referred approvingly to the earlier decision of the Divisional Court in the same case. Responding to a motion to strike out the plaintiff's statement

<sup>57</sup> *Jane Doe v Toronto Police* [1998], 46.

<sup>58</sup> *Schacht v The Queen in right of the Province of Ontario et al* (1973), 1 OR 221, 231. Although the decision in *Schacht* is still a authority for the proposition that the police owe a common law duty to protect, Bruce Feldthusen has suggested the case might not be decided the same way in light of recent Supreme Court decisions. See Feldthusen, B. (2017) “Bungled Police Emergency Calls and the Problems with Unique Duties of Care” *University of New Brunswick Law Journal* 68: 169–201, 187.

of claim, Moldaver J (as he then was) observed that simply because an exercise of police discretion is legitimate, it does not necessarily follow that the duty that discretion is being exercised in relation to has been discharged:

The law is clear that in certain circumstances, the police have a duty to warn citizens of foreseeable harm... I would add to this by saying that in some circumstances where foreseeable harm and a special relationship of proximity exist, the police might reasonably conclude that a warning ought not to be given... It would, however, be improper to suggest that a legitimate decision not to warn would excuse a failure to protect. The duty to protect would still remain. It would simply have to be accomplished by other means.<sup>59</sup>

The question of whether the police can be held liable for failing in their duty to protect was also considered in *BM v British Columbia (Attorney General)*.<sup>60</sup> Here the plaintiff brought an action in negligence against the RCMP for their failure to investigate her complaint against a former common law partner despite his documented history of serious violence towards her and others. Seven weeks after an RCMP officer declined to investigate the plaintiff's complaint, which she made immediately after being threatened and chased by the defendant, the defendant broke into her home with a shotgun, murdered her friend, and shot her then twelve-year-old in the shoulder. After the plaintiff and her children managed to escape, the defendant burned down the house and committed suicide. Although the action failed on the grounds that the plaintiff was unable to establish a sufficient causal connection between the police decision not to investigate and the eventual attack, the trial judge held that the police clearly owed the plaintiff a private duty of care.

Although the decision in *BM v BC Attorney General* has been subjected to significant criticism,<sup>61</sup> in confirming that the police could be held liable for a failure to discharge duties

<sup>59</sup> *Doe v Metropolitan Toronto (Municipality) Commissioners of Police* [1990] OJ No 1584 (QL).

<sup>60</sup> *BM v British Columbia (Attorney General)* [2004] 10 WWR 286, 31 BCLR (4th) 61 (BCCA).

<sup>61</sup> Sheehy, EA. (2005) "Causation, Common Sense, and the Common Law: Replacing Unexamined Assumptions with What We Know about Male Violence against Women or from *Jane Doe* to *Bonnie Mooney*" *Canadian*

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imposed on them by law, the case built on judicial momentum established by *Jane Doe v Toronto Police* less than a decade earlier. This momentum culminated some three years later in a pair of decisions handed down by the Supreme Court – *Hill v Hamilton-Wentworth Regional Police Services Board* [2007] and *R v Beaudry* [2007] – both of which dealt directly with the relationship between police discretion and police duties.<sup>62</sup>

The decision in *Hill v Hamilton-Wentworth Police* is particularly significant on two fronts. First, the Supreme Court stressed that the inherently discretionary nature of police work did not insulate the police from liability in negligence. Instead, the Court noted that the police were required to exercise their discretion “in accordance with professional standards and practices, consistent with the high standards of professionalism that society rightfully demands of police in performing their important and dangerous work.”<sup>63</sup> Going further, the Court also noted:

Police are not unlike other professionals in this respect. Many professional practitioners exercise similar levels of discretion. The practices of law and medicine, for example, involve discretion, intuition and occasionally hunch. Professionals in these fields are subject to a duty of care in tort nonetheless, and the courts routinely review their actions in negligence actions without apparent difficulty.<sup>64</sup>

Secondly, the Court rejected any suggestion that recognizing the police owe a private law duty of care would have a chilling effect on policing. In addition to noting that there was no empirical evidence to support such a suggestion, the Court went on to observe that even if it was the case that exposing the police to liability in tort might alter their behaviour, this may in fact be desirable:

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*Journal of Women & Law* 17(1): 87–116; Chamberlain, E. (2012) “Tort Claims for Failure to Protect: Reasons for (Cautious) Optimism since *Mooney*” *Saskatchewan Law Review* 75: 245.

<sup>62</sup> *Hill v Hamilton-Wentworth Regional Police Services Board* [2007] 3 SCR 129; *R v Beaudry* [2007] 1 SCR 190.

<sup>63</sup> *Hill v Hamilton-Wentworth Police* [2007], para 52.

<sup>64</sup> *Hill v Hamilton-Wentworth Police* [2007], para 53.

In theory, it is conceivable that police might become more careful in conducting investigations if a duty of care in tort is recognized. However, this is not necessarily a bad thing. The police officer must strike a reasonable balance between cautiousness and prudence on the one hand, and efficiency on the other. Files must be closed, life must move on, but care must also be taken. All of this is taken into account, not at the stage of determining whether police owe a duty of care to a particular suspect, but in determining what the standard of that care should be.<sup>65</sup>

These ideas – that police discretion is not absolute and must be exercised according to standards – was echoed and then elaborated on further in *R v Beaudry*. Crucially, the Court held that any exercise of discretion must be capable of being justified on both subjective and objective grounds – that is, although officers are free to use their judgment when performing everyday duties, that same judgment must be exercised without bias and on the basis of legally relevant factors:

Far from having *carte blanche*, police officers must justify their decisions rationally. The required justification is essentially twofold. First, the exercise of the discretion must be justified subjectively, that is, the discretion must have been exercised honestly and transparently, and on the basis of valid and reasonable grounds. Thus, a decision based on favouritism, or on cultural, social or racial stereotypes, cannot constitute a proper exercise of police discretion. However, the officer’s sincere belief that he properly exercised his discretion is not sufficient to justify his decision.<sup>66</sup>

Taken together, these cases mark a significant shift in the approach taken by Canadian courts to the exercise of police discretion. As Bronitt and Stenning have rightly observed, they both “affirm the centrality and legitimacy of police discretion, and impose new duties, and potential civil and criminal liabilities, on police officers.”<sup>67</sup> They also mark a break from the approach taken in other common law jurisdictions, where courts remain reluctant to expose the police to actions in tort for failures to discharge statutory duties.<sup>68</sup> Having said this, a number of commentators have suggested that these decisions do not go far enough and provide limited

<sup>65</sup> *Hill v Hamilton-Wentworth Police* [2007], para 56.

<sup>66</sup> *R v Beaudry* [2007], paras 37–38.

<sup>67</sup> Bronitt & Stenning (2011), 329.

<sup>68</sup> Bronitt & Stenning (2011), 326.

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remedies for harms arising from the misuse of police discretion.<sup>69</sup> As will be discussed below, this leaves open the question of whether legislators at the federal and provincial levels should take a more proactive role in regulating the exercise of police discretion and provide statutory remedies where the police have failed to discharge fundamental duties, including the duties to protect and warn.

### C. The Role of the *Charter*

To date, there have been very few examples of the *Charter* being used as the basis of legal actions against the police – or broader efforts to hold police organizations accountable for harms arising out of investigative failures or operational decisions. One of the most notable remains *Jane Doe v Toronto Police*, where the court upheld the plaintiff’s claims in relation to sections 15(1) and 7 of the *Charter*. As has already been noted, the court made clear that police discretion must be exercised in accordance with principles of fundamental justice, and where the actions of the police lead to an infringement of a plaintiff’s *Charter* rights, they can be held accountable:

The police investigation was carried out in a way that denied the plaintiff equal protection and equal benefit of law as guaranteed to her by s 15(1) of the *Charter*. The conduct of the investigation and, in particular, the failure to warn was motivated and informed by the adherence to rape myths as well as sexist stereotypical reasoning about rape, about women, and about women who are raped. The plaintiff was discriminated against by reason of her gender. Women were treated differently because some members of the force adhered to sexist notions that, if warned, women would panic and scare off the attacker. Further, the defendants deprived the plaintiff of her right to security of the person under s 7 of the *Charter* by subjecting her to the very real risk of attack by a serial rapist. They were aware of the risk but deliberately failed to inform her of it. Because the defendants exercised their discretion in the investigation in a discriminatory and negligent way, their exercise of discretion was contrary to the principle of fundamental justice. The plaintiff was entitled to an award of damages as a remedy under s 24 of the *Charter*.<sup>70</sup>

<sup>69</sup> Buckley (2012), 25. See also Sossin, L. (2007) “The Oversight of Executive Police Relations in Canada: The Constitution, the Court, Administrative Processes and Democratic Governance.” Research Paper Commissioned by the Ipperwash Inquiry, [https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy\\_part/meetings/pdf/Sossin.pdf](https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/meetings/pdf/Sossin.pdf) (accessed 6 April 2022).

<sup>70</sup> *Jane Doe v Toronto Commissioners of Police* [1998], 3–4.



As significant as this decision was at the time, there is little evidence to suggest that it led to an increase in *Charter*-based actions against the police or more judicial scrutiny of police decision-making and discretion. As Buckley has pointed out, the willingness of the court to use constitutional remedies when dealing with claims against the police “underscores that civil liberties and fundamental human rights are always at stake in police decision-making,”<sup>71</sup> but it nevertheless remains the case that the *Charter* jurisprudence on police duties and the role of discretion is underused and underdeveloped. This raises the question of whether *Charter* litigation can or should be regarded as a potential avenue for imposing limitations on the use of police discretion.

#### **D. Revisiting Questions of Definition**

In many respects, it is possible to see Kleinig’s view of police discretion – as a privilege granted by law – running through Canadian decisions like *Jane Doe v Toronto Police*, *BM v British Columbia*, *Hill v Hamilton-Wentworth Police*, and *R v Beaudry*. Certainly, the courts have acknowledged that the exercise of police discretion must be understood in the context of the duties imposed on the police by statute and common law. As will be discussed in the final section of this report, however, these cases also expose the limits of judicial oversight and regulation when it comes to police decision-making. The courts may be willing to hold the police accountable for failing to discharge various duties to protect, warn, and investigate, but they have been reluctant to address more fundamental questions about the nature and legal legitimacy of police discretion.

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<sup>71</sup> Buckley (2012), 27.

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Before leaving questions of definition, it is worth pausing to consider another view of police discretion in the Canadian context. Writing in 2007, Ericson argued that it is a mistake to regard police discretion as something that exists outside of or in opposition to criminal law and procedure. Drawing on the work of an array of police scholars in Canada and the United Kingdom, Ericson instead suggested that such discretion should be understood as a *product* of criminal law and procedure, *enabled* in part by an adherence to the idea of policing by consent on the part of both the police and the policed:

Policing by consent is the usual way in which police work gets done. Having the subject of police investigation consent to routine information checks, searches and interrogations avoids statutory requirements. For example, a consenting suspect can be searched without reasonable and probable grounds for suspicion. Policing by consent also reduces the visibility of police discretion. Records are less likely to be kept and supervision is rendered more difficult. Researchers have observed that consent is usually sought even when police have obtained warrants that legally authorize their investigative activity because it is preferable to do business in a compliance mode.<sup>72</sup>

Although Ericson did not attempt to define police discretion or to engage directly with either Davis' or Kleinig's contrasting approaches, his account can be seen as straddling the two positions. On the one hand, Ericson recognized (as Davis did) that police discretion arises out of the spaces created by law and the pragmatic demands of police work; on the other, he acknowledged (as Kleinig has) that police discretion is also a direct product of law and enabled by it. Notably, Ericson also drew attention to the fact that law can be used as a framework for rationalizing police decisions and exercises of discretion after the fact so as to render them legitimate and appear to be governed by rules. Police decisions are "routinized through the use of formulaic phrases that not only justify the decisions taken but also serve as a form of rhetoric," with this rhetoric crucially providing other actors (such as lawyers and judges) with the sort of

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<sup>72</sup> Ericson (2007), 373, citing Ericson, R.V. (1981) *Making Crime: A Study of Detective Work*. Toronto: Butterworths and Dixon, D. (1997) *Law in Policing*. Oxford: Clarendon Press

comprehensible rationale needed to ratify those decisions.<sup>73</sup> Tellingly, Ericson drew a connection between these processes of rationalization and the role of police culture – both in terms of how rules are understood and how actions are explained in relation to those rules.<sup>74</sup> Although it is well beyond the scope of this report to explore the relationship between police discretion and police culture, these complex dynamics should be front of mind in any broader discussion about police decision-making and accountability.

#### IV. Factors Influencing Police Discretion

Discretion plays a central role in almost every aspect of policing in Canada. Regardless of whether we view police discretion as a capacity or a resource, the fact remains that the use of this discretion determines not only how and when the law is (or is not) enforced but also how policing policies and priorities are determined, how police resources are allocated and deployed, and how the police engage with other state agencies, private organizations, and the public at large. Put simply, it is impossible to understand policing in Canada without also understanding how police discretion operates and, more importantly, what factors influence the exercise of this discretion.

Unsurprisingly then, there is a vast body of academic literature on how police discretion is exercised.<sup>75</sup> Building on the early insights of scholars like Herman and Joseph Goldstein, as well as criminologists such as Herbert Packer, Jerome Skolnick, and Egon Bittner,<sup>76</sup> hundreds of

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<sup>73</sup> Ericson (2007), 373.

<sup>74</sup> Ericson (2007).

<sup>75</sup> For a brief overview of research on police discretion in the United States, see Beckett (2016).

<sup>76</sup> Skolnick, JH. (1966) *Justice without Trial: Law Enforcement in Democratic Society*. New York: Wiley; Bittner, E. (1967) “The Police on Skid-Row: A Study of Peace Keeping” *American Sociological Review* 32(5): 699–715; Bittner, E. (1970) *The Functions of the Police in Modern Society: A Review of Background Factors, Current Practices, and Possible Role Models*. Chevy Chase, MD: National Institute of Mental Health; Packer, HL. (1964) “Two Models of the Criminal Process” *University of Pennsylvania Law Review* 113(1): 1–68.

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studies of police discretion have been published over the last 50 years, many of which focus on understanding how discretion operates in particular contexts and the role it plays in police organizations and police working culture. Although this literature is extensive, it is also limited in a number of important ways. As has already been noted, with few exceptions, most scholars have either explicitly or implicitly been content to take Davis' definition as their starting point and treat police discretion as something that is somehow extra-legal, used by the police to fill the gaps apparently left by law. As a result, critiques of police discretion have tended to concentrate on the consequences that flow from its use rather than on the more fundamental question of whether the police should be permitted to have discretion in certain contexts in the first place.

To some extent, this lack of focus on the definitional question can be seen as a consequence of the low-visibility problem identified by Joseph Goldstein in the 1960s. If police discretion is something that is exercised out of sight and is not easily eliminated, then the question understandably becomes: what are the observable outcomes of police discretion and how should we respond to apparent abuses of it? And when attention has been directed to the question of how to regulate and limit police discretion, the focus has been not so much on law and the legal basis of discretion but rather on police attitudes and behaviour. As a consequence, police recruitment, police training, police discipline, and external oversight have all taken centre stage, with the result that the question of whether it is possible to eliminate police discretion via law in certain key contexts is rarely seriously considered.

Another limitation of the research on police discretion has been its relatively narrow focus, most notably on decisions to stop and arrest. This is in part because decisions to stop and arrest are among the more visible examples of police discretion. Often taken in full view of the public, the decision to stop and arrest an individual is particularly significant because it marks a

crucial moment at which the individual comes into direct contact with the power of the criminal justice system and the state – and open to the prospect of charge, detention, prosecution, and punishment. In this respect, the decision to stop and arrest (or not) is a gateway decision, determining not only how an individual suspected of a crime will be dealt with (or not) but also the contours of the criminal justice system itself. As such, the decision to stop and arrest has the potential to embody the sorts of “discretionary injustices” highlighted by Davis in his examination of police power.

The other main reason why the practice of stop and arrest – and the role played by police discretion in those decisions – has attracted so much attention is due to concerns about the factors influencing that discretion. There is an abundance of evidence that decisions to stop and arrest are subject to various forms of bias based on the race, appearance, and demeanour of suspects, with the result that certain groups are radically over-represented when it comes to arrest and charging rates.<sup>77</sup> Since the 1960s, concerns over racial profiling and other forms of selective policing and law enforcement have led to multiple studies aimed at identifying and mitigating the factors that influence the decision to stop and arrest. Although the majority of these studies have been carried out in the United States, research in Canada has also produced compelling evidence of racial bias when it comes to the decision to stop and arrest. As Professor Kanika Samuels-

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<sup>77</sup> For a discussion of the role of race in police decision-making in Canada, see Wortley, S and Owusu-Bempah, A. (2016) “Crime and Justice: The Experiences of Black Canadians” in B Perry (ed) *Diversity, Crime and Justice in Canada*, 2nd edn, pp. 140–67. New York: Oxford University Press; Unnever, J, Owusu-Bempah, A, and Deryul, R. (2017) “A Test of the Differential Involvement Hypothesis” *Race and Justice* 9(2): 197–224; Wortley, S. (2018) “A Double-Edged Sword: Street Checks, Public Safety and the Impact of Racialized Policing” in L Foster, L Jacobs, B Siu, and S Azmi (eds), *Racial Profiling and Human Rights Policy in Canada: The New Legal Landscape*, pp. 238–52. Toronto: Irwin Law; Wortley, S and Jung, M. (2020) “Racial Disparity in Arrests and Charges: An Analysis of Arrest and Charge Data from the Toronto Police Service.” Ontario Human Rights Commission (July 2020), <https://www.ohrc.on.ca/sites/default/files/Racial%20Disparity%20in%20Arrests%20and%20Charges%20TPS.pdf> (accessed 6 April 2022).

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Wortley explained in her evidence to the Standing Committee on Public Safety and National Security:

[R]acial differences with respect to police contact remain even after controlling for other relevant factors including gender, social class, neighbourhood characteristics and criminal behaviour... In other words, racial differences in police contact cannot be explained away by poverty or involvement in crime. Race matters. If you're a Black man in Canada, the question is not if you will be stopped, but when.<sup>78</sup>

These findings are significant because they shed light not simply on how discretion operates in the context of stop and arrest but also on larger problems of systemic racism in Canadian policing and the criminal justice system more broadly. Yet as important as decisions to stop and arrest are, the lack of research on how discretion operates in other contexts has resulted in an incomplete picture of police decision-making. As Smith et al have observed:

Research on police decision-making during encounters with citizens addresses only a very small portion of what officers do during the course of their work. Because these behaviors are examined within the context of police–citizen interactions, they largely ignore activities taken outside the presence of citizens. As such, questions remain about what explains officer discretionary behavior when they are not in contact with citizens... There remains a dearth of research addressing officer choices beyond police–citizen encounters and unrelated to the invocation of police authority. This shortcoming is exacerbated by the relative lack of research since the advent of community policing.<sup>79</sup>

This is a point that has also been made by Jennifer Schulenberg, who has argued that research on police discretion needs to move beyond the narrow focus on the decision to arrest.<sup>80</sup> After noting that we lack a comprehensive understanding of police decision-making as it relates to less significant exercises of power than an arrest, Schulenberg has referred to work by Worden, who has argued that we need to exercise caution when drawing general lessons about police behaviour from research on arrest alone:

<sup>78</sup> Standing Committee on Public Safety and National Security (Canada). (2021) “Systemic Racism in Policing in Canada.” House of Commons, 43rd Parliament, 2nd session, <https://www.ourcommons.ca/Committees/en/SECU/StudyActivity?studyActivityId=10959882> (accessed 6 April 2022), 58.

<sup>79</sup> Smith, BW, Novak, KJ, Frank, J, & Lowenkamp, C. (2005) “Explaining Police Officer Discretionary Activity” *Criminal Justice Review* 30(3): 325–46, 326–27.

<sup>80</sup> Schulenberg (2015), 248.

[I]t appears that the arrest decision is unique in that it is based to a significant degree on situational cues that officers interpret in similar ways. Consequently, while analyses using arrests as a dependent variable might be useful for some analytic purposes, they are quite limited as vehicles for the development of a broader theory of police behavior... [S]ituational explanations of the arrest decision probably cannot be successfully applied to the other choices that police officers make on the street; continued research on the situational determinants of police behavior, to the exclusion of other factors, may be of limited theoretical value.<sup>81</sup>

Building on this point, it is also important to note that there are other, deeper methodological problems associated with the research on police discretion. As Nickels has noted, the absence of a clear and coherent definition of police discretion – combined with the fact that exercises of discretion are rarely capable of being observed directly – means that much of the research literature on police discretion is essentially inferential in nature:

Nowhere within this vast body of research is “discretion” itself directly operated, measured, or associated with any cause or effect. The status of the term is entirely ambiguous. It seems implied that discretion refers to either the observed behavior of police or its variability, or to the measured influence of extralegal factors on such behavior. At the same time, it seems to refer to some unobserved (perhaps unobservable) process through which explanatory models bridge extralegal factors to behavioral outputs—some “black box” of the subject’s consciousness... None of this research can properly be understood as studying discretion, per se. Instead, it is the examination of police behavior as determined by a number of causal variables, among which one finds no specific variable labeled “discretion.”<sup>82</sup>

In many respects, Nickels’ analysis of this fundamental lacuna resembles the critique levelled above, namely that policing legislation and regulation fail to adequately account for police discretion per se.

It is against this general background and with these important limitations in mind that this section provides a summary of the factors that influence police discretion. Far from attempting to present a comprehensive overview of the research on police discretion in Canada and elsewhere, the aim is instead to provide a broad typology of factors that influence the exercise of that

<sup>81</sup> Worden, RE. (1989) “Situational and Attitudinal Explanations of Police Behavior: A Theoretical Reappraisal and Empirical Assessment” *Law and Society Review* 23: 667–711, 702 (quoted in part in Schulenberg (2015), 247).

<sup>82</sup> Nickels (2007), 571.

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discretion, focusing on the distinction between individual and situational factors, as well as the role of environment and place. This overview will then be used as the basis for the discussion of paths to reform in section V.

Before proceeding, however, it is important to note that any discussion of the factors that influence police discretion needs to be sensitive to the unique organizational contexts of policing. Although police services in Canada conform to a standard bureaucratic arrangement – with seniority and managerial responsibility being concentrated at the top of the organization – in contrast to many other public agencies, a great degree of discretionary power rests with those at the bottom of the hierarchy, most notably frontline police officers. It is these officers who are routinely called on to make decisions about when to enforce the law, respond to complaints, and investigate possible crimes. When coupled with the fact that much of this discretion is typically exercised in low-visibility environments (for example, on the street or in police vehicles), this leads to the least senior members of the organization wielding significant amounts of unsupervised authority. As Johnson et al have observed:

Police organizations fit very well with Weber’s classical model of organization. The mandate of police organizations as the coercive arm of the state inherently requires strict control and formal structure. The adoption of a paramilitaristic structure has traditionally been applied to police organizations as the organizational model to provide such regimentation. However, the paramilitaristic structure, with its strict formality and chain of command, is in conflict with the devolution of authority necessary for responsive street-level decision-making supported by a rational-legal organizational structure.<sup>83</sup>

<sup>83</sup> Johnson, AD & Vaughn, MS. (2016) “Decoupling and Police Organizational Structure” *Administrative Theory & Praxis* 38(3): 157–67, 158–59, citing Terpstra, J. (2011) “Two Theories on the Police: The Relevance of Max Weber and Emile Durkheim to the Study of the Police” *International Journal of Law, Crime, and Justice* 39: 1–11; Weber, M. (1947) *The Theory of Social and Economic Organization*, AM Henderson and T Parsons (trans). New York: Oxford University Press; Gilbert, MJ. (1997) “The Illusion of Structure: A Critique of the Classical Model of Organization and the Discretionary Power of Correctional Officers” *Criminal Justice Review* 22(1): 49–64; Brown, MK. (1981) *Working the Street: Police Discretion and the Dilemmas of Reform*. New York: Russell Sage Foundation, 70.



Acknowledging this institutionally embedded conflict between an outward, formal adherence to chains of command and the day-to-day realities of ordinary police work is essential if we are to understand the role played by police discretion in Canada. Regardless of whether we view discretion as a capacity or a resource, the fact remains that efforts to control the exercise of that discretion will depend in large part on the ability of police services – or external bodies – to control the behaviour and change the working practices of frontline officers.

As a final point, it is also important to note that many of the studies referred to in this report focus almost exclusively on large metropolitan or urban police services, and there is a very limited body of research on the use of police discretion in rural police departments. As Fyfe observed over twenty years ago, the problem is compounded by the fact that many of the police departments that have been the subject of extensive study may not themselves be especially representative, even of large urban forces:

The extant research on police discretion is biased in a number of ways regarding the types of agencies that are included. The vast majority of studies focus on relatively large municipal police forces, leaving mostly unexplored small urban departments, sheriff's departments, rural agencies, special police agencies, and large but geographically dispersed state police agencies. There are reasons to expect some different patterns in the exercise of police discretion from the usually studied agencies, thus undoubtedly restricting the possibility of new insights about what influences police discretion under what circumstances. And perhaps most telling, except for the occasional research compelled by legal process, research on police discretion tends to occur at the more progressive agencies that have less discomfort in exposing themselves to scrutiny by outsiders.<sup>84</sup>

Despite these various caveats and qualifications, it is important not to lose sight of the fact that there is a broad consensus in the research literature on the types of factors that do influence police discretion. While we must exercise caution when talking about particular contexts – and especially specific police services in Canada and elsewhere – there is now over

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<sup>84</sup> Mastrofski, SD. (2004) "Controlling Street-Level Police Discretion" *Annals of the American Academy of Political and Social Science* 593(1): 100–18, 107, citing Fyfe, JJ. (2002) "Too Many Missing Cases: Holes in Our Knowledge about Police Use of Force" *Justice Research and Policy* 4(1–2): 87–102.

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sixty years of research on police discretion, much of it focused on the central question of how officers make decisions and what affects their exercise of discretion.

### **A. The Factors Influencing Police Discretion**

One of the key questions that has faced researchers seeking to understand the phenomenon of police discretion is how to distinguish between the different variables and factors that influence the exercise of this discretion. Writing in 1980, the US criminologist Lawrence W. Sherman suggested that police behaviour is best understood as being dependent on variables that fall into one of five broad categories: individual, situation, organization, community, and legal. Given how influential Sherman's typology has been in terms of structuring subsequent discussions of police discretion over the last forty years, his classification is worth noting in full:

The approaches to explaining the variation in these aspects of police behavior can be classified into five levels of analysis: individual, situational, organizational, community, and legal. The individual approach attempts to explain variation in the behavior of police officers with the characteristics of the officers themselves, such as length of service, race, and sex. The situational approach attempts to explain the outcomes of citizen–police encounters with the characteristics of the situation, such as relationship between complainant and suspect, number of police officers present, whether the encounter was initiated by a citizen request or a police decision to intervene, and demeanor, race, class, and other characteristics of the suspect and complainant. The organizational approach attempts to explain rates of police behavior across either suborganizational units or entire police organizations with such characteristics as patrol strategy or percentage of college graduates in a police department. The community approach attempts to explain rates of police behavior across municipal police departments with the characteristics of the communities they police, such as economic and demographic composition, political ethos, or structure of government. Finally, the legal approach attempts to explain police behavior at various levels with the constraints of procedural and substantive law that the written legal system attempts to impose on the police.<sup>85</sup>

As Sherman went on to note, none of these five approaches amounts to a “substantive theory of police behaviour.” Instead, they provide limited empirical support for claims about the influence of particular variables on police decision-making. Significantly, Sherman stressed that

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<sup>85</sup> Sherman, L.W. (1980) “Causes of Police Behavior: The Current State of Quantitative Research” *Journal of Research in Crime and Delinquency* 17(1): 69–100, 70.

much of the research on policing he surveyed in producing his five categories was focused on “bivariate assertions” – that is, they considered the impact of a single variable (such as suspect demeanour) on police behaviour. Multivariate studies were at the time few and far between, something Sherman argued was a shortcoming that needed to be addressed in order to develop a comprehensive and useful theory of police behaviour.

In the years following Sherman’s article, a number of writers have sought to refine and build on his initial classifications. According to Worden, for example, it is possible to divide research on the factors that influence police discretion into two broad categories: situational and attitudinal:

Situational explanations hold that officers’ behavior in police–citizen encounters is influenced by structural characteristics of the immediate situation: the nature of the problem, the attributes and actions of the citizens, and contextual variables. Research of this genre has led to the conclusion that officers’ behavior is largely a response to situational cues (Berk and Loseke, 1980–81). The second approach is to examine the behavioral patterns of individual officers to explain variation in terms of officers’ attitudes. Attitudinal explanations hold that officers develop distinctive “styles” of performing their duties, and that the development of their behavioral styles is shaped by their attitudes and values.<sup>86</sup>

Although Worden cited Sherman before presenting his own classification scheme – with the implication that it represents a condensed version of Sherman’s approach rather than a departure from it – Worden’s focus on these two broad categories marked a significant step forward in the study of police discretion. By explicitly drawing out the notion of policing “styles,” Worden drew a clear distinction between the impact of what might be regarded as internal and external factors when it comes to the exercise of police discretion. Put another way, we can understand situational factors as encompassing things external to an officer (and police organization), while

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<sup>86</sup> Worden (1989), 668, citing Berk, SF & Loseke, DR. (1980) “‘Handling’ Family Violence: Situational Determinants of Police Arrest in Domestic Disturbances” *Law and Society Review* 15: 317–46; White, SO. (1972) “A Perspective on Police Professionalization” *Law and Society Review* 7: 61–85; Muir, WK. (1979) *Police: Streetcorner Politicians*. Chicago: University of Chicago Press; Broderick, JJ. (1977) *Police in a Time of Change* (Morristown, NJ: General Learning Press; and Brown (1981).

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attitudinal factors relate to the characteristics of the officers and organizations themselves. This distinction provides a simple but powerful way of distinguishing between factors for the purpose of reform. While it may, for example, be possible to change the way in which situational factors affect police decision-making through policies, guidelines, legal rules, and other such formalized mechanisms, attempts to affect attitudinal variables are more likely to be aimed at recruitment, training, oversight, and discipline.

In his review of the research on police discretion, Worden also made a number of observations that continue to resonate. First, he drew attention to the fact that the emphasis on arrest decisions is problematic, not just for the reasons identified above but also because it impedes “further theoretical progress.”<sup>87</sup> Second, Worden drew attention to the fact that many accounts of police discretion start from the assumption that the boundaries of an officer’s authority – and the objectives that the officer is expected to pursue – are “clearly defined and well understood.” This is in fact rarely the case, and something that needs to be accounted for in our efforts to understand how discretion is exercised in practice:

[A] theory of police behavior must also reflect the ambiguity and uncertainty of the task environment in which officers work, where formal and informal rules and procedures are in many cases vague and may even conflict, characteristics of the incidents into which they intervene may be variously interpreted, causal connections between actions and outcomes may be unclear, and the objectives toward which they are expected to direct their efforts are stated in general terms (if at all) and may be inconsistent. Officers must interpret these features of the task environment as they choose their courses of action. This ambiguity and uncertainty, I shall argue, can be expected to attenuate the relationships between situational factors and officers’ attitudes on the one hand and officers’ behavior on the other.<sup>88</sup>

Finally, Worden also acknowledged the need for theories of police behaviour and discretion to pay greater attention to the structural features of police organizations, either by

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<sup>87</sup> Worden (1989), 668.

<sup>88</sup> Worden (1989), 671.

comparing officer behaviour across different types of police departments or through incorporating structural variables into future studies. Unfortunately, Worden’s call for more research on the organizational determinants of police discretion went largely unheeded. Writing some seventeen years later in 2006, Chappell et al observed that only a few studies – most notably by Smith in 1984 and then Mastrofski, Ritti and Hoffmaster in 1987 – had examined the influence of police organizational structures on the decision to arrest.<sup>89</sup> Despite the fact that these studies suggested that “variations in departmental management styles and culture [could] explain a significant amount of variation in the proclivity of police officers to exercise their arrest powers,” Chappell et al noted that their continued relevance was limited due to a reliance on historical data and changes in the policing landscape since the 1980s – changes that saw many police departments in the United States move to problem-oriented strategies and a greater emphasis on community policing.<sup>90</sup> For their part, Chappell et al suggested that the organizational typology first developed by Wilson in 1968 – which categorized police agencies according to whether the officers within those agencies adhered to a “watchman,” “legalistic,” or “service” style<sup>91</sup> – was of “limited use” when it came to contemporary discussions about the influence of organizational structure and working culture on police discretion. Instead, they argued that organizational factors may not be that important at all:

The findings from this study suggest that the policing literature and conventional wisdom on controlling police discretion may place too much emphasis on the influence of organizational context. Officers may be more driven by the situational exigencies that vary from community to community – many of which are beyond the direct control of police bureaucrats.<sup>92</sup>

<sup>89</sup> Chappell, AT, MacDonald, JM, & Manz, PW. (2006) “The Organizational Determinants of Police Arrest Decisions” *Crime & Delinquency* 52(2): 287–306, 288.

<sup>90</sup> Chappell, MacDonald, & Manz (2006), 288.

<sup>91</sup> Wilson, JQ. (1968) *Varieties of Police Behavior*. New York: Atheneum

<sup>92</sup> Chappell, MacDonald, & Manz (2006), 302–3.

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Returning to the question of classification, in a recent multivariate study of police arrest decisions, Jessica Huff has suggested that much of the work on police discretion to date can be seen as contributing to two broad theoretical frameworks. The first of these frameworks, which Huff has referred to as “officer-oriented theories of police discretion and arrest decisions,” maintains that the exercise of police discretion depends largely on the attitudes of individual police officers and their demographic characteristics, as well as the attitudes, demeanour, and characteristics of the suspects, victims, and members of the public with whom the police interact. Into this category she places work by DJ Black, whose early sociolegal account of police discretion has remained highly influential.<sup>93</sup> Black argued that the use of police discretion in any given situation will vary according to the relative social positions of those involved, most notably the officer, the suspect, and the victim.<sup>94</sup> As Huff has noted, Black also drew attention to the fact that certain discretionary decisions necessarily involved “more law” than others, which could have an impact on the relevant power dynamics that underpin the decision-making process:

One of the major contributions of [Black’s] work is the proposition that law varies in quantity, with some actions constituting more law than others... This means that those of higher social standing are more able to invoke the law, that law enforcers are more likely to apply the law against those of lower social standing than themselves, and that laws will be more strictly enforced in low status neighborhoods.<sup>95</sup>

Into this same category, Huff has also placed work by Steve Herbert on the importance of normative ordering in policing, as well as a range of studies that have examined the potential role played by various officer characteristics in the use of discretion, including an officer’s race or

<sup>93</sup> Black, DJ. (1971) “The Social Organization of Arrest” *Stanford Law Review* 23(6): 1087–1111; Black, DJ. (1976) *The Behavior of Law*. New York: Academic Press; Black, DJ. (1980) *The Manners and Customs of the Police*. New York: Academic Press.

<sup>94</sup> Huff, J. (2021) “Understanding Police Decisions to Arrest: The Impact of Situational, Officer, and Neighborhood Characteristics on Police Discretion” *Journal of Criminal Justice* 75: 101829 at 7.

<sup>95</sup> Huff (2021), 7.

membership of a particular ethnic group; their gender; their level of education; and their length of service.<sup>96</sup>

The second theoretical framework identified by Huff, which she has referred to as “social-ecological theories of police discretion and influences on arrest,” includes research that explores the relationship between discretion and neighbourhood characteristics, including crime rates, socioeconomic factors, and racial heterogeneity. As Huff notes, much of this work has focused specifically on identifying the sources of racial bias in policing:

An enduring debate in the policing research is whether identified racial/ethnic disparities in discretionary outcomes are due to biased decision-making (whether implicit or explicit) or to differential concentrations of crime and police resource deployment. This has resulted in examinations of the influence of neighborhood characteristics on variation in officer use of discretion across different social-ecological contexts.

Importantly, Huff has also included various social control theories in this second framework, including early work by Blalock and others that suggest the police use law – and the power to arrest – as a means of controlling minority populations.<sup>97</sup> Research on the role of place – in particular, the socio-economic characteristics of neighbourhoods – is also included in this category, with Huff noting that it provides “mixed support” for social-ecological theories of police discretion.<sup>98</sup>

<sup>96</sup> Herbert, SK. (1997) *Policing Space: Territoriality and the Los Angeles Police Department*. Minneapolis: University of Minnesota Press. Some of the key studies cited by Huff include Brown, RA, Novak, KJ, & Frank, J. (2009) “Identifying Variation in Police Officer Behavior between Juveniles and Adults” *Journal of Criminal Justice* 37: 200–8; Donohue III, JJ & Levitt, SD. (2001) “The Impact of Race on Policing and Arrests” *Journal of Law and Economics* 44(2): 367–94; and Novak, KJ, Brown, RA, & Frank, J. (2011) “Women on Patrol: An Analysis of Differences in Officer Arrest Behavior” *Policing: An International Journal of Police Strategies & Management* 34(4): 565–87.

<sup>97</sup> Blalock, HM. (1967) *A Theory of Minority-Group Relations*. New York: John Wiley; Suttles, GD & Suttles, GD (1972) *The Social Construction of Communities*, Vol. 111. Chicago: University of Chicago Press.

<sup>98</sup> Huff (2021). Some of the more recent studies referred to include: Johnson, RR & Olschansky, EL. (2010) “The Ecological Theory of Police Response: A State Police Agency Test” *Criminal Justice Studies* 23(2): 119–31; Lum, C. (2011) “The Influence of Places on Police Decision Pathways: From Call for Service to Arrest” *Justice Quarterly* 28(4): 631–65; Kane, RJ, Gustafson, JL, & Bruell, C. (2013) “Racial Encroachment and the Formal Control of Space: Minority Group-Threat and Misdemeanor Arrests in Urban Communities” *Justice Quarterly*

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Although Huff has not purported to provide a comprehensive overview of the research on police discretion, her theoretical frameworks allow for the easier identification of particular currents in what is a vast body of literature. Notably, she has also acknowledged that – regardless of whether the research in question falls into the category of officer-oriented theories or social-ecological theories of police discretion – it is generally accepted in the literature that situational factors play a significant role when it comes to police decision-making. As Huff has noted, for example, multiple studies have suggested that offence seriousness is a key factor in the decision to arrest. Similarly, the question of whether an arrest resulted from a public complaint (or was instead police-initiated) can also have an impact on the exercise of police discretion.<sup>99</sup>

As this brief overview of efforts to classify the factors affecting police discretion has demonstrated, there is no comprehensive theory of police behaviour that can provide a clear account of how the police exercise their decision-making powers. As Huff has rightly observed, this is due in part to the challenges associated with developing multivariate models of police behaviour. While researchers might agree that direct observation of officer behaviour and decision-making would provide the clearest insight into the operation of police discretion – what Huff has referred to as “systematic social observation” – in most instances, this is simply too expensive and time-consuming (and requires significant access by researchers to the police, which in many cases is difficult to obtain).

It is with these limitations in mind that the next section provides an overview of recent research on police discretion carried out in Canada, identifying significant gaps in our understanding of how police discretion currently operates at the municipal, provincial, and

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30(6): 957–82; Sobol, JJ, Wu, Y, & Sun, IY. (2013) “Neighborhood Context and Police Vigor: A Multilevel Analysis” *Crime & Delinquency* 59(3): 344–68.

<sup>99</sup> Huff (2021).



federal levels, and highlighting major areas of interest and concern for police researchers, as well as possible avenues for future work.

### **B. Recent Research on Police Discretion in Canada**

It is important to note that empirical research on policing in Canada – and on police discretion in particular – is much less extensive than that to be found in countries like the United States or the United Kingdom. Even when compared to countries with a similar population size such as Australia, it remains the case that independent studies of Canadian police behaviour and discretion are few and far between. This report does not consider in detail the reasons for the dearth of Canadian research in this area. However, a combination of factors no doubt play a role, including the relative lack of government and charitable foundation funding for large-scale qualitative research on policing, as well as the difficulties that face researchers seeking access to policing organizations at all levels in Canada.<sup>100</sup> Moreover, much like in other jurisdictions, what research there is on police discretion in Canada has focused almost exclusively on the decision to arrest. But as has already been noted, the “social intervention” aspect of policing involves many forms of formal and informal decision-making, and caution therefore needs to be exercised when extrapolating conclusions about the exercise of police discretion from only the specific context of arrest.<sup>101</sup>

In terms of the research itself, in Canada the focus has been primarily on the role of discretion in the policing of minorities and young people. Although a number of independent

<sup>100</sup> See Ricciardelli, R & Griffiths, CT. (2017) “North of 49: The Dynamics of Canadian Policing” *Police Practice and Research* 18(6): 524–27; Huey, L & Ricciardelli, R. (2016) “From Seeds to Orchards: Using Evidence-Based Policing to Address Canada’s Policing Research Needs” *Canadian Journal of Criminology and Criminal Justice* 58: 119–31; Standing Committee on Public Safety and National Security. (2014) “Economics of Policing: Report.” House of Commons, 41st Parliament, 2nd Session.

<sup>101</sup> Schulenberg (2015), 248.

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inquiries have investigated the under- and over-policing of Indigenous communities and systemic problems with respect to the police response to violence against Indigenous women and girls,<sup>102</sup> very few empirical studies have directly examined the operation of discretion with respect to the policing of Indigenous people.<sup>103</sup> This presents a significant problem when it comes to discussions about the role of police discretion in Canada, particularly given that it is now generally accepted that many municipal and provincial police services – as well as the RCMP – suffer from longstanding problems of systemic racism. As Chief Bryan Larkin observed in his Presentation to the Standing Committee on Public Safety and National Security in 2020, we have “study after study, including government commissioned reports, that demonstrate we have an issue with systemic racism throughout our justice system, which includes our legal system, our courts, and our police services.”<sup>104</sup> Given this, there is clearly a pressing need for

<sup>102</sup> Linden, SB. (2007) “Report of the Ipperwash Inquiry, Volumes 1–4.” Ontario Ministry of the Attorney General (May 2007), <https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/report/index.html> (accessed 6 April 2022); Oppal, WT. (2012) “Forsaken: The Report of the Missing Women Commission of Inquiry, Volumes I–VI.” British Columbia (November 2012), <https://missingwomen.library.uvic.ca/index.html%3Fp=30.html> (accessed 6 April 2022); National Inquiry into Missing and Murdered Indigenous Women and Girls (Canada). (2019) “Reclaiming Power and Place: Final Report of the National Inquiry into MMIWG, Volumes 1a and 1b” (June 2019), <https://www.mmiwg-ffada.ca/final-report/> (accessed 6 April 2022).

<sup>103</sup> Owusu-Bempah, A & Luscombe, A. (2021) “Race, Cannabis and the Canadian War on Drugs: An Examination of Cannabis Arrest Data by Race in Five Cities” *International Journal of Drug Policy* 91: 102937. To date, much of the academic research on the relationships between policing and Indigenous communities in Canada has focused on police violence towards Indigenous people, the failure of the police to provide services to Indigenous communities, or Indigenous attitudes to the police. See Rudin, J. (2006) “Aboriginal Peoples and the Criminal Justice System.” Research paper prepared for the Ipperwash Inquiry, [http://www.archives.gov.on.ca/en/e\\_records/ipperwash/policy\\_part/research/pdf/Rudin.pdf](http://www.archives.gov.on.ca/en/e_records/ipperwash/policy_part/research/pdf/Rudin.pdf) (accessed 6 April 2022); Comack, E. (2012) *Racialized Policing: Aboriginal People’s Encounters with the Police*. Halifax: Fernwood; Cao, L. (2014) “Aboriginal People and Confidence in the Police” *Canadian Journal of Criminology and Criminal Justice* 56(5): 499–526; Palmater, P. (2016) “Shining Light on the Dark Places: Addressing Police Racism and Sexualized Violence against Indigenous Women and Girls in the National Inquiry” *Canadian Journal of Women and the Law* 28(2): 253–84; Alberton, AM, Gorey, KM, Angell, GB, & McCue, HA. (2019) “Intersection of Indigenous Peoples and Police: Questions about Contact and Confidence” *Canadian Journal of Criminology and Criminal Justice* 61(4): 101–19; and Samuels-Wortley, K. (2021) “To Serve and Protect Whom? Using Composite Counter-storytelling to Explore Black and Indigenous Youth Experiences and Perceptions of the Police in Canada” *Crime & Delinquency* 67(8): 1137–64.

<sup>104</sup> Evidence, 1st Session, 43rd Parliament, Meeting 12, 14 August 2020, 1215 (Chief Bryan Larkin, Chief of Police, Waterloo Regional Police Service, and member of the Drug Advisory Committee, Canadian Association of Chiefs of Police). See also Standing Committee on Public Safety and National Security (2021), cited above. Speaking in a similar vein, former Vancouver Police Board Chair Kennedy Stewart acknowledged “the existence

more independent research on the role that police discretion plays in systemic racism with respect to Indigenous people in Canada – not just in relation to the decision to arrest but also with regard to operational decision-making, the development of policing strategies, and resource deployment.

Turning to the policing of minority communities more generally and Black communities in particular, commentators have drawn attention to a lack of Canadian research on the relationship between race and police practices,<sup>105</sup> but there is evidence that race plays a significant role in the decision to stop, search, and arrest in Canada. Drawing on extensive interview data collected in 2007, for example, Wortley and Owusu-Bempah have found that when it comes to “street-level” interactions with the police – which frequently involve the use of discretion – Black people are far more likely to be stopped and searched (which also increases their likelihood of being arrested and drawn into the criminal justice system):

According to our results, blacks are over three times more likely to experience multiple police stops than whites or Asians and are three times more likely to report being searched during these police encounters. Black males appear to be particularly vulnerable to police stop and search practices. Black respondents are also six times more likely than respondents from other racial backgrounds to report that they have close friends or family members who had been a recent victim of racial profiling. Importantly, racial differences with respect to both direct and indirect police contact remain statistically significant after controlling for other relevant variables including age, income, education, driving habits, community-level crime, alcohol and marijuana use and criminal history. These findings suggest that race matters.<sup>106</sup>

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of systemic racism in all our public and private institutions, including police services.” See Vancouver Police Board. (2020) “Statement from the Vancouver Police Board regarding Police Reform.” Media release (22 June 2020), <https://vancouverpoliceboard.ca/police/policeboard/documents/2020-06-22-Board-Statement-Provincial-Review.pdf> (accessed 6 April 2022). Furthermore, RCMP Commissioner Brenda Lucki also acknowledged in June 2020 that “systemic racism exists in the RCMP” and that there had been a failure to treat “racialized and Indigenous people fairly.” See Royal Canadian Mounted Police (RCMP). (2020) “Statement by Commissioner Brenda Lucki.” Media release (12 June 2020), <https://www.rcmp-grc.gc.ca/en/news/2020/statement-commissioner-brenda-lucki> (accessed 6 April 2022).

<sup>105</sup> Wortley & Jung (2020), 7.

<sup>106</sup> Wortley, S & Owusu-Bempah, A. (2011) “The Usual Suspects: Police Stop-and-Search Practices in Canada” *Policing and Society* 21(4): 395–407.

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Writing some ten years later, Wortley and Jung noted in their 2020 report to the Ontario Human Rights Commission that a series of other Canadian studies have also suggested that Black people are “highly over-represented with respect to certain discretionary offences.”<sup>107</sup> Although they prefaced their review of the research literature by noting that “studies that examine the impact of both offender and victim race on arrest decisions have rarely been conducted in Canada,” Wortley and Jung have pointed to the fact that Black people in Canada are more likely to be subjected to racially biased police decisions – particularly the decision to stop and search – than white people, with the result that they are also more likely to be charged with drug possession and related offences. Summarizing their own work on the role of race in the decision to arrest and charge, Wortley and Jung also have noted that their findings with respect to the Toronto Police Service (TPS) are consistent with those from similar studies across Canada:

The data presented in this report expose dramatic racial disparities with respect to TPS charge practices. In the past when faced with such statistics, police services and associations have often argued that disparity does not prove discrimination. However, in our opinion, the gross racial disparities documented by this inquiry strongly support the argument that racial bias exists and must be taken seriously.<sup>108</sup>

The relative lack of independent research studies is not the only barrier to a better understanding of the relationship between race and police discretion in Canada. As Wortley and Jung have pointed out, historically, the police and governments in Canada “have not responded well to academic and community requests for data collection and data analysis frameworks that

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<sup>107</sup> Wortley & Jung (2020), 7. A number of studies on the relationship between race and policing practices in Canada are cited in Wortley and Jung’s submission to the Commission, including: Wortley, S & Tanner, J. (2005) “Inflammatory Rhetoric? Baseless Accusations? Responding to Gabor’s Critique of Racial Profiling Research in Canada” *Canadian Journal of Criminology and Criminal Justice* 47(3): 581–609; Wortley & Owusu-Bempah. (2016); Wortley (2018); Wortley, S & Kellough, G. (2004) “Racializing Risk: Police and Crown Discretion and the Over-representation of Black People in the Ontario Criminal Justice System” in A Harriott, F Braithwaite, and S Wortley (eds), *Crime and Criminal Justice in the Caribbean and among Caribbean Peoples*, 173–205. Kingston: Arak Publications.

<sup>108</sup> Wortley & Jung (2020), 109.

would better address allegations of racial bias.”<sup>109</sup> This problem has been compounded by the fact that many police services in Canada do not collect racially disaggregated arrest data. This problem has been highlighted repeatedly by police researchers in Canada, with Millar and Owusu-Bempah arguing that it can be viewed as tantamount to the “whitewashing” of police racism via data suppression.<sup>110</sup> Problems related to the transparency of policing data were also recently highlighted as part of an inquiry into the use of street checks in Nova Scotia.<sup>111</sup>

In addition to this research on discretionary charging and racism, a number of Canadian studies have examined the operation of police discretion in relation to young people. Fitzgerald and Carrington, for example, have noted that there is a considerable body of evidence to suggest that personal characteristics such as age and gender play a significant role when it comes to how the police make decisions with regards to juveniles in Canada.<sup>112</sup> In particular, they have pointed to Canadian studies that suggest that the police are more likely to treat younger individuals more leniently, with demeanour also being a strong additional predictor when it comes to how police discretion is used. On the specific question of the relationship between age and race, Fitzgerald and Carrington have noted that the research in this area suggests the two variables interact in complex ways:

Some research supports the suggestion that the effect of race on police decision-making may in fact be “conditional” or “interactive” in that it is “dependent on the level of other variables.” For example, in Wortley and Tanner’s (2005) study of Canadian young people, low-risk black youth were more likely to receive police attention than low-risk

<sup>109</sup> Wortley & Jung (2020), 114.

<sup>110</sup> Millar, P & Owusu-Bempah, A. (2011) “Whitewashing Criminal Justice in Canada: Preventing Research through Data Suppression” *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société* 26(3): 653–61.

<sup>111</sup> See Wortley, S. (2019) “Halifax, Nova Scotia: Street Checks Report.” Nova Scotia Human Rights Commission, available at <https://humanrights.novascotia.ca/streetchecks> (accessed 18 May 2022); MacDonald, JM & Taylor, J. (2019) “Independent Legal Opinion on Street Checks Halifax.” Nova Scotia Human Rights Commission, available at <https://humanrights.novascotia.ca/news-events/news/2019/street-checks-legal-opinion> (accessed 18 May 2022).

<sup>112</sup> Fitzgerald, RT & Carrington, PJ. (2011) “Disproportionate Minority Contact in Canada: Police and Visible Minority Youth” *Canadian Journal of Criminology and Criminal Justice* 53(4): 449–86, 454–55.

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white youth, but this relationship did not hold among high-risk youth. Thus, the level of DMC [disproportionate minority contact] had a negative association with the level of deviance of the juvenile. Wortley and Tanner found that similar proportions of black and white high deviance youth reported being stopped by police in the past two years (83% of blacks and 82% of whites); but among low-deviance youth, the racial difference in police stops was large and statistically significant (49% of black youth versus 17% of whites). They argued that this finding suggests there are racial differences in the extent to which “good behaviour” protects youth from police attention.<sup>113</sup>

More recently, a number of other studies in Canada have confirmed that young Black people are more likely to be the subject of police attention and receive less favourable treatment when it comes to the exercise of officer discretion.<sup>114</sup> For example, in her study of youth diversion programs in Canada, Samuels-Wortley has found that Black youth are more likely to be charged than their white counterparts, particularly when it comes to drug possession offences.<sup>115</sup> In addition, she has also found that young Black and other minority females are less likely to be cautioned than white females. After noting that “the decision to divert youth away from the justice system is based primarily on the discretion of individual police officers,” Samuels-Wortley has concluded that selection bias plays a significant role in police decision-making, leading to less favorable outcomes for minority youth:

Ultimately, racial bias may play a sufficient role in the Canadian youth criminal justice system. This study highlights that in particular, bias within policing can have a specific impact on racialized youth in Canada. Police discretion plays a significant role in who enters the court system, thus any biases may influence arrest decisions. Police should

<sup>113</sup> Fitzgerald & Carrington (2011), 456, citing Bishop, DM. (2005) “The Role of Race and Ethnicity in Juvenile Justice Processing” in DF Hawkins and K Kempf-Leonard (eds), *Our Children, Their Children: Confronting Racial and Ethnic Difference in American Juvenile Justice*. Chicago: University of Chicago Press, 28; and Wortley, S & Tanner, J. (2005) “Inflammatory Rhetoric? Baseless Accusations? Responding to Gabor’s Critique of Racial Profiling Research in Canada” *Canadian Journal of Criminology and Criminal Justice* 47(3): 581–609, 596.

<sup>114</sup> Owusu-Bempah, A & Wortley, S. (2014) “Race, Crime, and Criminal Justice in Canada” in S Bucarius & M Tonry (eds), *Oxford Handbook of Ethnicity, Crime, and Immigration*, pp. 281–320. Oxford: Oxford University Press.

<sup>115</sup> Samuels-Wortley, K. (2022) “Youthful Discretion: Police Selection Bias in Access to Pre-charge Diversion Programs in Canada” *Race and Justice* 12(2): 387–410.

acknowledge the role they may play in the overrepresentation of Black and Indigenous peoples in the Canadian youth criminal justice system.<sup>116</sup>

Returning to Fitzgerald and Carrington’s overview of the research literature, they have also drawn attention to a number of Canadian studies that suggest police in metropolitan areas are more likely to choose a formal response when dealing with juveniles.<sup>117</sup> In one of the studies referred to, for example, Jennifer Schulenberg attempted to test four prominent ecological theories of crime – urbanization theory, social disorganization theory, opportunity theory, and the overload hypothesis – with a view to better understanding how police discretion is exercised with respect to young people in Canada. Although Schulenberg has acknowledged that her study was limited in a number of important ways – particularly in terms of measuring how different theories of policing are operationalized – she has noted,

[T]he use of formal action with youth by Canadian police forces does seem to be affected by the size of the community and its level of social disorganization but not by the opportunity for crime, the actual crime rate, or the workload of the police.<sup>118</sup>

Interestingly, other studies have also suggested that the use of police discretion in relation to young people may vary between metropolitan and rural areas. For example, Schulenberg and Warren have noted that community relationships are more likely to play a role when it comes to police decision-making in rural areas:

The factors considered important by officers working in metropolitan areas suggest an offense orientation by placing more weight on the characteristics of the offense and not a victim’s preference or a youth’s personal situation. In contrast, officers in rural, small-town jurisdictions display a stronger focus on offenders and victims as these officers are

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<sup>116</sup> Samuels-Wortley (2022), 406.

<sup>117</sup> Schulenberg, J.L. (2003) “The Social Context of Police Discretion with Young Offenders: An Ecological Analysis” *Canadian Journal of Criminology and Criminal Justice* 45: 127–58; Schulenberg, J.L., Jacob, J.C., and Carrington, P.J. (2007) “Ecological Analysis of Crime Rates and Police Discretion with Young Persons: A Replication” *Canadian Journal of Criminology and Criminal Justice* 49: 261–77.

<sup>118</sup> Schulenberg (2003), 149.

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the most likely to consider victim preference and the relationship between the victim and offender as a factor when compared to other officers in other community types.<sup>119</sup>

While these findings have been confirmed by subsequent studies, more recent research has shed additional light on how various personal and context specific factors influence how police discretion is exercised with respect to young Canadians in non-metropolitan areas. Based on a study of police interactions with young people in three municipalities in British Columbia, Card et al have concluded that age, gender identity, and race have a significant impact on how police discretion is exercised:

Notably, we found that gender non-binary and Indigenous participants were more likely to experience punitive measures (i.e., being handcuffed or arrested), even after adjusting for histories of drug dealing, past police encounters, and contextual factors. Younger participants were also more likely to be searched or frisked by police regardless of illegal activity or being suspected of a crime at the time of the encounter. These findings indicate that outcomes of encounters between young people and police may be discriminatory – predicated on individual’s visible characteristics, such as race, gender, and age.<sup>120</sup>

Before concluding this brief overview of the research on factors influencing police discretion in Canada, it is important to note that new lines of inquiry have begun to emerge in recent years. Notably, a number of prominent researchers have now turned their attention to the question of how police discretion is exercised in relation to persons with issues regarding mental health.<sup>121</sup> In addition, various studies and reports have also examined the role played by police discretion in the criminal justice system’s response to gender-based and intimate partner violence

<sup>119</sup> Schulenberg, JL. (2010) “Patterns in Police Decision-Making with Youth: An Application of Black’s Theory of Law” *Crime, Law and Social Change* 53(2): 109–29, 126. See also Schulenberg, JL & Warren, D. (2009) “Police Discretion with Apprehended Youth: Assessing the Impact of Juvenile Specialization” *Police Practice and Research: An International Journal* 10(1): 3–16.

<sup>120</sup> Card, KG, Selfridge, M, Greer, AM, Hepburn, KJ, Fournier, AB, Sorge, J, & Macdonald, S. (2021) “Event-Level Outcomes of Police Interactions with Young People in Three Non-metropolitan Cities across British Columbia, Canada” *International Journal of Drug Policy* 91: 102824.

<sup>121</sup> See, for example, Schulenberg, JL. (2016) “Police Decision-Making in the Gray Zone: The Dynamics of Police–Citizen Encounters with Mentally Ill Persons” *Criminal Justice and Behavior* 43(4): 459–82; and Shore, K & La voie, JA. (2019) “Exploring Mental Health-Related Calls for Police Service: A Canadian Study of Police Officers as ‘Frontline Mental Health Workers’” *Policing: A Journal of Policy and Practice* 13(2): 157–71.



and sexual assault in Canada.<sup>122</sup> Unfortunately, however, it remains the case that there have been few Canadian-specific studies of the operation of police discretion in these contexts.

Considering the challenges that have faced researchers in Canada who have sought to study the role of discretion in the policing of Indigenous people, racial minorities, and young people, this is hardly surprising. It does, however, point to a persistent problem when it comes to discussions about the nature and function of police discretion in Canada: they have largely taken place against the backdrop of a profound and longstanding dearth of independent research on police behaviour at the municipal, provincial, and federal levels. When compared to countries like the United States and the United Kingdom, it is no exaggeration to say that Canada lags behind when it comes to police research, with the result that it is difficult to ensure that the development of policing practices and policies in Canada are sufficiently driven by evidence. This is a point that will be further developed in the next and concluding section.

## V. Reconsidering Police Discretion in Canada

This report has attempted to provide insight into the meaning and operation of police discretion in Canada. As is apparent from the previous sections, discretion lies at the heart of almost every aspect of policing at the municipal, provincial, and federal levels in Canada, and as a result, it is difficult to distinguish between the many factors that influence how it is exercised or how its use determines how suspects, victims, and members of the public are treated by the criminal justice system. In the Canadian context, debates about the proper role and limits of police discretion are

<sup>122</sup> Salerno-Ferraro, AC & Jung, S. (2021) “To Charge or Not to Charge? Police Decisions in Canadian Sexual Assault Cases and the Relevance of Rape Myths” *Police Practice and Research* 1–14; Fagerlund, M. (2021) “Gender and Police Response to Domestic Violence” *Police Practice and Research* 22(1): 90–108; Ryan, C, Silvio, D, Borden, T, & Ross, NM. (2022) “A Review of Pro-arrest, Pro-charge, and Pro-prosecution Policies as a Response to Domestic Violence” *Journal of Social Work* 22(1): 211–38; Gill, C, Campbell, MA, & Balucci, D. (2021) “Police Officers’ Definitions and Understandings of Intimate Partner Violence in New Brunswick, Canada” *Police Journal: Theory, Practice and Principles* 94(1): 1–20.

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also constrained by a shortage of independent academic research on how police discretion functions in different contexts and on how the day-to-day decisions of the police impact the lives of the individuals and communities they come into contact with and serve.

Faced with these challenges, it is tempting to conclude that there is little that can be said about police discretion in Canada *generally* and that calls for reforming the way in which police discretion operates should be narrow and focused on particular contexts – such as stop, search, and arrest, or on the experience of particular groups, such as Indigenous people and their communities, racial minorities, and young people. Although there is obvious value in taking such an approach – not least because it allows us to prioritize efforts at reforming police discretion with a view to minimizing its negative impacts on already vulnerable and marginalized individuals – it would be a mistake to assume that a broader discussion of the nature of police discretion in Canada is not possible or desirable.

As section II of this report highlighted, although police discretion was first “discovered” by sociologists and criminologists over 60 years ago, our understanding of that discretion remains plagued by a lack of clarity about the source and nature of that discretion. Returning to the contrasting accounts offered by Davis and Kleinig, it should be apparent that definition matters. How we view police discretion – whether as a product of the limits of rules or as a resource granted to the police – has significant implications for the question of how we should respond to it. More significantly, clarity about the nature and operation of police discretion can help us to address fundamental questions of regulation and reform.

Writing in 2005, James Stribopoulos presented a powerful argument in favour of greater parliamentary regulation of police discretion, based in part on a critique of judicial attempts to impose effective restraints on the exercise of police powers in Canada. According to

Stribopoulos, the police perception that “the law is only remotely related to the realities of their work” was reinforced by what he referred to as a “free floating legal structure” propped up in part by a series of decisions by the Supreme Court:

[J]udicially created rules, no matter how clear they may be, cannot effectively regulate police power. Enforcement of judicially created rules depends on judicial censure, usually through the exclusionary remedy. Redress in cases where innocent individuals are unjustifiably detained, searched or arrested is quite unlikely. The fatal flaw with the Court’s use of law-making devices lies in the fact that they cannot produce the sort of procedures most needed if low-level exercises of police discretion are going to be effectively checked. In fact, by forestalling a dialogue on the subject of police powers between the Court and Parliament, judicial lawmaking actually has the unfortunate tendency of aggravating the low visibility of police–citizen abuses.<sup>123</sup>

Later in the same article, Stribopoulos went on to argue that, given the inability of judicially created rules to effectively regulate police power, Parliament must step in and enact clear rules and procedures that set appropriate limits on the exercise of police discretion:

[O]ne of the major challenges in effectively regulating police authority is the low visibility of most police–citizen encounters. Clear and prospective rules will undoubtedly help to confine and structure police discretion but will do little to actually “check” police authority. What is needed most are administrative procedures that serve to check low-level and routine exercises of police discretion—procedures such as reporting requirements, approval by senior officers for certain investigative activities or procedures, and even more independent checks (for example, where feasible, through the warrants process). Even though the Court can insist on express and legislated rules, its options seem limited where the rules create a scheme that contains insufficient procedural checks and is therefore vulnerable to systematic evasion and abuse by those acting under it.<sup>124</sup>

One of the strengths of Stribopoulos’ argument here is that it comes at the conclusion of a detailed and comprehensive analysis of the relevant Canadian case law on police powers, an analysis that highlights the institutional limits of the Supreme Court and its inconsistent approach to this issue – particularly since the introduction of the *Charter of Rights and Freedoms*. Significantly, Stribopoulos has acknowledged that his analysis relies on Davis’ definition of

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<sup>123</sup> Stribopoulos (2005), 61.

<sup>124</sup> Stribopoulos (2005), 72.

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police discretion, and police discretion in Canada – at least in the days before the *Charter* – has risen to the fore in situations where the legal limits of police authority are unclear.

Although Stribopoulos has made a strong case for Parliament to step in and place police powers in Canada on a clear legal footing, it would be even more compelling if grounded in an understanding of discretion more aligned with that advanced by Kleinig. Put another way, if we view police discretion as a privilege or resource granted to the police – to be used “with discretion” – then it makes even more sense for Parliament, as the source of that privilege, to provide a clear basis for its exercise and for statutory rules and procedures that circumscribe its use. All of this is to say that in order to move forward in our consideration of the role of police discretion in Canada, we should look to abandon the idea that it is something extra-legal or outside the scope of rules.

Moving to this view of police discretion – one that sees it as a normative resource that is granted rather than a capacity that is assumed – also provides a more coherent basis for conversations about both oversight and limitations in certain contexts. If we start from the position that police discretion is conferred and is therefore a legitimate, legally bounded exercise of authority, then it becomes easier to justify efforts to subject that discretion to oversight and review. This model would also represent a fundamental challenge to the view often held by police officers that discretion is an unavoidable, extra-legal necessity that makes it possible for them to do their job (and as such, efforts to restrict it should be resisted). Police discretion may well be necessary and desirable but only insofar as it is granted by express mandate – and therefore subject to meaningful review. Returning to Kleinig’s analysis,

Discretionary authority may be granted in advance, within the limitations mandated by laws, regulations, and supervisory determinations. And particular exercises of that discretion, like exercises of judicial discretion, may be open to public review and discussion. As long as this is so, such discretion has every claim to be part of a democratic order. The “rule of law, not of men” is directed against arbitrary exertions of

power, not against discretion. Discretion, as a normative resource, is a form of decision-making power that is embedded in a rationale, and although that may not be sufficient to justify its every exercise, it is to be firmly distinguished from action based on personal preference. That authority may, as a result of public scrutiny, be broadened or narrowed via legislation, judicial review, or administrative rule making. As with the previous objection, the crucial issue regarding the democratic conformity of police discretionary authority will concern its limits rather than its general legitimacy.<sup>125</sup>

Before concluding this report, it is important to draw attention to two fundamental problems that should be key considerations for any policymakers, legislators, or police managers tasked with reforming the operation of police discretion in Canada. The first of these is the vague and incomplete language around police powers contained in the majority of provincial and federal policing statutes. As discussed in section III, there is considerable variation in how the police role – and the powers and duties that go with it – is framed in different parts of Canada, which has only contributed to a lack of clarity about the nature and limits of police discretion. Finally, it cannot be over-emphasized how the lack of independent research on police discretion hampers informed debate about the future of that discretion. Despite the considerable efforts of a small number of academic lawyers, sociologists, criminologists, and police scholars in Canada, there are major and disturbing gaps in the research literature when it comes to how police discretion functions, particularly in relation to Indigenous communities and the police response to serious crimes of violence against women.

As has already been noted, some of these gaps can be attributed to a lack of funding and the difficulties associated with obtaining criminal justice data. However, in many respects the problem derives from a more fundamental problem – a lack of engagement on the part of police services in Canada with academic research. As many commentators have noted, gaining access to police organizations – for the purpose of interviewing and observing officers – is extremely

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<sup>125</sup> Kleinig (1996), 89.

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difficult in Canada. Speaking before the Standing Committee on Public Safety and National Security in 2013, Griffiths highlighted the particular challenge of developing ongoing research relationships with the police:

[O]ur research endeavours with respect to policing in Canada are scattered, and there is no coordinating effort. There are very few linkages among universities, governments, and police services. Research is often being done on a one-and-done basis, whether it's by private consulting companies such as KPMG or by university-based scholars who work on a single type of project and then move on. We really don't have a coordinating body. We really don't have a repository, if you will, for police research, and an organization, agency, or institute that could serve as a catalyst for facilitating these collaborative relationships, and equally as important, for the dissemination of information.<sup>126</sup>

While this is a problem for the development of independent research on policing generally, it is particularly problematic when it comes to the study of police discretion. Studying arrest statistics and patterns of incarceration can only take us so far. If Canada wants to move to a position where decisions about how to regulate police discretion are driven by evidence – and a deeper understanding of how decisions are *actually* made – then researchers need to have access to officers. Going further, this access needs to be provided at all levels of our police services. Although a great deal of police power is exercised at “street level,” discretionary decisions are made at every level of the police organizational hierarchy. If we are to seriously address many of the issues concerning the exercise of police discretion identified in this report, then police services need to be willing – or possibly compelled – to engage with independent researchers. Moreover, government needs to be willing to properly fund this research – not just on a piecemeal basis but as part of a larger commitment to police accountability and ensuring that police powers are exercised in a manner that is consistent with the rights and values expressed in the *Canadian Charter of Rights and Freedoms*.

<sup>126</sup> Standing Committee on Public Safety and National Security (2014), 42. A number of prominent Canadian police scholars attempted to address this problem by establishing the Canadian Society of Evidence-Based Policing (CAN-SBP) in 2015. See the CAN-SBP website, <https://www.can-sebp.net/>.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Interagency Communication,  
Collaboration, and Interoperability  
within Police Services and between  
Police Services and Other Emergency  
Services**

**Curt Taylor Griffiths, PhD  
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**May 2022**

[masscasualtycommission.ca](http://masscasualtycommission.ca)

## Interagency Communication, Collaboration, and Interoperability

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## **I. Introduction: Security Networks, Interoperability, and Crisis Response**

In the aftermath of any mass casualty event, it is instructive to consider the factors that either facilitated or hindered interoperability between the police and other agencies that responded to the crisis. This report discusses the concept of interoperability with a specific focus on the factors that contribute to or hinder effective interorganizational communication and decision-making during emergencies. In addition to looking at the ways in which these issues play out in Canada, this report discusses relevant cases in the United Kingdom, United States, and Australia to illustrate the consequences of a lack of collaboration between investigative agencies and formal interoperability initiatives.

Police, fire and rescue services, and ambulance services are responsible for responding to a wide variety of emergency situations, both nature- and human-related (Power & Alison 2017: 243). Major crises can unfold over the course of hours, days, weeks, months, or years. The active shooter incident in Moncton, NB in 2014, which resulted in the deaths of three RCMP officers and injuries to two other officers, lasted over 28 hours. The mass casualty event in Nova Scotia unfolded over a period of 13 hours on April 18–19, 2020 and resulted in the deaths of 22 persons. Incidents can be complex, time sensitive, and unpredictable (Hine & Bragias 2021: 1493). Active shooter incidents can occur without warning and escalate rapidly in terms of the number of persons at risk and the area covered, thus presenting serious challenges to the police and other first responders:

Police cannot be sure of what or who to expect upon arrival at a scene or the level of assistance they may encounter; there may be innocent bystanders or multiple offenders involved; they are high-stakes events that may result in serious consequences and the police are typically under time pressure to resolve the situation before it escalates. At the same time, officers need to make critical decisions about how to respond. Officers need to decide how to prioritize the multiple duties that are required and consider potential outcomes (Hine & Bragias 2021: 1493–94).

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The following discussion considers the various dimensions of interoperability during major crises and the challenges and opportunities that exist in developing effective multi-agency networks. Of particular interest are the relationships between agencies that have a security mandate (Whelan 2011; Whelan 2012). These include what are often referred to as “blue light” organizations: police, fire and rescue, and ambulance services (Charman 2014).

Two key concepts in such discussions are *interoperability* and *security networks*. Interoperability, which will be discussed in further detail below, refers basically to the ability of different systems to connect and exchange information with each other (Gottschalk 2009). The term “security network” refers to those agencies in a jurisdiction that have a mandate to provide frontline, first responder services to protect the safety and health of the community. As Whelan has observed, “The practice of security is multifaceted” (2016: 311). Security networks can therefore be viewed as “deliberately structured platforms whereby agencies are required to work together to achieve their own goals and also a collective goal” (Whelan 2016: 311).

Other terms that are closely related to each other and merit defining here include “crisis” and “critical incident.” A “crisis” has been defined as an event or series of events that

... significantly disrupts normal operations, has caused or is likely to cause severe distress or have severe consequences for individual staff or organisations, and requires out of ordinary measures to restore order and normality, thus demanding immediate action from senior management... A crisis may be precipitated by a critical event (Buth 2010: 4).

A critical incident, on the other hand, is more narrowly defined as “an event or series of events that seriously threatens the welfare of personnel, potentially resulting in death, life-threatening injury or illness” (Buth 2010: 4).

Various critical incidents and major crises “require different skills and approaches of police in controlling and managing the successful outcomes” (Hine & Bragias 2021: 1493).

Large-scale crises require police services, fire and rescue, and emergency medical services to

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work effectively together, along with municipal, provincial/territorial, and federal agencies. It has been noted that “Being able to effectively work alongside and communicate decisions with [a] vast array of personnel with differing goals can become difficult, especially given the environment in which they need to work” (Hine & Bragias 2021: 1493; Bonkiewicz & Ruback 2012). The environments of major crises are often complex and may involve high levels of ambiguity and uncertainty, and critical incidents are by nature time-sensitive (House, Power, & Alison 2014). “The diversity and demands encountered when responding to major incidents may transcend the capabilities of any one individual; their effective management requires the collective and coordinated activities of several individuals and groups” (House, Power, & Alison 2014: 329; see also Axelsson & Axelsson 2006; Drucker 2007). Effective responses therefore require a complex and multifaceted approach. Yet the extent to which police, fire and rescue, and emergency medical services train on interoperability, practice simulations, and have integrated policies and operational plans varies across jurisdictions.

While the notion of interoperability as the ability of organizations to work together seems simple, “the capacity of distinct and unique systems to communicate with one another effectively has always been a challenge in public safety...” (Piett 2021: np; see also Perez et al 2017). Piett has observed:

When systems aren’t interoperable, disjointed response efforts and information gaps persist, both of which can cost time and, in dire circumstances, lives. Without interoperability, key information remains siloed, leaving decision-makers in the dark. Response teams have limited visibility into the status of victims or how others are reacting to emergency events as they unfold (Piett 2021: np).

There are several dimensions of interoperability, including technical, organizational, and relational (human and agency) (Pollock & Coles 2015: 8). Many situations or initiatives are referred to as “multi-agency,” but this term is purely descriptive, referring to multiple organizations working for the same outcome but potentially in parallel with each other. An *inter-*

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*agency* relationship, on the other hand, implies that two or more agencies effectively penetrate each other's working practices (Charman 2014: 105). In other words, inter-agency relationships center around interoperability. Critical incidents in international contexts and in Canada have demonstrated

... the dilemmas associated with multi-agency working and the extent to which multi-agency working does or does not become inter-agency working, i.e. the extent to which agencies operate in a coordinated and cohesive manner.... Interoperability constitutes in effect inter-agency working at the front end of services that rely on coordinated activities between different agencies and professions. (Charman 2014: 103).

## II. Inter-agency Dynamics and Interoperability

The components of security networks in any one jurisdiction may be easily mapped; but it can be difficult to know how the agencies in the network work together and the factors that facilitate or hinder collaboration. A key question that often emerges from the challenges regarding interoperability in blue-light organizations is "Who should assume the leadership of integrating the organisations?" (Wankhade & Patnaik 2019: 130). In addressing this question, there are several structural and relational issues that must be considered:

Structural properties include such attributes as the design, size and level of goal-consensus between network members... Relational properties refer to the relationships between actors or network members... Analysts usually focus on the "formal" relationships. "Informal" relationships are also important, not only in terms of the ways in which they shape formal relationships but because these "social networks" are often the way work really gets done (Whelan 2016: 312; see also Zaheer, McEvily, & Perrone 1998; Cross & Parker 2004).

The role of interpersonal relationships in interoperability is discussed below.

In addition to the formal and informal relational dynamics of a security network, Whelan (2016: 313) has noted that there are both endogenous and exogenous factors that can affect how a security network performs. In discussing high-risk, high-impact contexts, Alison, et al. have described endogenous uncertainty as:

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... uncertainly about the problems. It may include incident-specific environmental characteristics such as ambiguous information, intensive time pressure and risk, all of which can induce doubt in decision makers, e.g., “What are we dealing with and what are the risks?” (Alison et al 2015b: 1311)

In contrast, exogenous uncertainty stems from:

... ambiguity about the operating system that is responding to the decision problem and may include issues affiliated to the management of the problem and associated team processes. Exogenous uncertainties can derive from confusion over the expectations of one’s own and others’ behaviour. This can compromise the effectiveness with which teams plan and ultimately execute decisions and actions (Alison et al 2015b: 1311).

While a well-organized network should be able to manage the exogenous factors, less control may be exercised over endogenous factors. Research has found that in critical incident settings, exogenous uncertainty may be significantly greater than endogenous uncertainty (Alison et al 2015b). The stressors of endogenous and exogenous factors in responding to a critical event are discussed later in this report.

#### **A. The “3 Cs”: Cooperation, Coordination, Collaboration**

Pollock and Coles have noted, “Effective management of major incidents requires responder organizations to operate beyond their ‘normal’ scope of duty and instead act as a collaborative network” (2015: 4). But as Whelan (2016) has pointed out, collaboration cannot be achieved merely by forming a network. Many factors affect the interoperability of a security network, including the presence or lack of trust between parts of the network and practiced routines of information exchange and partnership. In short, having an action plan or strategic plan is in itself not sufficient to produce collaboration.

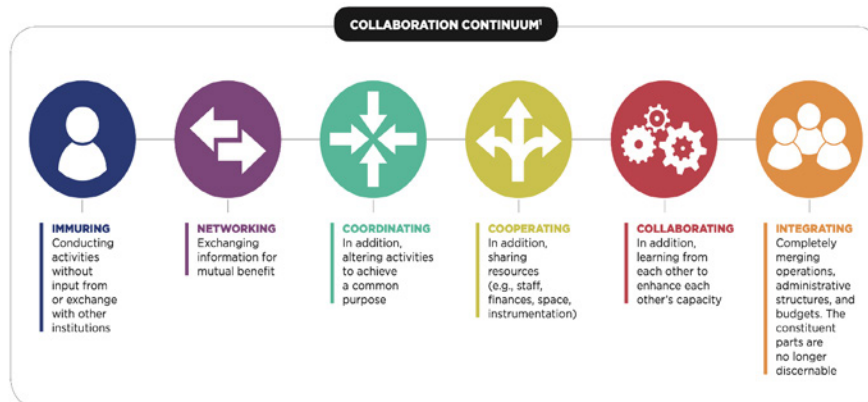
Whelan (2016) has argued that “strong, high-performing networks will be based more on collaboration than cooperation or coordination” (325) but has also noted that the concepts of cooperation, coordination, and collaboration are often used interchangeably, without being clearly defined (313). It can be instructive to think of cooperation, coordination, and

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collaboration as a spectrum, with cooperation at one end and collaboration at the other. With this understanding of “the 3 Cs,” the performance of a security network increases as the network’s attributes move from cooperation to collaboration (Whelan 2016: 310). At one end of the spectrum, cooperation involves sporadic interaction between agencies (e.g., a discrete joint investigation), while coordination involves two or more agencies adapting and aligning their policies to improve the overall effectiveness of the security network. Collaboration, at the other end of the spectrum, entails a more in-depth, strategic approach to a shared policy framework and, in its most robust form, involves integration (Keast, Brown, & Mandell 2007).

The collaboration continuum has been expanded to include additional components, as depicted in **Figure 1**. This continuum spans from agencies being isolated from one another to being fully integrated. As a security network moves up the continuum, there is a greater chance of achieving common goals, including ensuring the safety and security of the community in critical incident cases.

*Figure 1: The Collaboration Continuum*



Source: D Mashek. 2015. “Capacities and Institutional Support Needed along the Collaboration Continuum,” presentation at Claremont Colleges (June 2015), citing AT Himmelman. 2002. “Collaboration for Change: Definitions, Decision-Making Models, Roles, and Collaboration Process Guide.” Himmelman Consulting (January 2002).

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The degree of interoperability between police services and between the police and other emergency services will be affected by the location of a particular jurisdiction on the continuum. However, the extent to which cooperation/coordination/collaboration is required will vary depending upon specific contexts. As Whelan has noted, “It is not necessarily the case that one approach works best all of the time. There may be times where cooperation is all that is required” (Whelan 2016: 314). The nature and extent of collaboration that is desirable and feasible are variable across jurisdictions, due to several factors, including funding issues and inconsistent messaging from government departments: “Amongst the complexities identified for services in achieving effective collaboration is the multifaceted line of responsibility locally and nationally” (Kane 2018: 81). This is reflected in the development of national frameworks, including the Canadian Interoperability Communications Action Plan, led by the federal government with the participation of the provincial/territorial governments (Public Safety Canada 2011; Public Safety Canada 2013).

Observers have noted that there is often a disconnect between discussions of collaboration at the strategic level of organizations on the one hand and its implementation at the operational level (Berlin & Carlstrom 2011; Pollock & Coles 2015). As mentioned above, a key question for any security network in this regard is: which organization is to assume the leadership role? Whelan has suggested that “rather than view a lead organization as *controlling* the network, we can view leadership in terms of coordinating the activities of others in a way that maximises efficiencies and is supported by network members” (2016: 319). Similarly, Pollock and Coles have stated:

Collaborative networks are ideally characterized by reciprocity, representation, equality, participatory decision making, and collaborative leadership... The success of such networks depends on the ability of their leaders to organize structures, resources, and interactions when bringing together participants with different authority, motivations,

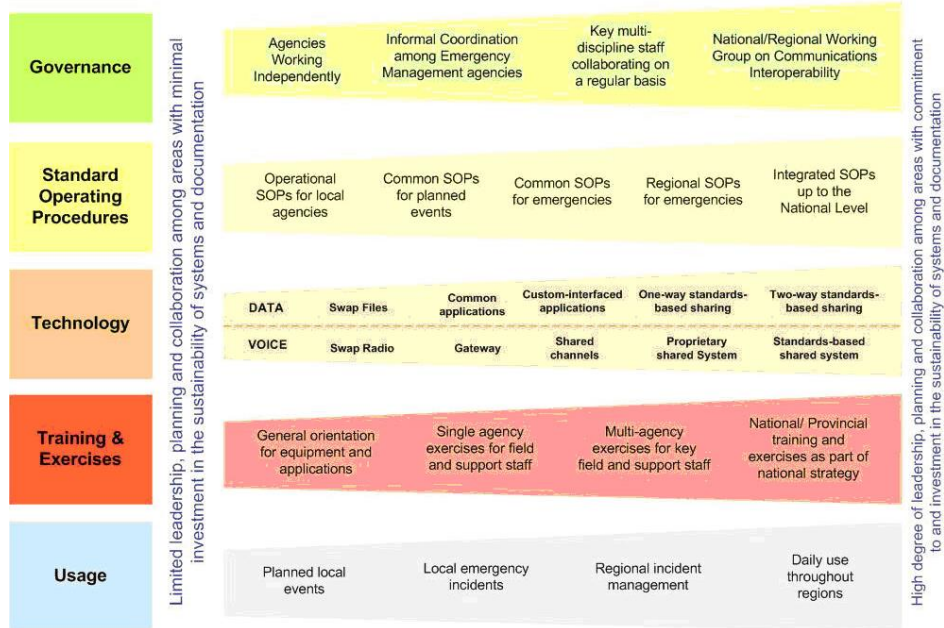
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interests, skills, and access to information (2015: 4; see also de Leon & Varda 2009; Moynihan 2005).

**B. Interoperability in Canada**

The Communications Interoperability Strategy for Canada includes a framework for understanding the key components of communications interoperability (**Figure 2**). Note that this schematic was based on the one developed by SAFECOM and the US Cybersecurity and Infrastructure Security Agency (2021: 2).

*Figure 2: Canadian Communications Interoperability Continuum*



Source: Public Safety Canada, "Communications Interoperability Strategy for Canada" (2011) 12.

In 2018, the federal/provincial/territorial (FPT) Ministers Responsible for Emergency Management acknowledged the importance of a "reliable, modern, nationwide and interoperable public safety broadband network (PBSN) ... [that could] be used by emergency responders and



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public safety personnel to communicate with each other, share and access information during day-to-day operations, weather-related incidents and natural disasters, emergencies and major events” (Public Safety Canada 2022: i). A Temporary National Coordination Office (TNCO) was established. Partners in this endeavour include the federal, provincial, and territorial governments, as well as the non-government sector (e.g., the Canadian Association of Chiefs of Police, the Canadian Association of Fire Chiefs, the Federation of Canadian Municipalities, and the Paramedic Chiefs of Canada). Consultations with stakeholders were conducted across the country, and research was conducted to inform the preparation of a national plan. The principles for the PSBN, which were presented by the TNCO to FPT governments in early 2022, include: 1) interoperability; 2) equitable service; 3) affordability; 4) sustainability; 5) coverage; 6) delivery of mission critical services; 7) network service always; 8) security; 9) resiliency and robustness; and 10) use of spectrum (Public Safety Canada 2022: ii–iii).

Nova Scotia has been a participant in the interoperability initiatives organized by Public Safety Canada and was one of the first provinces to have a province-wide trunked mobile radio (TMR) system in place for all public safety organizations using the 700mhz bandwidth. This was in place as of 2015 and is known as TMR2 (according to personal communication with NS law enforcement official; see also Rock Networks 2015). Since that time, there have been eight provincial mutual aid channels available to all radio users (police, fire, emergency health services (EHS), Valley Communications, which dispatches for nearly all of the volunteer fire services in the province, as well as servicing as a 911 Public Safety Answering Point (PSAP), search-and-rescue (SAR) volunteers, the military, border services, hospitals, etc.) to facilitate collaboration and coordinated responses to significant events. These channels are in addition to some shared encrypted channels restricted to use by law enforcement in the province. This work

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on coordinated radio systems has progressed to include Prince Edward Island (which uses the Nova Scotia system) and New Brunswick, which has now implemented TMR2. There are now at least two common channels available throughout the entire geographic area of the three maritime provinces. In effect, the trunked system allows a Halifax Regional Police portable to work in Charlottetown and vice versa. There are five dispatch points in Nova Scotia capable of controlling and assigning the various radio channels for use: the provincial Integrated Emergency Services (IES), the RCMP Operational Communications Centre (OCC), Emergency Health Services (EHS), Cape Breton Centre, and Shubie Station for the provincial government Emergency Management Office (EMO). There is information-sharing between these centres through the provincial 911 system, which includes overflow protocols.

### **C. The Important Role of Communication During Major Crises**

A central issue for agencies in emergencies is communications, which has been described as “a process through which an organization sends a message across a channel to another part of the organization (intraorganizational) or to another organization in the network (interorganizational communication)” (Kapucu 2006: 209). As Kapucu has noted, however:

Creating an effective communication network for emergencies is a challenge because it may conflict with the organizational structure developed during routine times. When the information is simple, a bureaucratic system functions better. Most of the time, information in emergencies is complex (Kapucu 2006: 211–12).

Buth has observed, “Time is of the essence in crisis response... Robust communications protocols...are key to ensuring that the occurrence of an incident is communicated to relevant managers without delay. The quality of information shared is as significant as the speed of information flows” (2010: 7). As well, “To act effectively in disaster situations requires sharing and using information effectively: collecting, collating, analyzing and then deploying it promptly

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and in a useful form” (Kapucu 2006: 208). This information-sharing must be across organizational boundaries and must often occur quickly. This is particularly the case in a dynamic environment in which a crisis is unfolding rapidly, where there may be a high degree of uncertainty about the plan and objectives of perpetrators, and/or victims are being randomly targeted. Inadequate sharing of information may result in resources being inefficiently used and/or work being unnecessarily duplicated (Kapucu 2006: 211). The extent to which the flow of information is effective thus plays a major role in the ability of agencies to respond to a crisis: “If responders are not in contact with each other and if information does not flow properly, it is hard to envision successful crisis and disaster management” (Kapucu 2006: 209; see also Hine and Bragias 2021).

Additional challenges exist when personnel from multiple agencies who are responding to a crisis are in dispersed locations. Strategies must be employed to overcome traditional communication constraints (Rice 1990: 99).

Environments characterized by uncertainty and rapid change present different constraints and opportunities on organizations than do stagnant and stable environments. An extreme event or a disaster challenges the capabilities of routine communication systems whose natural constraints may be acceptable in “normal” times (Kapucu, 2006:210).

For these reasons, it is important that interoperative communications arrangements are “established as part of standard operating procedures so when critical events occur, the protocols and processes for an effective response are [already] in place” (Kane 2018: 84). The US Cybersecurity and Infrastructure Security Agency (2019) has produced a best practice guide to improving emergency alerts, warnings, and notifications (see also Hawkins 2013).

While communications within a security network is a critical issue, communications with the public is also an important component of emergency management. Lamberti has noted, “The elements of crisis communications during an incident include controlling messages related to the

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police response, meeting the physical and psychological needs of the community, and having the ability to send messages with minimal oversight” (2016: 68). However, traditional command hierarchies and departmental rules about access to sensitive material or mission-related details can sometimes impede the quick dissemination of information: “Messages routinely go through layers of hierarchy for approval before being released to the public. That lengthy approvals process could make crisis communications irrelevant... Timeliness in crisis communications is critical” (Lamberti 2016: 63). Social media can therefore play an important role during a crisis, especially for quick holding messages, such as “we’re aware of the incident,” “please stand by and be patient with us,” and “we provide more information as soon as possible” (Lamberti 2016: 58).

Studies of the effectiveness of communications within and between emergency service agencies in major crises have found that there is better information flow in decentralized decision-making models: “in crisis situations, it is typically the frontline response personnel who are closest to the incident, that have the most up-to-date and accurate understanding ... of the situation” (Hine and Bragias 2021: 1504). A boundary spanner is a person in an organization whose role is to link the organization with the external environment and thereby facilitate interagency relationships, using information gathered from first responders (Williams 2002). Boundary spanners, especially those with frontline experience, can be an effective means for improving communication among multiple personnel and agencies.

For a best practices guide to communications and interoperability, see the report of the US National Public Safety Telecommunications Council (2018).

#### **D. Organizational and Occupational Cultures and Interoperability**

What you want to achieve is a “network culture.” That is to say, all players have to understand why they are in the network, where they fit in the network, what their contribution is, and how important their contribution is. . . in order to give meaning to their activities (former senior official from a security intelligence agency, quoted in Whelan 2016: 320).

Discussions of interoperability tend to focus primarily on communication systems, and little attention has been given to strategies for creating and sustaining professional and cultural interoperability (Wankhade & Patnaik 2019: 133). But features of an organization’s culture can either facilitate or hinder collaboration (Yang & Maxwell 2011), and cultural interoperability among agencies can therefore be as important as technical and information-based interoperability (Charman 2014: 103). As Kane has put it, “Emergency interoperability . . . is as much a social process as a technological one” (2018: 82).

The culture of an organization generally refers to “a system of shared assumptions, knowledge, attitudes, values, and norms that explains the way organizational members collectively think and behave” (Cohen 2018: 888). Thus, Charman has noted, “It is in a better understanding of the social dynamics of an organization, how its employees think, operate, learn, and feel which can reveal far more about the inner workings and the potential failings of an organization” (2014: 104). Research has found that personnel who work in agencies where the organizational culture promotes values of mutual interests, fairness and common purpose are more likely to develop and maintain long-term collaborative relationships (Kim & Lee 2006). Studies that examine first responder organizations in particular have found that transformations in organizational culture can enhance interoperability (Jacobs & Keegan 2018; Granter et al 2019; Ward & Winstanley 2006). The culture commonalities among agencies have been described as the “glue” that binds agency networks (Sabatier 1993: 27).

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However, as Stephenson has pointed out, traditional blue-light agencies have historically had separate identities and cultures: fire and rescue services are very regimented and have strong norms of command and control; police services work in small teams that may be siloed from one another; and ambulance personnel work either solo or with one other partner (Stephenson 2015: 108). These long-established working cultures may have emerged to facilitate the achievement of specific organizational goals but may hinder the development of collaborative inter-agency partnerships. For example, even though technological innovations should improve the technical side of communications systems, the differing cultural attributes of the police, fire and rescue, and emergency medical services may limit their effectiveness in multi-agency contexts.

Cultural barriers between individual police services, as well as between police services and other emergency services, have been found to hinder collaboration, interoperability, and the effective response to threats to community safety and security (LePard 2010; Oppal 2012). Moreover, cultural fragmentation may encompass not just variations across agencies but also segmentation in ranks within an agency and divergent leadership styles, all of which may hinder collaboration among public safety agencies (Cohen 2018: 886). As Whelan has noted,

The strength of any particular group's culture will depend upon many factors such as the length of its history, the stability of its membership and the types of experiences its members have shared. Culture is likely to have a profound impact on the extent to which collaboration takes place in networks. This is particularly true of security networks (2016: 315).

Sanders (2014) conducted an ethnographical study of how members of the police, fire, and EMS in one rural and one urban jurisdiction interacted with their technologies and the ways in which "their respective organizational contexts, cultures and practices shape technological functioning and collaborative action ... during multi-agency incidents" (464). Among the findings was a disconnect between how technologies were designed to function and their application:

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The varying social work ideologies within emergency response ... have influenced access to emergency technologies and their stored information and in turn, have created an ideological disconnect between how these technologies were designed to function and their in-situation application (Sanders 2014: 472).

Sander's conclusions supported the findings of Vaughan (1999) that organizational contexts shape emergency responders' actions, which have an "irreducible and emergent effect on the way complex information is transmitted, communicated, processed and stored" (916).

Appropriate technology can play a significant role in facilitating interoperability, but over-reliance on technology alone to the detriment of other organizational factors can hinder information-sharing (Whelan 2016: 322). Both the potential and the limits of technology must be considered by individual first responder agencies and by security networks, as noted by Voss and Andersoon (2019): "Developing the technical, economic, and governance structures that are needed to revolutionize data-sharing technology use for public safety likely cannot be accomplished by individual agencies working in isolation" (2019: i). Among the questions that should be asked are: What are some of the specific challenges regarding technology and interoperability? What are some examples of these challenges in real-life crisis response? Are there strategies for maximizing technology? Are there any official or recommended guidelines that specifically address technology?

Studies have examined the degree to which variations in the type of agency, the segmentation in ranks within agencies, and leadership styles may hinder collaboration among public safety agencies (Cohen 2018: 886). A case study of operative emergency management in two Norwegian counties identified several major organization, leadership, and individual barriers that limited or hindered effective communication within and between the emergency response organizations (Gilja 2013). Organizational barriers included a lack of training, lack of knowledge about other organizations' capabilities and requirements, and inadequate notification procedures;

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leadership barriers included inadequate incident command and underestimating escalation potential; and at the individual responder level, stress and the lack of requisite skills were barriers (Filja 2013: 68). Moreover, the perception of differences in internal culture may lead individuals to feel that they are driven by different purposes and different organizational goals, as seen in this statement by a member of the Australian Federal Police:

There are a number of cultures inside networks... [I]f you are looking in a policing context, the [Australian Federal Police] and the Victoria Police are basically policing organisations ... but our cultures are different; if you are inside the AFP and the VicPol, you can see there are cultural differences between the organisations (quoted in Whelan 2016: 320).

Strategies to mitigate the hesitancy of first responder agencies to share information, including intelligence, must aim to break agencies out of their respective occupational/cultural silos. It has been noted that, “The three main blue-light services have separate identities and cultures”: fire and rescue services are very regimented and have strong command and control; police services work in small teams that may be siloed from one another; and ambulance personnel work either solo or with one other partner (Stephenson 2015: 108).

The organizational culture of police agencies has been extensively documented, showing that the occupational culture of policing is widely shared among police agencies (Griffiths 2020). Ingram, Terrill, and Paoline (2018: 782) have noted that there are collective effects of police culture that may affect the behaviour of individual officers: “Culture is an emergent phenomenon that originates in officer attitudes, becomes shared, and then manifests at a higher level.” As Charman (2014) has also noted, “Individual occupational cultures have strong impacts on their members” (116).

Less attention has been paid to fragmentation among police agencies due to their respective organizational cultures (Cohen 2018). There may be factors that contribute to



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disconnects between police agencies and these can interfere with collaboration and interoperability.

Given the strong and unique cultural practices of the RCMP, municipal police agencies of various sizes, fire and rescue services, and emergency medical services, moving from a multi-agency mindset to a genuine inter-agency approach is a challenging enterprise. Research studies have found that communication between personnel in the three agencies is a key to developing an inter-agency approach (Charman 2014: 114). There are instances in which, under time pressure and the seriousness of the incident, communication between agencies may decrease and the focus is on intra-agency information sharing (Alison et al 2015a).

### **E. Interpersonal Relationships, Trust, and Interoperability**

It is impossible to create a truly collaborative network without there being interpersonal or inter-organisational relationships based on a high degree of reciprocity and trust (Whelan 2016: 323).

Networks are all founded on human beings who have a whole range of strengths and weaknesses... I could have the best structure, I could have the best model, I could have everything in the system be the best, but if I am not plugging in compatible people who have different types of strengths and weaknesses and can actually deliver as a collective, I am still not going to get the right outcome (Australian Federal Police officer, quoted in Whelan 2016: 324).

In a discussion of the importance of informal relationships to achieving the goals of a network, Whelan (2016: 323) has stated: “It is well established that a crucial amount of work gets done through informal networks based on interpersonal relationships. Reciprocity and trust may be as or more important than technology in facilitating and sustaining security networks and interoperability. Whelan’s conclusions are based on twenty in-depth interviews with “senior members of security, law enforcement and intelligence agencies” in Australia (2016: 316). The topics explored in the interviews included the interviewee’s perceptions on the important factors in network operations and “what makes them operate effectively” (317). This was followed by

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more specific questions on “the structural, cultural, policy, technological and relations levels of analysis to better understand these network dynamics” (317).

House, Power, and Alison (2014) have noted that, “In order to execute plans, agencies in an interoperable environment must trust one another in order to be willing to take risks and follow commands from one another” (325). Similarly, Palttala et al (2012) have noted that effective communication requires uniform decision-making and good structures of collaboration. Trust among and between blue light services is a prerequisite for an effective response to major crises (Kapucu 2005).

The process of building trust among blue light services is best done prior to a collective response to a crisis (Kapucu 2006: 210), “because knowledge, routines, and communication practices cannot change overnight” (Laufs & Waseem 2020: 11). As Dynes and Tierney (1994: 150) have noted, “The best predictor of [organizational] behaviour in emergencies is behaviour prior to the emergency.”

Analysis of the responses of agencies to natural disasters, air crashes, terrorist acts, and other major crises have found that communication errors are often due to social rather than technological factors (Dynes & Quarantelli 1976; Charman 2014; Granot 1999). Two case studies from the United Kingdom illustrate this point:

The inquest into the deaths of 12 people at the hands of gunman Derrick Bird in Cumbria in the north of England in 2010 brought into focus once more the difficulties that the emergency services face in providing medical and protective services during major incidents (Chesterman, 2011). Despite 13 ambulances, 3 helicopters and 4 rapid response cars being available, some were not permitted to go further into the danger area for fear that the gunman was still present. One victim remained untreated for almost nine hours. The police were unaware of ambulances standing nearby to the scene. This lack of awareness and communication between different emergency services was not unique to Cumbria (Charman 2014: 101).

A coroner’s inquest into the deaths of 52 people who died in terrorist attacks in London on 7 July 2005 again revealed the problems of communication, lack of awareness of the roles of other members of the emergency services, and indeed outright hostility. Reports of angry clashes between ambulance staff and firefighters at Aldgate tube station on the

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morning of 7 July have been well documented (Charman 2014: 101–2); see also Wainwright, 2011).

These problems most often arise due to issues of trust and conflicting agency goals (Garnett & Kouzmin 2007). In such cases, agencies tend to focus on their own mandate, resulting in inefficient interoperability (House, Power, & Alison 2014).

As previously mentioned, boundary spanners – organization members whose role is to link their organization with external environments – can facilitate interagency relationships (Williams 2002) by using information gathered from other first responders to build bridges and make more effective decisions. These horizontal connections can supplement formal relationships that are based on positions. Whelan (2016:316) has noted that there are informal personal relationships between organizations based on interpersonal trust, and organizational networks that are based on formal relationships between agencies. Both are necessary.

#### **F. Access to Information**

“Effective decision-making requires access to timely and relevant data” (Voss & Anderson 2019:

1). The importance of access to information, information-sharing, and integrated data systems among responder agencies was noted by an Australian Customs and Border Protection Service Officer:

When there are risks out there everyone needs to be able to have access to information because they might be the member of the group or the member of the network that has the answer that others are looking for... No one agency in that network has the ability to understand the capabilities of the whole system” (quoted in Whelan 2016: 318).

However, “[T]he collection and analysis of any type of threat information can only be successful when it reaches the public safety officials who need it most, and local agencies should insure that information sharing for intelligence purposes is truly a two-way street” (McLellan & Johnson 2018: 3). Voss and Anderson (2019) have therefore noted, “To make the firehose of data

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potentially available to first responders timely, relevant, and usable, public safety agencies and technology developers need to collectively address the technical, economic, and governance challenges...” (1).

While there are often indications that agencies generally agree on the importance of information-sharing, studies have found that agencies are often primarily “concerned with obtaining information rather than providing information” and tend to focus on their own areas of interest rather than that of the collective, which results in inefficiencies in the response to major crises (Hine & Bragias 2021: 1503). Like trust-building, effective information-sharing is not something that can be relied upon to occur spontaneously when it is most needed. Instead, it needs careful planning and practice: “Agencies need to make careful decisions about the who, what, where, when, why, and how of data sharing *before* a multi-agency incident occurs” (Voss & Anderson 2019: ii). Barriers include competing organizational requirements, concerns regarding resources, and professional identity (Kane 2018).

### **G. Memoranda of Understanding**

To assist in planning for and fostering a collaborative security network that accounts for differing organizational cultures, effective interpersonal relationships, and reliable access to information, partner agencies often enter into agreements with one another. For example, memoranda of understandings (MOUs) are “non-legally binding arrangements used to describe the terms under which the RCMP cooperates with its partners” (RCMP 2019: 3). These partners may include other police services and levels of government and provide a framework for sharing information, cooperation and collaboration on projects, and sharing equipment, personnel, or agency property (RCMP 2019). MOUs are a method for facilitating and continuing intersectoral collaboration (Damari, Rostamigooran, & Farshad 2019).

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Researchers have found that there are often issues in the drafting and implementation of MOUs (Damari, Rostamigooran, & Farshad 2019). In constructing MOUs, “Special attention should be given to liability, responsibility, accountability, and the role that agencies will play when the agreement is activated” (McLellan & Johnson 2018: 2). However, there are very few standard templates for drafting MOUs, and some MOUs are designed without consulting all stakeholders, which can result in very little actual take-up. The challenges of implementing MOUs include a lack of experience in joint planning, bureaucratic obstacles in the participating agencies, a lack of support from senior leadership, inadequate budgets for implementation of MOU provisions, and a lack of understanding of MOU objectives (Damari, Rostamigooran, & Farshad 2019: 172). Damari, Rostamigooran, and Farshad have therefore cautioned, “MOUs can facilitate communication with the right persons in other organizations and strengthen the interaction between organizations ... [but] implementation requires strong determination; and generally serious issues cannot be solved by signing an MOU” (2019: 173).

RCMP MOUs are not legally compulsory and do not involve the exchange of money. The challenges surrounding RCMP MOUs were highlighted in an internal audit conducted by the RCMP in 2019 to examine “whether the use of MOUs is consistent with applicable policy requirements within the RCMP” (RCMP 2019). The audit findings included:

- A majority of MOUs were missing key mandatory clauses required by [RCMP] Policy and contained limited financial information.
- Reviews of MOUs were not conducted systematically, and approvals were not always performed at the required level.
- There was no central oversight function in place to ensure that MOUs were respective of core elements of Policy and were aligned with RCMP priorities; and
- There was a general lack of knowledge surrounding contractual arrangements and the approved authorities that applied to them, which increased the risk of exceeding the authorities (RCMP 2019: 3).

Overall, the audit concluded:

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The MOU process should be strengthened to address gaps; that employees drafting MOUs have the proper tools and guidance they need; that reviewers follow a standardized process and document their review; and that the MOU Coordination Unit is involved in monitoring and oversight to ensure compliance with policies (RCMP 2019: 3).

An example of the uncertainties that surround MOUs is a memorandum directed to the Chair of the Halifax Regional Municipality Board of Police Commissioners from a solicitor with the municipality's Legal Services. The memorandum was a response to a request for "clarification around the enforceability of the Memorandum of Understanding signed by HRM, RCMP, and the Board in 2001" (Salsman 2020: 1). The Chair of the Board of Commissioners had raised the question after learning that the Department of Justice was not aware of the MOU. The Solicitor's position set out in the Memorandum was that since the Department of Justice was not a signatory, the MOU was only a statement of intention of the three parties and not an enforceable legal document.

#### **H. Decision-making in Dynamic Environments**

There is an emerging body of research literature on the thought processes of personnel involved in making decisions in dynamic settings (Hine & Bragias 2021: 1494). The Naturalist Decision Making (NDM) framework facilitates the study of decision-making in real-world environments, which are often more complex than lab-based scenarios and simulations (Klein, et al., 1993). The NDM model posits several key differences between traditional crises on the one hand and dynamic events that unfold rapidly on the other hand: the latter are complex, unpredictable, often have time pressures and involve multitudes of persons and multiple agencies. These characteristics place these events outside normal police practice.

Research has found that police officers may make decisions differently in situations involving significant time pressures (Orasanu & Connolly 1993). Specifically,

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during high-pressure situations, people tend to make intuitive decisions based on previous experience, rather than following a slower analytical process... It has been suggested that because officers rely on the unconscious intuitive decision-making processes, they may be unable to effectively communicate their decisions with others (Hine & Bragias 2021: 1494; see also Cohen-Hatton & Honey 2015).

In addition to time pressure, major crises often require police officers and emergency responders to communicate and collaborate with personnel from other services, including fire and rescue and emergency medical services, with whom they may never previously have worked: “This interaction entails officers working with different personalities, cultures, goals, expertise, and jargon, which all add to the complexity of the situation” (Hine & Bragias 2021: 1495; see also Haferkamp et al 2011). The focus on interoperability frameworks, policies, and plans may obscure the human element of communications:

When we talk about communication failures, we may be thinking mode failures, but we may be discussing human failures... Unless we agree on a definition for communications, then we can't agree or analyze how communications failed... Most failures are human failures, and no matter how much money you spend on radios, you will still have communication failures when someone forgets to turn on their radio (Cox 2017b: 2–3; see also Cox 2017a).

### III. Barriers to Interoperability

Research has identified several barriers to interoperability in emergency situations. These include 1) organizational problems (e.g., poorly defined command structure); 2) poor information management; 3) inefficient communications; 4) inadequate situational awareness; 5) insufficient equipment; and 6) limited inter-agency training (Power & Alison 2017: 243).

Simulation exercises may have limited utility in preparing for an actual critical event, researchers noting, “Even when simulations are incredibly immersive, responders are aware that the exercise is fictitious and so the personal impact of such events, especially with regard to the salience of potential aversive long-term consequences (e.g. job loss), will be reduced” (Power & Alison 2017: 244).

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**A. Centralized versus Decentralized Command Systems**

Discussions of interoperability often centre on the centralization and integration of first responder agencies (e.g., Boin 2004; Quantrelli 1988). Some observers, however, have argued against the concept of interoperability as entailing common operational pictures, a clear hierarchical organizational structure, collective accountability, and trust and effective communication (Kapucu & Garayev 2011). For example, House, Power, and Alison have contended that this framework is “unrealistic in practice due to the inherent stressors of the major incident environment” (2014: 331). Specifically, there are concerns that centralized, hierarchical incident management structures may hinder rapid multi-agency decision-making and response in dynamic environments (House, Power, & Alison 2014). Kapucu, for example, has found that “Hierarchies generally perform badly in emergencies, because if any of the hierarchy’s top nodes fail, they isolate large networks from each other” (2006: 208; see also Liu, Guo, & Nault 2017). Likewise, Power and Alison have argued that a centralized command system “adds complexity to the emergency because it can blur professional boundaries and increase confusion about roles and responsibilities within the networked team” (Power & Alison 2017: 243; see also Brown, Crawford, & Darongkamas 2000; Curnin et al 2015).

To combat this potential problem, some scholars advocate for a non-hierarchical, decentralized yet interoperable major incident management network: “[T]he concept of interoperability needs to embrace the decentralised nature of major incident command systems, rather than enforcing a desire for an unrealistic and unobtainable goal of centralised interoperability” (House, Power, & Alison 2014: 331). In this vein, Alexander has found that decentralized approaches provide more opportunity for local efforts that may be hampered or overridden by a centralized approach (Alexander 2010). Hine and Bragias have similarly noted:



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During high-pressure situations, time-sensitive crises create conditions of increased decision-making for personnel at the lower levels of organizational structure, and less time for consultation amongst the team. This resulting autonomy amongst lower-level members created a “horizontal” style of functioning in teams, questioning the practicality of normative communication systems that tend to follow a rigid hierarchy (2021: 1502).

Moreover, researchers have highlighted the important role that middle managers, who are responsible for supervising personnel involved in service delivery:

Middle managers as effective leaders are critical to the success of any interoperability or collaboration program, because of their ability to liaise between upper management and the operational member... Effective middle managers have the unique ability to communicate internally and externally; essentially to play both sides of the field. As a result, they should be the driving force of interoperability and any management or executive attempt to re-align significant strategic goals must always include them in the process. (Coakeley 2016b: 2)

In first responder agencies, middle managers occupy the realm between frontline workers and senior management. In police agencies, for example, it is often non-commissioned officers (NCOs) who fulfill this function. There is additional research to be conducted on the centralized vs decentralized crisis management approaches and the role that middle managers play in both models.

### **B. Changing Policy versus Changing Behaviour**

Trust, reciprocity, and relationships, which may be as important as technological aspects of a plan. As Whelan (2016: 316) has stated, “A change in policy ... is not enough, as promoting the sharing of information requires a ‘need-to-share’ information culture. Policy, then, can clearly both support and undermine inter-agency collaboration.” There may be slippage between how a network is designed and how it is used/implemented by the involved agencies.

### **C. Organizational Factors: The Bureaucratization of Interoperability**

It has been noted, “Response organisations must be reactive and agile, achieving self-synchronisation between and amongst ... organisations. Major incident response requires a mix

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of skills and capabilities dependent upon a network configuration rather than a singular organisation” (House, Power, & Alison 2014: 329). Researchers who have studied live disaster training exercises have found that participants frequently either revert to gathering information rather than progressing to action, or they take action without deliberately considering options (Waring, Moran, & Page 2020).

It has been stated that, “The best time to talk about how to respond to an incident is before they happen” (Calderwood 2017). In post-event analyses and inquiries, “Simply saying ‘communication failure’ says nothing about what failed, when it failed, where it failed, or how it failed. It is the exact equivalent of simply stating ‘something went wrong’” (Morgan 2022: 2). Rather, it is important to examine the context in which decisions were made: “Without the context, planners will not know what needs to be addressed or fixed.” (Morgan 2022: 2).

The lack of experience among agency decision-makers may also hinder an effective response. Major crises are quite rare, and police leaders and frontline officers may have little or no prior experience responding to such events (Rojeck & Smith 2007; Hine & Bragias 2021: 1493): “Major incidents are inherently ambiguous and complex; it is the associated experience of uncertainty that makes decision making difficult” (Power & Alison 2017: 244). In these circumstances, the police and other first responders are often required to go beyond their normal duties, training, and expertise.

Police services and fire/rescue services have traditionally had rigid command-and-control structures, but strict hierarchies and boundaries within and between organizations may inhibit effective decision-making (Eyre et al 2008), especially during critical incident responses. For example, the Incident Command System (ICS), which is used by many fire service agencies in Canada (see Dubowski, 2011), does not emphasize collaboration with other agencies and

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services (Hanifen 2017). On the other hand, if there is effective multi-agency interdependence – that is, if participating agencies rely on one another “for their efforts, information and resources” – then the execution of the plans for responding to critical events is enhanced (House, Power, & Alison 2014: 324).

#### **D. Endogenous and Exogenous Stressors in the Major Incident Environment**

It is inevitable that decision-making when operating in an interoperable environment will be bounded. Major incidents are peppered with both endogenous and exogenous stressors causing uncertainty, derived from poor or miscommunication of complex situational factors along unstable and large hierarchical team networks (House, Power, & Alison 2014: 326, 331).

Research studies have found that endogenous and exogenous stressors often hinder interoperability and therefore hinder the timely and effective response to major incidents (Comfort 2007; House, Power, & Alison 2014). Endogenous challenges include lack of information, resource issues, e.g. personnel and equipment, time issues, and issues related to managing personnel (Power & Alison 2017: 247). In major crises, endogenous stressors include “complexity, time urgency, ambiguity and high risk.”

Whether a critical event unfolds over a relatively long period of time or is a dynamic, rapidly developing incident (such as occurred in Nova Scotia in 2020), there are stressors that challenge even the best interoperability mode. It has been noted that, “In practice, the stressors of the major incident environment distract commanders from coordinated multi-team functioning, reducing the tendency to make collaborative decisions and implement actions” (House, Power, & Alison 2014: 322).

The current literature on interoperability defines an interoperable response as being characterized by “a shared inter-agency understanding of the situation” (House, Power, & Alison 2014: 323). This involves the development of a “common operating picture”, which may be

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more challenging to achieve in a rapidly unfolding critical event (House, Power, & Alison 2014: 323). The absence of a common operating picture can adversely affect a coordinated response to a critical incident, leading to a tendency of the participating agencies to “revert back to intra-agency hierarchies as a means of maintaining control” (House, Power, & Alison 2014: 323; Contestabile 2011).

**F. The Absence of Best Practices**

Researchers have noted, “The literature on multi-agency disaster response and collaboration is rich in in-depth case studies, but there is little cross-over learning and only rarely a more general evaluation of best practices” (Laufs & Waseem 2020: 11). The absence of best practices is due in part to the challenges in measuring the performance and effectiveness of security networks (Whelan 2016: 313). What is considered “effective” will vary among the individual agencies involved in the network, as well as among networks in different regions and those serving different populations (Provan, Fish, & Sydow 2007: 505).

The development of best practices is facilitated by conducting after-incident reviews that identify how a critical incident was responded to. However, only in exceptional circumstances are independent inquiries called to examine every facet of a response. Rather, reviews are usually called only after a major crisis in which there were serious operational failures. There is not a substantive body of literature on incidents in which the strategies used were successful. This focus on “bad” practices may not produce “best” practices. Moreover, it is generally left to individual agencies to conduct reviews, the results of which may not be published. Police, fire and rescue and emergency medical services need to have the capacity for conducting after-incident reviews and to compile the findings into lessons learned and best practice policies. It is important that planning processes identify vulnerabilities that may impact the ability of blue-light

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agencies to respond to critical incidents (McLellan & Johnson 2018: 2). It is also important that the findings of reviews and the lessons learned be shared with the general public. This transparency will increase public trust and confidence in first responder agencies. An excellent example of an organizational “autopsy” is the report produced by then-Deputy Chief Constable Doug LePard, who examined all facets of the Vancouver Police Department’s investigative response in the case of Robert Pickton (LePard 2010). The 400+ page report is perhaps the most thorough and thoughtful study of an organization’s response to a crisis.

#### H. Agencies Operating in Silos

The current and past policies of municipal, provincial, and federal governments, combined with the independent practices and procurement processes of public safety and security organizations have created a collection of siloed communications networks incapable of efficient interoperability (General Dynamics Canada 2013: 8).

A challenge to developing security networks based on interoperability is that many organizations are hampered by their continued operation in silos and their misunderstanding of one another’s standard operating procedures (SOPs) (Coakeley 2016b; Seoane 2019a; Seoane, 2019b). Noting that multi-agency SOPs can work at cross-purposes, Coakeley has stated:

We can no longer afford to believe that our individual mandates supersede those of the other agencies with whom we are responding... The time wasted as a result of ignorance or misunderstanding of one another’s SOPs can have catastrophic effects... (2016a: 1 and 3).

In examining how agencies perform in crises, Laufs and Waseem (2020: 12) have found that most personnel make decisions and tailor their responses based on their specific field of expertise, and there are institutional boundaries that limit collaboration with other agencies. This in turn limits the effectiveness of responses. To ensure interoperability, participating agencies must understand and accept the hierarchy and the capacities and resources that each partner brings to the effort: “Collaborative multi-agency environments depend to a large extent on the

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willingness of agencies to share information and coordinate their response with others”

(Olejarski & Garrett 2010; Laufs & Waseem 2020: 12). However, such sharing of information and coordination cannot be only ad hoc:

Success of collaborations amongst blue light organisations ... is not simply about why and under what institutional conditions they are formed; rather, it is about how each of these collaborations is managed over time in terms of the processes developed to build, nurture and support those networks (Wankhade & Parnaik 2019: 135).

The role of boundary spanners is thus not just to be an inter-agency link during major crises but to break down institutional boundaries on an ongoing basis. Frequent joint exercises are another strategy for interoperability, which can help to build trust between agencies (Laufs & Waseem 2020: 12). The RCMP transfer policy wherein senior leadership, non-commissioned officers and frontline officers are moved on a regular basis may prevent the development and sustainability of relationships of trust between the RCMP and municipal police services (LePard, 2010).

#### **IV. Elements of an Effective Multi-agency Response**

Research on interoperability has produced materials that can be used to inform the development of a framework for effective multi-agency response to major crises. Auf der Heide, for example, has identified the conditions that must be achieved for an effective multi-agency response in a crisis as the following (see also House, Power, & Alison 2014: 330):

- Articulation of commonly understood meanings or understanding of the threat between a system and its members;
- Sufficient trust among leaders, organizations, and citizens to overcome uncertainty and enable members to accept directions;
- Sufficient resonance or support of the community between the emerging system and its environment to gain support for action;
- Sufficient resources to sustain collective action under varying conditions; and
- Integration of the activities of responding agencies with their respective roles, incorporated in a planned and systematic manner.

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Importantly, these conditions, which facilitate interoperability and collaboration between response agencies, raise several questions that should be considered when a jurisdiction is planning for interoperability in the context of crisis response:

- How can collaboration and interoperability best be established and sustained?
  - What elements facilitate interoperability and what are the barriers to interoperability?
  - What is the role of technology, organizational culture and protocols, and personal relationships in interoperability?
  - Which indicators should be used to monitor collaboration activity in the future?
  - What evidence is there of wider sharing of the lessons and of them being learned?
- (Kane 2018: 79)

The next section examines initiatives taken in the United Kingdom to improve interoperability among blue-light agencies, and those examples may be especially instructive for thinking about actions that Canadian jurisdictions can take to improve the effectiveness and efficiency of multi-agency response. The countries share the same system of government and the origins, and evolution of policing in Canada was heavily influenced by UK developments, e.g., Peel's principles of policing (Griffiths 2020).

## V. Interoperability in the United Kingdom: Experiences, Initiatives, Outcomes

Collaboration is a highly skilled change-management process. Building and maintaining collaborations call for the building of relationships, financial management, negotiation skills, creativity and the ability to learn. In too many places, the skills of the people leading and managing collaborations are not enough to meet the problems they face (HM Inspectorate of Constabulary and Fire & Rescue 2020: 19).

As part of an effort “supporting collaborative and innovative blue light working” (HM Government 2016: 4), the UK government has conducted major community consultations about collaboration among emergency services (HM Government 2016; HM Inspectorate 2020). The premise of these consultations was that “Closer working can enable the emergency services to deliver more effective and efficient services for the public” (HM Government 2016: 6). Two strategic planning documents, “Police Vision 2025” and the “National Digital, Data and

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Technology Strategy (2020–2030),” provide a framework for increasing interoperability among police services. “Police Vision 2025” was designed to “shape decisions around transformation and how we use our resources to help keep people safe and provide an effective, accessible value for money service that can be trusted” (Association of Police and Crime Commissioners (APCC) & National Police Chiefs’ Council (NPCC) 2016: 2). The document states that local police services will be aligned, and among the strategies used to sustain this alignment is “improving data-sharing and integration to establish joint technological solutions and enabling the transfer of learning between agencies and forces so we can work more effectively together to embed evidence-based practice...” (APCC & NPCC 2016: 7).

The National Digital, Data and Technology Strategy, which was launched at the Police Digital Summit 2020, “sets out a new digital ambition for our service through a set of tangible digital priorities for policing and it outlines the key data and technology building blocks required to deliver them” (APCC 2020: 2). The strategy document sets out a pathway for developing and integrating technology and data systems, noting that “The improvement must be focused on capability rather than structure; in how we distribute digital transformation capabilities across policing to serve the needs of the whole network, and of localities.”

In addition to these most recent initiatives, Stephenson (2015) conducted a review of 37 public inquiry reports in the UK produced from 1986 to 2010 that investigated failures of interoperability. Among those studied were inquiries into the Derrick Bird shootings in 2010 (BBC 2011; Chesterman 2011); the 2005 London bombings (London Assembly 2006), the 1988 Lockerbie Bombing (Wells, 2009; Marquise, 2008); and other critical events, including floods, explosions, air and rail crashes, and disease outbreaks. Stephenson concluded that the most common failures identified were 1) poor working practices and organizational training; 2)



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inadequate training; 3) ineffective communication; 4) lack of leadership; and 5) failure to learn lessons (2015, 109). In the case of the Derrick Bird shootings in Cumbria, there had been a lack of awareness and communication between different emergency services (Wainwright 2011). During the 2005 terrorist attacks in London, there had been “problems in communication, a lack of awareness of the roles of other members of the emergency services, and indeed outright hostility” (Charman 2014: 102; see also HM Government 2012).

This review prompted the UK government in 2012 to create the Joint Emergency Services Interoperability Programme (JESIP) in order “to achieve better cooperation and coordination between the three emergency services at the scene of a major incident” and to facilitate better working relationships between the services on an ongoing basis (Stephenson 2015: 109; see also Flanagan 2014; Pollock 2017).<sup>1</sup> A Joint Decision Model (JDM) (see **Figure 2**) was subsequently developed to be used by commanders in the police, fire and rescue, and emergency medical services to improve collaboration and effective decision-making. The JDM is designed to address the challenges in inter-agency communication, collaboration, and interoperability discussed earlier in this report. It provides a template that can be used in any jurisdiction to develop a framework to improve the effectiveness and efficiency of the response to major crises.

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<sup>1</sup> See the website of Joint Emergency Services Interoperability Programme, <https://www.jesip.org.uk/home>. See also JESIP. 2016. “JESIP Fact Sheet 1.” Version 7 (March 2016), [https://www.jesip.org.uk/uploads/media/pdf/JESIP\\_Fact\\_Sheet\\_1\\_V7\\_March\\_2016.pdf](https://www.jesip.org.uk/uploads/media/pdf/JESIP_Fact_Sheet_1_V7_March_2016.pdf) (accessed 5 April 2022).

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Figure 2: The JESIP (UK) Joint Decision Model (JDM)



Source: JESIP. (no date). <https://www.jesip.org.uk/joint-decision-model> (accessed 5 April 2022)

The JDM is centered on three primary considerations, set out in **Table 1**.

Table 1: The Joint Decision Model (JDM)

Situation	Direction	Action
What is happening?	What do you want/need to achieve in the first hour (desired outcomes)?	What do you need to do to resolve the situation and achieve your desired outcomes?
What are the impacts?	What are the main aims and objectives of the emergency response?	
What might happen and what is being done about it?	What overarching values and priorities will inform and guide this?	
What are the risks?	What overarching values and priorities will inform and guide this?	
What might happen and what is being done about it?		

Source : <https://www.jesip.org.uk/joint-decision-model>

A related UK initiative was the development of a “single message to be used by each service for the declaration of a major incident and communicating relevant information to the

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service-specific control room that would then be understood when shared with other services”

(Stephenson 2015: 114), known as “M/ETHANE.”<sup>2</sup> The M/ETHANE acronym stands for:

**M** major incident declared?  
**E** exact location  
**T** type of incident  
**H** hazards present or suspected  
**A** access (routes that are safe to use)  
**N** number, type, severity of casualties  
**E** emergency services present and those required

Source: JESIP webpage “M/ETHANE,” <https://www.jesip.org.uk/methane>

JESIP has produced a corresponding M/ETHANE checklist for those working in control rooms in order to help them collect the relevant information. Research cited by Stephenson (2015) has shown that the JDM and the M/ETHANE message have been effective in producing changes in blue-light agency practices and thereby enhance interoperability (116). For a more in-depth description of M/ETHANE and its use, see the JESIP Resource Manual (2018: 13–14, 88–89, 130–32).

As part of efforts in recent years to prioritize interoperability, over 10,000 operational and tactical commanders in the United Kingdom have been trained in “the new way of working, and this is being achieved by each commander attending a day’s training, which is delivered by a multiagency team from each of the blue light communities” (Stephenson 2015: 113). According to Stephenson, this training “has not only significantly increased the understanding of the issues and pressures being experienced by the different services but also forged some of the relationships that over time had started to diminish due to different organizational pressures that had removed the capacity for commanders to participate in exercises” (113). However, there has so far been no published evaluation of the impact of this training and relationship-building on the

<sup>2</sup> See the JESIP webpage “M/ETHANE,” <https://www.jesip.org.uk/methane> (accessed 6 May 2022).

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response to major crises. However, case studies of collaboration within emergency services projects in the United Kingdom have identified several lessons that can inform Canadian discussions of interoperability. Some of these are listed here (adapted from Kane 2018: 85):

- Where emergency services collaboration is successful, it is grounded in a clear, shared vision between partners.
- Local political (non-partisan) endorsement is critical in providing support.
- It is often key individuals who drive collaboration, and this requires that appropriate communications and transfer of responsibilities are in place when those personnel move on.
- Appropriate, universally agreed governance structures are essential in the management and development of collaboration.
- In collaboration between services (inter), it is important that due consideration is given to collaboration within the same service (intra).
- In aligning services through collaboration, retaining “brand” identity is both a common aspiration and a key challenge.
- There is positive public backing for collaboration but a lack of public awareness about what currently happens.
- Sustainability of collaboration is linked to local decisions around future direction (e.g., underpinning what exists or expanding reach).
- Collaboration would be given further momentum if linked to key performance indicators. These could cover things such as response times, public confidence, capital expenditure, crime and detections rates, cost savings, etc.
- Future funding is key to sustainability and expansion – a range of options exist, for example, more funding from governments.
- Data is patchy, inconsistent, and not linked to targets.
- The limited evidence of successful financial outcomes hinders conclusive economic analysis.

The government of the United Kingdom has itself also recently explored the performance of police-to-police collaborative arrangements in all 43 England and Wales police forces and six case studies of collaborative initiatives to determine the factors that affect their success or failure (HM Inspectorate 2020). The findings reveal that good practice in police collaboration has several requirements:

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1. Collaboration must demonstrate a benefit to the public by having clear objectives, a clear identity, and the purpose of the collaboration must be clearly set out to the public (HM Inspectorate 2020: 5).
2. The costs–benefits of collaboration are important, which not only includes fiscal costs but also the benefits of having the capacity to effectively respond to critical incidents and events (HM Inspectorate 2020: 6).
3. Trust is a key element of leadership and governance for collaborative relationships, including delineating “how decisions will be made and who will make sure that tasks are allocated and completed” (HM Inspectorate 2020: 6).
4. It is important to recognize the “complex and specialist nature of collaboration. It is a highly skilled change-management process that needs good relationship-building, financial management, political skills and creativity” (HM Inspectorate 2020: 7).
5. “Putting the right people with the right skills in place leads to success and improves the efficiency and effectiveness of the programme” (HM Inspectorate 2020: 7).
6. Too often, decision-making is complex and bureaucratic, due in part to police services not adapting their structure “to fully achieve the benefits of the collaboration” (HM Inspectorate 2020: 17).
7. It is necessary to conduct evaluations of collaborative initiatives to identify the factors that facilitate and hinder positive outcomes and to determine how collaboration can be enhanced (HM Inspectorate 2020: 20).

## VI. Major Crises in Canada: Findings and Recommendations

Reports and inquiries that are produced after major crises can provide important insights into the factors that facilitate or hinder interoperability. A review of the government of Alberta’s response to the historic floods in the southern part of the province in 2013 found that this disaster “tested Alberta’s emergency management system to a degree never before encountered and rarely seen globally” (MNP 2015: 1). The review found that there were “extensive emergency management skills, capability and capacity throughout the Government of Alberta and the province,” and there was a framework for emergency management in place that involved a variety of stakeholders, including NGOs, the federal government, and industry (MNP 2015: 6). However, the report noted, “In order to successfully implement and execute the framework,

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structures and plans the required emergency management must be in place” (MNP 2015: 6).

While the response to and recovery from the floods were aligned with best practices, the review nonetheless found that there were gaps and opportunities for improvement:

The lack of a formalised and comprehensive emergency social services framework was one of the most significant gaps in overall response and recovery. [...] The absence of a provincial framework resulted in coordination and communication issues, lack of clarity regarding roles and responsibilities and challenges with delivery. Although challenges were eventually overcome through the outstanding efforts of the individuals and groups involved, there is an urgent requirement to develop and implement a provincial emergency social services framework (MNP 2015: 9).

Where frameworks, plans and procedures were in place, and people were trained in their use, communication and information passage was quite effective. In situations where these underpinning elements were not in place there were communication challenges. Therefore, the path to improved communication is to provide the appropriate frameworks, plans and procedures, and then ensure that all involved are aware of them and practiced in their use. (MNP 2015: 62).

#### **A. Systemic Failures of Interoperability Within and Between Police Services**

Virtually every interjurisdictional serial killer case including Sutcliffe (the Yorkshire Ripper), and Black (the cross-border child killer) in England, Ted Bundy and the Green River Killer in the United States and Clifford Olsen in Canada, demonstrate the same problems and raise the same questions. And always the answer turns out to be the same—systemic failure. Always the problems turn out to be the same, the mistakes the same, and the systemic failures the same (Campbell 1996 (“Bernardo Review”): 4).

Cases involving serious criminal behaviour can unfold rapidly or occur over a lengthy period. In either situation, the interoperability within and between police organizations plays a significant role in the ability of the police and other emergency services to respond effectively. The mass casualty event in Nova Scotia was a dynamic, rapidly unfolding event, unlike the cases of Paul Bernardo, Robert Pickton, and others where the criminal acts were perpetuated over a longer period of time. While there are unique features of rapidly evolving critical events, the issues of interoperability are similar.

In 2014, three members of the RCMP Codiac detachment in Moncton, New Brunswick were killed and two others wounded in confrontations with a 24-year-old who was armed with a

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high-powered rifle. The subsequent findings of an inquiry into the incident provide insights into the nature of police responses to rapidly unfolding events in which suspects are armed. The review of the Moncton event found that “On June 4, 2014, supervisors in Codiac were confronted with a situation that in many ways exceeded what supervisors are trained to deal with. They were faced with a crisis situation that evolved quickly, was operationally challenging and highly emotional” (MacNeil 2014). The final report set out a number of recommendations in five areas: 1) supervision, 2) training, 3) technology, 4) equipment, and 5) communications and aftercare. Specifically, the recommendations included ensuring that officers are equipped with cellphones and police radios while on duty and the development of a radio and data system to facilitate communication between RCMP members in all maritime divisions (MacNeil 2014). The RCMP (2015) issued a response to the report, accepting the recommendations and setting out a timeline for taking initiatives to address the areas of concern that were identified. In 2017, the RCMP issued an update on actions taken on the recommendations of the MacNeil report (RCMP 2017). These included providing additional training to frontline supervisors to manage critical incidents, improving effective communication among officers and to the public when responding to critical incidents, and improving equipment and technology. There have been no published updates since 2017 and no independent evaluation of the initiatives and their effectiveness in improving the response to critical incidents.

**B. Decision-Making and Interoperability in Major Case Investigations**

The investigation into the missing and murdered women in the Robert Pickton case stretched over many years, as did the crimes committed by Paul Bernardo. The inquiries that were conducted into these cases following the arrests of Pickton and Bernardo revealed key issues surrounding the interoperability of police services.

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Between May of 1987 and December of 1992, Paul Bernardo raped or sexually assaulted at least eighteen women in Scarborough, Peel, and St. Catharines, Ontario and killed three women in St. Catharines and Burlington. Following Bernardo's arrest in February 1993, a review was conducted of the investigative activities of municipal police services, the Ontario Provincial Police, and forensic agencies (Campbell 1996). One of the major findings of the review was that:

There were times during the separate investigations [...] that the different police forces might as well have been operating in different countries... Because of systemic weaknesses and the inability of different law enforcement agencies to pool their information and co-operate effectively, Bernardo fell through the cracks... (Campbell 1996: 5).

In commenting on the future ability of Ontario law enforcement agencies to effectively respond to similar circumstances, Justice Campbell stated:

Ontario has, in its existing law enforcement agencies, the essential capacity to respond effectively to another case like this, but only if certain components of those agencies are strengthened and only if systems are in place to co-ordinate and manage the work of different agencies (Campbell 1996: 5).

The extent to which the Bernardo Review resulted in lessons learned for Canadian law enforcement agencies was called into question by the investigation and eventual arrest in 2002 of Robert Pickton, who would be convicted of murdering sixteen women in British Columbia between the late 1980s and the early 2000s. Following his conviction in 2007 for the second-degree murder of six women (while facing additional first-degree murder charges in the death of twenty other women), two major inquiries were convened to consider why Pickton had been able to commit so many homicides over a span of three decades (LePard 2010; Oppal 2012). The interoperability, or lack thereof, between the Vancouver Police Department (VPD) and the RCMP during these years was a focus of both inquiries.



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In 2010, the VPD tasked then-Deputy Chief Constable Doug LePard with conducting an in-depth management review of how the department's investigation into missing women had been conducted. The findings from this review included:

1. The VPD should have recognized earlier that there was a serial killer at work and responded appropriately, but the investigation was plagued by *a failure at the VPD's management level to recognize what it was faced with* (emphasis added).
2. When the VPD did respond with an investigative unit targeted at investigating the Missing Women as potential serial murders, the investigative team suffered from a lack of resources, poor continuity of staffing, *multi-jurisdictional challenges*, a lack of training, and a lack of leadership, among other challenges (emphasis added).
3. There was compelling information received and developed by the VPD and the RCMP from August 1998 to late 1999... suggesting that Pickton was the likely killer, and it was sufficient to justify a sustained and intensive investigation. The VPD received the first information about Pickton in July and August 1998, and also received extraordinary information from an unrelated informant in 1999... The information suggested that Downtown Eastside sex trade workers were willingly visiting the Pickton property in Coquitlam and some were being murdered there
4. The VPD passed on ALL information about Pickton to the RCMP when it received it, because the RCMP had jurisdiction over the investigation of information pertaining to crimes occurring in Coquitlam.
5. The RCMP accepted responsibility for investigating the Pickton information and led an investigation in Coquitlam. This investigation was intensely pursued until mid-1999 but was thereafter essentially abandoned by the RCMP, although the RCMP continued to explicitly assert authority over the investigation. *RCMP management appears to have not understood the significance of the evidence they had in 1999 pointing to Pickton, ... and did not ensure it was collated in such a way as to allow a proper analysis* (emphasis added).
6. Notwithstanding the many deficiencies in the VPD investigation, they did not cause the failure of the investigation into Pickton because *the RCMP had responsibility for that investigation while the VPD focused on other investigative avenues*. If the VPD investigation had been better managed, however, the VPD could have brought more pressure to bear on the RCMP to pursue the Pickton investigation more vigorously (emphasis added).
7. There have been significant improvements in the VPD due to the lessons learned from the Missing Women investigation, including better training, analysis, resources, and leadership. *There have also been significant improvements in the response to multi-jurisdictional crimes by the VPD, the RCMP, and other police agencies in BC, but other improvements are needed* (emphasis added).
8. Had there been a regional police force in the Lower Mainland at the time of the Pickton investigation, the problems created by the multiple policing jurisdictions would have been significantly reduced and a better outcome likely would have resulted—*there would have only been one set of organizational priorities* (LePard 2010: 18–19, emphasis added).

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Several of these findings relate directly to the significant challenges of interoperability that existed between the VPD and the RCMP and that hindered the investigation into the missing women and delayed the identification and arrest of the perpetrator. Key themes in the findings included a lack of communication within the VPD and between the VPD and the RCMP, leadership and management issues, and the fracturing of the case investigation process due to the absence of a regional police service.

In addition to the VPD review of the Pickton case, the provincial government appointed Justice Wally T. Oppal as commissioner of an inquiry into the response of police agencies to missing women, many of whom were the victims of Robert Pickton. The inquiry heard from a variety of stakeholders, including the victim's families, police services, and officers involved in the investigations. From the evidence gathered during the inquiry, Justice Oppal posited several possible explanations for the failures of the police services investigating the missing women in the Greater Vancouver region: 1) discrimination in the form of systemic institutional bias and political/public indifference; 2) a lack of leadership in the supervision and management of the investigations; 3) limited and outdated policing systems, approaches, and standards; 4) the fragmentation of police services in the Lower Mainland of British Columbia; 5) inadequate resources; 6) police culture and people problems; and 7) an alleged conspiracy (Oppal 2012: 93).

Justice Oppal concluded that, although there was no evidence of overt individual bias that contributed to the failings of the police investigations, there was systemic bias in the policing response to the missing women (96):

Policing systems failed because unintentional, but unchecked, systemic bias led to faulty risk assessments, an inadequate emphasis on proactive prevention strategies, an inadequate allocation of resources, and significant oversights in pursuing investigative strategies (Oppal 2012: 109).

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There was also an absence of leadership: “No senior manager at the VPD, RCMP ‘E’ Division Major Crime Section, Coquitlam RCMP, or Provincial Unsolved Homicide Unit (PUHU) took on this leadership role and asserted ongoing responsibility for the case” (Oppal 2012: 96). This resulted in “investigations without sufficient direction, staffing or resources... [T]he pattern of disengaged leadership was due to a combination of lack of interest and understanding” (Oppal 2012: 97). The police investigations were also hindered by a “parochial and silo-based approach to policing” and the “poor or non-existent integration of community-based principles” into the investigative process (Oppal 2012: 98 and 99).

The Inquiry also found serious communication issues amongst the municipal and RCMP police services in the Lower Mainland, due to the fragmented policing arrangements and the absence of a regional police service: “The failure to take all necessary measures required by cross-jurisdictional crime resulted in serious communication failures, linkage blindness, uncoordinated parallel investigations, and lack of sharing of key evidence” (Oppal 2012: 100). These are all attributes of a lack of interoperability, as discussed above.

The Inquiry also revealed that police culture and “people problems” hindered the investigations (Oppal 2012: 103). Regarding the issue of police culture, the Report states, “Organizational culture influences all aspects of an institutional life, particularly decision-making, and *shapes the interactions of members and between members and outsiders*” (Oppal 2012: 103, emphasis added). In elaborating on “people problems,” which the Report describes as “interpersonal issues, lack of fit of an officer for a position, and other personnel level issues,” the Report states, “Several personality conflicts and personnel issues affected the dynamics of the investigation” (Oppal 2012: 104). The findings of the Oppal Inquiry thus laid bare many of the issues surrounding the interoperability of police services that have been documented in other

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jurisdictions and in research findings. Words of warning were thus offered by Mr. Justice Oppal: “I conclude that serial killers will continue to win the day as long as we continue to ignore past lessons” (Oppal 2012: 93).

## **VII. Final Thoughts: Best Practices in Interoperability**

A review of the research on interoperability in crisis situations in Canada, the United Kingdom, and elsewhere reveals best practices that can inform the development of effective and efficient multi-agency responses to crises. These best practices include:

1. Strong, high-performing networks are based more on collaboration than cooperation (see section II-A above). The ideal is integration.
2. Technology, integrated data systems, and information-sharing are important but must have an integrative framework to be of maximum utility.
3. Informal interpersonal relationships based on trust are as important as formal inter-agency relationships.
4. The cultures of participating agencies may dampen interoperability. Jurisdictions should therefore promote a positive network culture that will mitigate the barriers imposed by individual agency cultures.
5. Jurisdictions should reduce cultural fragmentation between individual police services and between police services and other first responders.
6. Joint training sessions, the development of formal and informal relationships based on trust, reciprocity, and aligned mutual interests should be features of strategies designed to improve interoperability.
7. Addressing current gaps in interoperability should include strategies for building relationships among key decision-makers.
8. Planning in advance of crises increases the effectiveness of agency and multi-agency responses.
9. Emergency preparation training should be provided to officers at all ranks, not just to senior leadership. There should also be regular training with other emergency response agencies.
10. To accommodate multiple agencies with their own cultures and operating procedures, efforts should be made to delineate clearly defined roles for agencies and individual units and have a command structure that is “as decentralised as necessary and as centralized as possible” (Steinberger 2016; Hine & Bragias 2021: 1504).

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11. “There should be a continuous sharing of resource information between partners, collaborative decision-making about invoking schemes for inter-agency decision-making and an ongoing review of the needs of civilians” (Laufs & Waseem 2020: 12; see also Guddemi 2021).
12. There should be a development of protocols to ensure the sustainability and continuity of formal and informal relationships within and among blue light agencies.

The development and implementation of effective interoperability within and among blue light agencies depend upon training, expertise, planning and implementation, leadership, and personal relationships (Steigenberger 2016; Severson 2019). The goal is to create a “collaborative culture and to develop formal and informal institutional procedures that improve the ability of emergency response agencies to collaborate in a disaster” (Laufs & Waseem 2020: 12; see also Kristiansen, Haland, & Carlstrom 2019). Agreements and protocols should be established to ensuring the continuity and sustainability of these components. It is important that participating agencies speak a “common language,” which may require stepping outside individual agency cultures and traditional practices (Kristiansen, Haland, & Carlstrom 2019). Essential requirements include improving management control; formalizing organizational structure, responsibility, and authority; improving performance measurement and evaluation; and improving oversight of interoperability-related committees (New Hampshire Department of Safety 2019). It is also important to have strategies for achieving stakeholder support for organizational change (Kane 2018).

There is an emerging literature of best practices from the United Kingdom and from research literature more broadly that can guide the creation of structures and processes of interoperability and thereby facilitate true inter-agency collaboration between blue-light agencies, allowing for effective responses to major crises.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Core Definitions of Canadian Mass  
Casualty Events and Research on  
the Background Characteristics  
and Behaviours of Lone-Actor  
Public Mass Murderers**

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## **I. Introduction**

The purpose of this report is to provide the Commissioners of the Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty (henceforth referred to as the Mass Casualty Commission, or Commission) with an informed overview and discussion of two core concepts: (1) the definition of Mass Casualty Incidents (MCIs),<sup>1</sup> with a focus on a working definition of MCIs for the Canadian context; and (2) the background characteristics and antecedent attack behaviours of lone-actor public mass murderers (including ideologically motivated and non-ideologically motivated ones).

## **II. Conceptualizing MCIs: The Terminological and Definitional Literature**

### **MCI**

One of the earliest and perhaps most important lessons that any researcher learns is that social science, like any rigorous discipline, is predicated upon the common usage of language, concepts, and terminology. This allows us to properly classify and bring a measure of analytic order and control when confronted with confusing situations. However, as discussed at length below, one of the major pitfalls within the current literature on MCIs is the lack of terminological and definitional clarity. Without commonly accepted terminology, there is a distinct risk that any concerted effort to study and understand the phenomenon will become mired in frustrating and ambiguous debates over the prevalence and nature of MCIs. The first half of this report therefore provides a brief overview of the major issues under debate within the existing literature on MCIs before turning to a proposed Canadian-centric working definition of MCIs.

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<sup>1</sup> For clarity, we have chosen to employ “Mass Casualty Incident” (MCI) as an umbrella-term in order to stay consistent with the terminology of the Mass Casualty Commission.

### **1. Identifying the Relevant Literature on MCIs**

The initial exploratory phases of this report involved a systematic keyword search of major academic databases to create a large sample of relevant literature.<sup>2</sup> The search generated a total of 10,417 related sources dating from 1999 to 2021. This larger list was narrowed down to include only sources with legitimate academic, governmental, or legal provenance and then narrowed down further based on an informed assessment of the abstract or executive summary of each document. The final criteria for including sources in the overall analysis were fairly broad, and those that directly attempted to define or discuss the definition of MCIs or involved some form of analysis of one or more events involving mass casualties were included. Additionally, all the sources were exclusively in English. A total of 95 different academic and scholarly sources were ultimately retrieved from the database, including legal analyses, case studies, theoretical discussions, definitional discussions, and meta-analyses related to Canadian, American, Oceanic, and European MCIs.<sup>3</sup> These 95 sources inform the overview, observations, and recommendations provided in the first half of this report.

### **2. Key Observations from the Literature on MCIs**

This section provides a discussion of our major observations from the survey of the research literature on MCIs in order to ground the Commission's report in an adequate sense of the relevant core concepts involved in the study of MCIs, as well as to lay the conceptual groundwork for the proposed Canadian-centric definition of MCIs.

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<sup>2</sup> A full list of the keywords used is available upon request.

<sup>3</sup> Appendix 'A' contains the full list of academic, legal, governmental, and other related sources used in this portion of the report.

#### A. Definitional Ambiguity

From the initial 95 sources, a total of 64 distinct terms were identified that are related, in some form or another, to defining or conceptualizing MCIs (see **Table 1**). Each of the 64 identified terms in **Table 1** informs and shapes the scholarly, legal, or government analyses that make use of that term. A thorough review of each of the 95 sources and their efforts to define MCIs suggests the presence of widespread ambiguity over the precise characteristics of MCIs. This ambiguity present within the literature is the result of differing opinions on five core areas of contention surrounding the *timing/location*, *deadliness*, *visibility*, *success*, and *method* of the violent incident. We break down each of these areas of contention in greater detail below:

- (1) **Timing and Location:** Delisi and Scherer (2006) provide a salient example of how the timing and location(s) of a particular MCI can affect how it is defined. They discuss the difference between three different terms based upon the duration and discreteness of the incident(s) that take place: a “serial killer” engages in prolonged violence over time, a “mass killer” engages in violence in a single time and place, while a “spree killer” engages in violence within a single specific time period but with multiple locations. Timing and location also play a role in several other prominent definitions. Gill et. al (2017: 711) and Duwe (2019: 21) define a “mass murder” as a violent incident that takes place at either one location or several geographically close locations over a short and discrete period of time. Other terms like “school shooting(s)” and “workplace shooting(s)” treat the location as the defining aspect of particular MCIs, taking precedence over other criteria or traits (Lankford 2012b: 258).
- (2) **Deadliness:** The most common threshold appears to be four or more victims (not including the perpetrator(s)) when defining how deadly an incident needs to be in order to be considered an MCI. The four-or-more threshold is drawn from the definition employed by the US Federal Bureau of Investigation (FBI) (see Marganski 2019: 14). In a recent meta-analysis of the empirical literature on mass shootings, Kim, Capellan and Adler (2021: 5) found that 56% of the research they examined used the threshold of “four or more” victims to classify an event as a mass shooting. Other sources that used an alternative threshold tended to employ the one set by the US Congress definition of “mass murder,” which involves three or more killings in a discrete, public location (see Marganski 2019: 14).
- (3) **Visibility:** Most definitions make either an overt or an assumed distinction between private and public violence but differ on whether or not private forms of violence should be treated as MCIs. There is a small subset of specialized literature that focuses on the nature of the violent act, such as family or gendered violence (e.g., familicide, family killing, family mass murder) and considers these acts of violence as a form of MCI (Duwe 2019: 19). Other sources argue that while perpetrator(s) motivations and the nature of their attack may be private, there must be some form of public aspect that defines the violent act, such as the type

of victims of the attack (i.e., members of the public with no prior affiliation to the perpetrator(s) or specifically targeted groups such as women or visible minorities), the method of the attack (i.e., use of firearms or bombs), the location of the attack (i.e., a public venue), and/or the scale of the attack (i.e., the number of victims).

- (4) **Success:** The literature differs in opinion on whether relevant acts of violence that were thwarted or planned but not executed, or that resulted in no deaths should be considered MCIs (Dowden 2005: 8–9). Kim, Capellan, and Adler (2021: 5) note that the literature is almost evenly split, with 51% of research including incidents where perpetrators intended but failed to kill people, while 49% of the literature purposefully excluded failed incidents from their analyses.
- (5) **Method:** The violent method employed by the MCI perpetrator(s) also plays a prominent role in many definitions, with the most notable trend among the 64 terms listed in **Table 1** focusing on firearms: 26 of the 64 (~41%) of the identified terms use either “shooting(s)” or “shooter(s)” as a primary or secondary criteria, with all 26 of these terms originating from sources or authors from the United States and focusing on American MCIs or the American socio-political context for MCIs. There were some exceptions to this trend, with several Australian sources employing the term “mass shooting” (Chapman et al 2016; Lemieux et al 2015) and “public shooting” (McPhedran 2020), and two Swiss sources employing the term “school shooting” (Frei & Ilic 2020) and “familicide” (Ilic & Frei 2019). Logically, the US preference for using the term “shooter(s)” and “shooting(s)” is driven by the endemic gun violence within the country (see NCHS 2021) and the prominent role that gun ownership plays within the larger American political discourse. The Australian usage of those terms within the literature reflects the high profile of gun control initiatives in the wake of their last largescale MCI in 1996, while compulsory military service in Switzerland provides a certain level of firearm access to their citizenry, which suffered their last high-profile MCI in 2001.

#### B. Lack of a Common Terminological Framework

Needless to say, the vast number of available terms outlined in **Table 1** is both analytically and practically unhelpful when trying to operationalize and understand the core aspects, traits, and trends of MCIs. Many of the available terms can be too narrow in their focus (e.g., by focusing exclusively on MCIs involving gun violence) (Fox & Levin 2021), differ from one another in terms of basic conceptual criteria (Gurian 2017), and are often not interchangeable (Bowers, Holmes, & Rhom 2010). Furthermore, as will be discussed below, the presence of many different terms across the literature can lead to definitional ambiguity, with researchers and organizations attaching differing meanings and importance to the available terms (e.g., treating “mass murder” as a broader phenomenon than “mass shooting”) (Krouse & Richardson 2015: 2). Without basic

agreement on common terminology, many researchers have differing starting points in terms of their analyses and inquiries. As a result, many of the current conclusions and observations about MCIs cannot extend beyond individual efforts to understand it as a social phenomenon, since the confused and disparate terminology fundamentally means they are examining “similar but different” social phenomena. This makes generalizing actionable and practical conclusions from the current literature impossible.

It is worth noting that the difference between the taxonomy proposed here and the five core areas of contention (*timing/location, deadliness, visibility, success, and method*) surrounding the definitions of MCIs presented in the preceding section is largely due to specificity issues. Namely, these areas of contention delve into concepts that cannot be adequately and consistently reflected by the 64 terms found within the existing literature on MCIs. For example, only *visibility* and *method* can be adequately assessed for the term “mass public shooting,” while only *timing/location* can be adequately assessed for the term “school shooting,” and so on. In order to focus on the most salient aspects of each term, the proposed taxonomy in this section categorizes each by more flexible primary and secondary criteria.

Table 1: Categorization and Sub-categorization of 64 Definitional Terms within MCI Literature (1999–2021)

		Secondary Criteria				Total
		Scale	Motivation	Criminality	Genre	
Primary Criteria	Scale		<ul style="list-style-type: none"> <li>○ Mass shooter terrorism</li> <li>○ Ideological mass shooter</li> <li>○ Mass political violence</li> </ul>	<ul style="list-style-type: none"> <li>○ Mass murder</li> <li>○ Mass homicide</li> <li>○ Mass murder-suicide</li> <li>○ Multiple murder</li> <li>○ Multiple homicide</li> <li>○ Serial murder</li> <li>○ Mass killing</li> <li>○ Mass targeted violence</li> <li>○ Completed mass killing</li> </ul>	<ul style="list-style-type: none"> <li>○ Mass violence</li> <li>○ Mass violent incident(s)</li> <li>○ Mass violent victimization</li> <li>○ Public mass violence</li> <li>○ Public mass shooting</li> <li>○ Multiple shooting/shooters</li> </ul>	18

	Motivation		<ul style="list-style-type: none"> <li>o Individual terrorism</li> <li>o Lone-actor terrorism</li> <li>o Lone-wolf/offender terrorism</li> <li>o Lone terrorist (and other types)</li> <li>o Ideologically motivated attack</li> <li>o Non-ideologically motivated attack</li> <li>o Demand-based terrorism</li> <li>o Revolutionary terrorism</li> <li>o Private justice terrorism</li> </ul>			9
	Criminality	<ul style="list-style-type: none"> <li>o Classic mass murder</li> <li>o Family mass murder</li> </ul>		<ul style="list-style-type: none"> <li>o Family killing</li> <li>o Familicide</li> <li>o Massacre</li> <li>o School massacre</li> <li>o Autogenic massacre</li> <li>o Felony-related massacre</li> <li>o Autogenic massacre</li> <li>o Spree massacre</li> <li>o Spree killing</li> </ul>		11
	Genre	<ul style="list-style-type: none"> <li>o Familicide mass shooting</li> <li>o Mass shooting</li> <li>o Mass public shooting</li> <li>o Mass shooting event</li> <li>o Fatal mass shooting</li> <li>o Felony-related mass shooting</li> <li>o Completed mass shooting</li> <li>o Attempted mass shooting</li> <li>o Foiled mass shooting</li> <li>o Active shooter event</li> </ul>	<ul style="list-style-type: none"> <li>o Political violence</li> <li>o Ideological violence</li> <li>o Ideological shooter</li> <li>o Ideologically-active shooter</li> <li>o Lone-actor shooting/shooter</li> <li>o Gendered violence</li> <li>o Ideologically motivated mass shooting</li> <li>o Ideologically motivated mass public shooting</li> </ul>	<ul style="list-style-type: none"> <li>o School violence</li> </ul>	<ul style="list-style-type: none"> <li>o Active shooter</li> <li>o Workplace shooting</li> <li>o Rampage shooting</li> <li>o School shooter/shooting</li> <li>o Autogenic shooter</li> <li>o Victim-specific shooter</li> <li>o Public shooting</li> </ul>	26
Total		12	20	19	13	

*\*Each term appears only once in this grid, and the terms "Mass Casualty Incident" and "Mass Casualty Event" were excluded since they are terms that were adopted for the purpose of this report.*

With this in mind, in an attempt to organize the diverse terminology and criteria used by the extant literature, the 64 identified terms were ordered into four primary criteria, and an additional four secondary criteria. This exercise in categorizing the available terminology within the literature on MCIs is useful for distilling what researchers and practitioners view as important

when trying to parse and understand this particular genre of violent event. The four primary criteria are as follows:

- (1) **Scale:** This criterion concerns the scope, extent, scale, and/or magnitude of the act of violence. Examples of terms that focus on this criterion include “mass murder,” “mass violence,” “public mass violence,” “school massacre,” “spree killing,” and so on. Eighteen of the examined terms use scale as a primary criterion, while twelve of the terms use it as secondary criterion.
- (2) **Motivation:** This criterion concerns the ideological and/or personal motivations held by the perpetrator(s) and tends to encompass acts that are defined by the authors or some other formal body as “terrorism.” Examples of terms that focus on this criterion include “ideologically-motivated attack,” “ideologically-motivated mass shooting,” “terrorist incident,” and so on. Nine of the examined terms use motivation as a primary criterion, while twenty of the terms use it as a secondary criterion.
- (3) **Criminality:** This criterion relies on legal definitions of murder and/or homicide that have multiple victims. Examples of terms that focus on this criterion include “multiple homicide,” “mass murder,” “family mass murder,” “classic mass murder,” and so on. Eleven of the examined terms use nature as a primary criterion, while nineteen use it as a secondary criterion.
- (4) **Genre:** This criterion looks at other notable factors that characterize the act or event such as its location, completion/foiled status, or the social/political context. Examples of terms that make use of this criterion include “school violence,” “active shooter,” “gendered violence,” and so on. Twenty-six of the examined terms use genre as a primary criterion, while thirteen use it as a secondary criterion.

These criteria are not meant to be mutually exclusive, and most available definitions span two or more categories. The 64 available definitions were sorted by criteria, and in cases where there were more than two obvious criteria, each definition was classified by the two most relevant categories associated with the definition. Out of the primary criteria, *genre* was the most prevalent, with 26 definitions, followed by *scale* with 18 definitions, *criminality* with 11 definitions, and *motivation* with 9 definitions. Out of the secondary criteria, *motivation* was the most prevalent, with 20 definitions, followed by *criminality* with 19 definitions, *genre* with 13 definitions, and *scale* with 12 definitions. A full list of the categorization of the 64 identified terms is available in Table 1. The table is meant to be read from left to right, with the row



category classified as the main theme, and the column as the secondary theme. The criteria listed here are meant to be used as heuristics, and elements of subjectivity are inevitable when attempting to classify each of the examined terms. Due to the variability of the available terms, some will inevitably resist proper categorization within a finite number of criteria. Therefore, Table 1 is meant to give the Commission a sense of the priorities and foci found within the existing definitional literature on MCIs, more than a rigid classification of the concept.

#### **C. Lack of Canadian Sources on MCIs**

Given the Canadian context of this report, particular attention was paid to definitional and terminological literature that was either produced by or focused on Canadian MCIs and/or Canadian contexts. A comprehensive and systematic search of multiple databases, indexing systems, and other similar sources yielded just five academic articles that had an exclusively Canadian focus: a national investigation of multiple murders (Cale et al 2010), a typology of Canadian terrorist acts (Leman-Langlois & Brodeur 2005), a discussion of the Canadian Criminal Code within the context of MCIs (Akhavan 2009), a Canadian homicide survey (Trussler 2010), and a discussion of Canadian multiple murder legislation of 2011 as it relates to life-long incarceration (Spencer 2017). Overall, Canadian-centric material on MCIs accounts for less than 5% of the overall literature and lacks any sort of breadth from which to synthesize generalizable findings about Canadian MCIs.

#### **3. A Proposed Working Definition of Canadian MCIs**

The lack of Canadian scholarship on MCIs, coupled with the existing terminological and definitional ambiguity, is problematic for any efforts aimed at operationalizing and understanding the core characteristics of MCIs within the Canadian context. In addition, there

are no Canadian analogues for the FBI and US Congressional definitions of MCIs to shape governmental inquiries or academic research. This presents an opportunity to create a working definition of Canadian MCIs that can be informed by the strengths and weaknesses of the existing definitions within the literature. The existing debates and controversies within the scholarly and practical literature on MCIs have highlighted points of contention and consensus, and therefore allows us to craft a Canadian definition informed by this intellectual discussion. Furthermore, a uniquely Canadian definition that reflects the national character, as well as the social and political realities, of MCIs on Canadian soil will help mitigate issues that may arise when transposing another definition crafted through the use of legal concepts, socio-political values, and case studies from other national contexts. We therefore present a proposed working definition of Canadian MCIs, taking into account the trends and debates identified in the relevant literature. We define a Canadian Mass Casualty Incident as:

A premeditated and successfully executed act of violence during which one or more perpetrator(s) influenced by personal grievances, beliefs, and/or outside ideological sources physically injure(s) and/or kill(s) four or more victims during a discrete period of time.

The wording in the first half of the proposed definition distinguishes MCIs from other more commonplace forms of interpersonal violence. The utility of a Canadian definition of MCIs hinges on criteria that will allow for previous as well as future acts of mass violence to be properly classified and understood as fundamentally different. This in turn will allow for concentrated efforts by both academics and governmental bodies such as the Commission to operationalize the proposed definition to isolate the causes and consequences of MCIs in order to craft empirically grounded analyses with the potential to inform policy and practice aimed at detecting and preventing future MCIs. Therefore, the inclusion of the “premeditated and successfully executed” criteria in the proposed definition is meant to exclude random acts of

mass violence (e.g., “heat of the moment” homicides and other crimes of passion), thwarted or aborted plans for mass violence, and plans for mass violence that are unsuccessful (e.g., an explosive device that fails to detonate).<sup>4</sup>

The inclusion of wording to reflect the motivations of perpetrators (“influenced by personal vendettas, beliefs, and/or outside ideological sources”) is also meant to further distinguish MCIs from other more commonplace forms of interpersonal violence. In this case, the wording excludes acts of violence without any clear motivation, goal, or justification on behalf of the perpetrator. In other words, we believe that in order to be considered an MCI, the violent act must serve some sort of personal or wider ideological purpose for the perpetrator(s), and the definition thus excludes mass violent incidents caused by criminal negligence, as well as police interventions (i.e., shootouts with law enforcement) in the pursuit of criminal activity. Therefore, the inclusion of this criterion is meant to avoid a definitional weakness called a “net-widening effect,” whereby the definition becomes so broad to the point that it becomes analytically indistinguishable from other definitions of homicide, murder, and other forms of interpersonal violence.

The threshold of four or more victims (including both slain or injured parties, but excluding perpetrator(s)) for the proposed definition is grounded in its widespread usage within discourses on MCIs. While a three-or-more threshold is also often used, a higher bar for inclusion will narrow the scope of any inquiry to more relevant MCIs. While the psychological harm caused by MCIs will likely go way beyond the immediate victims, the definition emphasizes physical harm to the victims as a more salient determinant for inclusion.

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<sup>4</sup> The proposed definition differentiates between successful and unsuccessful acts of mass violence on the basis that an unsuccessful or thwarted MCI remains wholly a legal/criminal matter, whereas a successful MCI where an act of violence is executed has socio-political repercussions beyond the legal system.

By adding the “discrete” criteria to the proposed definition, we seek to exclude certain types of mass violence that are extended over long periods of time (e.g., serial murderers). By discrete, we mean an event that occurs over a single, continuous period of time without any significant break or interruption<sup>5</sup> to the violent activity or to concrete plans to engage in violent activity. This period of time may include travel time and may occur over one or more locations, provided it meets the aforementioned criteria.

The proposed definition refrains from using any “shooting/shooter” terminology for several reasons. A strong tradition of gun-control within Canada (Brown 2012) both reflects and has resulted in fundamental cultural differences across Canada and the United States regarding gun ownership (McLean 2018). It is undeniable, however, that firearms have played a significant role in Canadian MCIs: as shown in **Table 2** below, the majority of Canadian MCIs from 1970 to 2021 have involved the use of at least one firearm. Furthermore, there is increasing evidence that some of the key differences between Canadian and American handgun ownership have shrunk since 2012. For example, there has been a marked increase in the purchase of handguns in Canada between 2012 and 2017 (Stroebe et al 2021). On the other hand, as several scholars of MCIs have noted, the “shooter/shooting” terminology limits the scope of any inquiry to a single type of violence (Freilich, Chermak, & Klein 2019: 274; Gurian 2017: 1909; Taylor 2018), which is analytically and practically unhelpful, since it may exclude relevant incidents from consideration (e.g., the Air India Flight 182 in 1985).

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<sup>5</sup> We do not specify an exact length of time for a break or interruption, because this will vary depending on the particulars of each MCI. However, certain behaviours such as fleeing the scene of violence (without any intent to continue engaging in that particular act of violence), surrendering to law enforcement, and so on, constitutes a break or interruption in violence. We consider travelling from one location to another to continue engaging in violence as a single, discrete incident.

Employing the definition outlined above, we have identified a total of 44 Canadian MCIs that occurred between 1970 and 2021 (see **Table 2**). We have included several incidents (highlighted in red) that are slightly below the “four or more” victims threshold in the table, due to their potential to escalate to a deadlier attack, and for more illustrative purposes.

Table 2: Mass Casualty Events in Canada, 1970–2021

Event Date (Y-M-D)	Location	Motive	Violence Type	Location Type	Injuries/ Fatalities	Perpetrator Fatalities
1975-02-14	Brossard, QC	Unidentified grievance (perpetrator/s not found)	Firearm	Nightclub	4/4	
1975-05-28	Brampton, ON	School grievance	Firearms	School	13/2	1
1975-10-27	Ottawa, ON	School grievance	Firearm, knife	House, school	5/2	1
1982-10-14	Toronto, ON	Political grievance (anti-capitalism)	Bomb	Factory	10/0	
1984-05-08	Quebec, QC	Political grievance	Firearm	Government building	13/3	
1984-09-03	Montreal, QC	Religious grievance	Bomb	Inter-city rail station	45/3	
1985-06-21	Montreal, QC	Political extremism (terrorist connections)	Bomb	Airplane (in-flight)	0/329	
1989-12-06	Montreal, QC	Anti-feminism	Firearm, knife	University	14/14	1
1992-02-03	Waterloo, ON	Workplace grievance	Firearm	Manufacturing plant	0/3	
1992-08-24	Montreal, QC	Workplace grievance	Firearm	University	4/1	
1992-09-18	Yellowknife, NT	Workplace grievance	Bomb	Mine	0/9	
1994-09-17	Toronto, ON	Intimate partner dispute	Firearm	Nightclub	4/2	
1996-01-05	Surrey, BC	Intimate partner dispute	Firearm	House	0/4	1
1996-04-05	Vernon, BC	Intimate partner dispute	Firearm	House, hotel	0/9	1
1996-08-01	Gore Bay, ON	Intimate partner dispute	Firearm	House, reserve	0/4	
1997-04-13	Orangeville, ON	Intimate partner dispute	Firearm, arson	House	0/5	1
1997-07-12	Kitimat, BC	Social grievance	Firearm	Park	1/3	
1999-04-06	Ottawa, ON	Workplace grievance	Firearm	Garage	2/5	
1999-04-28	Taber, AB	School grievance	Firearm	School	0/1	
2001-09-18, 2001-09-20	Kirkland, QC	Social grievance	Firearm	Multiple houses	0/6	1
2002-03-11	Quatsino, BC	Intimate partner dispute	Strangulation, firearm	Multiple houses, vehicle	0/6	Perpetrator injured
2002-06-14	Grimbsy, ON	Intimate partner dispute	Firearm	Multiple houses	0/4	1
2006-04-04	Ottawa, ON	Intimate partner dispute	Firearm, bomb	House	0/4	1
2006-09-13	Montreal, QC	School/ social grievance	Firearm	College	19/1	1
2006-10-29	Edmonton, AB	Social/ personal grievance	Firearm	Nightclub	2/3	

Event Date (Y-M-D)	Location	Motive	Violence Type	Location Type	Injuries/ Fatalities	Perpetrator Fatalities
2006-12-10	Halifax, NS	Social grievance	Firearm	Street	1/3	
2007-06-09	Toronto, ON	Social / personal grievance	Firearm	Car	4/2	
2007-08-09	Vancouver, BC	Unidentified grievance (perpetrator/s not found)	Firearm	Restaurant	6/2	
2012-06-02	Toronto, ON	Personal grievance	Firearm	Mall	5/2	
2012-09-04	Montreal, QC	Political grievance (anti-Quebecois nationalism)	Firearm, arson	Theatre (temporary election location)	1/1	
2014-06-04	Moncton, NB	Social / political grievance	Firearm	Multiple public streets	2/3	
2014/10/20-21	Saint-Jean-sur-Richelieu QC	Religious grievance	Vehicle, knife	Parking lot, multiple streets	2/1	
2014-10-22	Ottawa, ON	Religious grievance	Firearm	National War Memorial, multiple street & Parliament Hill locations	3/1	
2014-12-29	Edmonton and Fort Saskatchewan, AB	Intimate partner dispute	Firearm	Multiple houses, restaurant	0/9	
2016-01-22	La Loche, SA	School grievance	Firearm	House, school	7/4	
2017-01-29	Sainte-Foy, QC	Political / religious grievance	Firearm	Mosque	5/6	
2017-09-30	Edmonton, AB	Political / religious extremism (ISIS member)	Firearm, vehicles	Parking lot, multiple streets	5/0	
2018-04-23	Toronto, ON	Anti-feminism (INCEL member)	Vehicle	Street	15/11	
2018-07-22	Toronto, ON	Anti-feminism (INCEL inspired)	Firearm	Street	13/2	1
2019-06-03	New Sudbury, ON	Anti-feminism	Knife	Parking lot	2	
2020-02-20	Toronto, ON	Terrorism (ISIS sympathizer)	Hammer	Street	2/1	
2020-02-24	Toronto, ON	Anti-feminism (INCEL member)	Knife	Spa	2/1	
2020-04-18-19	Multiple locations in Nova Scotia	To be determined (investigation ongoing)	Firearms, arson	Multiple houses, multiple streets	3/22	1
2021-06-06	London, ON	Political / religious grievance	Vehicle	Street	1/4	

\* An exploration of MCIs which have taken place within Canada between 1970-2021 was made through a systematic keyword search of the Canadian Disaster Database generated by Public Safety Canada, in addition to news and journal articles (i.e., New York Times, CBC, etc.).

### **III. Research on the Background Characteristics and Behaviour of Lone-Actor Public Mass Murderers**

The second half of this report analyzes some of the newest research on the backgrounds, characteristics, and behaviours of solo or lone-actor mass murderers. As delineated in the first part of the report, many terms have been used to label these individuals and their actions. The research discussed below all involves what we might term mass murderers' or 'mass casualty incidents' (MCIs), but in examining specific studies other related terms are often used. Much of the literature discusses, for example, “mass shooters” or “mass public shootings” (e.g., Lankford 2018b; Lankford and Silva 2021; Capellan and Anisin 2018; Capellan and Gomez 2018), which is sometimes further differentiated into such sub-types as “school shooters,” “rampage shooters,” and “workplace shooters” (e.g., Lankford 2012; Capellan et al. 2019), or other sub-categorizations such as “ideologically motivated” mass public shootings and shooters (Capellan and Anisin 2018; Capellan et al. 2019) and “lone-actor grievance-fuelled violence” (McCauley, Moskalenko and Van Son 2013; Clemmow et al. 2020). The use of these and other similar terms by different authors indicates a degree of terminological diversity and ambiguity in the field of study that must be acknowledged. No consensus seems to exist, as indicated in the first part of this report, on a definitive terminology. Nevertheless, almost all of the data developed is relevant to what might more generically be called solo mass murderers perpetrating MCIs. We are examining, that is, research related to the actions of individuals, acting largely on their own, whose actions cause mass fatalities (usually designated as four or more deaths) in a public space (i.e., not solely in a domestic context) (e.g., Gill et al. 2017; Gill et al. 2021), no matter where precisely the MCIs occur or by what means.

There are many ways in which a summary of this research might proceed, since the subject has been addressed by scholars from multiple disciplines in somewhat different ways.

Since our research backgrounds, while diverse, are primarily in the study of terrorism and the processes of radicalization leading to attempted or completed acts of mass violence, this analysis is structured in a particular way. It reflects the convergence of research on lone-actor terrorism and public mass murderers, from the vantage point of those studying terrorism (rather than say criminology or public policy). In some respects the analysis traces why and how scholars of terrorism have come to recognize that lone-actor terrorists are in most respects a sub-type of solo mass murderers, and the benefits of merging the empirical insights gained into the characteristics and behaviour of these two phenomena. Accordingly, this is a summary analysis of a body of pertinent research. It reflects the evolution of the research, and while it introduces a degree of analytical order to an array of diverse studies done for different purposes, it does not provide a full meta-analysis, one imposes a more abstracted logical structure. As will become apparent, those working in the field have yet to achieve a higher order of theoretical perspective on their work, and there was insufficient time for us to do so adequately.

The summary analysis is undertaken in four steps. First, we discuss the context giving rise to the research, including the public and academic pressures to better differentiate and explain an array of recent incidents of mass public violence (terrorists and otherwise). Second, we summarize new findings on the prevalence of diverse mental health disorders in the background of different types of terrorists. Third, we examine findings emerging from studies comparing lone-actor terrorists with other kinds of public mass murderers. The findings suggest that these types of perpetrators are more similar than thought, and they might best be differentiated as ideological and non-ideological forms of mass murders. Fourth, and finally, the key takeaways and limitations of this new research are stipulated. As indicated, and will be discussed further below, a key concern of this research has been to determine the relative



presence and role of mental health disorders and ideologically framed grievances in the motivations for the type of solo public mass murders, or MCIs, designated lone-actor terrorism.

### **1. Introduction**

The majority of terrorist attacks and arrests in the West since about 2008 have been instances of so-called “lone-wolf” terrorism, or what most researchers prefer to less sensationally call “lone-actor” terrorism (Borum et al. 2012; Gill 2015: 11-15; Schuurman et al. 2019). Such single-actor attacks are not new, and instances can be traced throughout the history of modern terrorism. The label, which is new, has been used, however, to call attention to the increasing occurrence of these kinds of attacks post-9/11. In recent years, a series of large quantitative studies (discussed below) have significantly improved our grasp of the characteristics of these attacks and their perpetrators. In particular, comparative analyses have revealed that these terrorists do not differ as much as thought from other types of mass murderers. A core issue in these analyses is the relative roles played by ideology and mental disorders in the etiology of these attacks. The second part of this report undertakes a critical survey of these studies to determine what we can now say with some confidence about the background characteristics and behaviours of ideological and non-ideological lone-actor mass murderers. To accomplish this, we focus on and summarize the results of a subset of studies selected from a more extensive research literature now available on aspects of lone-actor terrorism and mass murders.

The designation “lone actor” applies to incidents of terrorism (i.e., ideologically motivated mass casualty events) that appear to have a sole perpetrator of plotted or enacted violence who has no formal relationship with a terrorist organization or group, whether local, national, or international. Such a perpetrator may have had some past or peripheral ties, but those relationships rarely are still operative when the incident occurs, and these groups play no direct

role in planning, preparing for, or carrying out the violence. At most, the broader terrorist organizations or movements seem to play an inspirational role, with perpetrators often claiming their actions were in service of the causes promoted by such movements or organizations. Some of the better known instances are Timothy McVeigh's Oklahoma City bombing (1995), Nidal Hassan's shooting attack on soldiers at Fort Hood, Texas (2009), Andres Behring Breivik's bombing in Oslo and subsequent shooting attack on the island of Utøya (2011), Michael Zehaf-Bibeau's shooting attack and assault of the Canadian Parliament in Ottawa (2014), and Brenton Harrison Tarrant's mosque shootings in Christchurch, New Zealand (2019). In these and many other cases, the significance of ideology in motivating their actions is open to question; and when compared with other terrorists, such "lone actors" are often thought to be driven more by a combination of personal and psychological issues, including, in many cases, the types of abnormal psychology and mental disorders studied by psychopathology (Spaaij 2010; Spaaij 2012; Gill, Horgan, & Deckert 2014; McCauley & Moskaleiko 2014; Gill 2015; Hamm & Spaaij 2017).

In every case, we now know that the turn to violence, whether ideologically motivated or otherwise, is the result of a complex process of radicalization that is multi-factorial and somewhat idiosyncratic for each perpetrator. Researchers have been seeking to identify the relevant factors and processes, whether ideological, social, or psychological, at multiple levels of analysis—macro (societal), meso (group), and micro (personal)—for some time. In other words, they have been delineating how individual motivations are linked with certain structural conditions and influenced by group dynamics in ways that foster the construction of alternative realities that justify or even foment acts of mass violence (see, e.g., Della Porta 1995; Dalgaard-

Nielsen 2010; Borum 2011; Hafez & Mullins 2015; Dawson 2017; Jensen, Atwell Seate, & James 2018; Kruglanski et al 2018; Bouhana 2019).

Identifying these individual and structural conditions and the connections between them is a daunting undertaking, and one of the most fruitful new avenues of research has been the development of larger and more reliable databases on the backgrounds, behaviours, views, and social relations of different kinds of terrorists (e.g., Gill 2015; Corner & Gill 2015a; Gill et al 2017). These databases allow researchers to disaggregate data on different types of terrorists and to better establish the prevalence and patterns of linkages: (1) between a wide array of social and psychological factors and the behaviours of terrorists and (2) between behaviours and types of violent action (with regard, for example, to the targets chosen, the means used, and the results). The creation and study of these datasets also is revolutionizing our conception of the potential contribution of mental disorders to the instigation of acts of terrorism, with implications for the study of other incidents of solo public mass violence in general.

In this vein, criminologists and others have undertaken an array of investigations into the similarities and differences between lone-actor terrorists and other perpetrators of acts of mass violence. The datasets of these comparative analyses are revealing (see, e.g., Lankford 2012b; Capellan et al. 2019; Clemmow et al. 2020). In many respects it appears that lone actor terrorists and other mass murderers are part of a spectrum of perpetrators that is being defined and understood better. As Gill et al (2017) have concluded, “mass murderers look very similar to lone-actor terrorists, perhaps only differing in the ratio to which they are personally versus politically aggrieved” (714). Moving across the spectrum from lone-actor terrorists to mass murderers, levels of ideological commitment appear to decrease, and levels of mental illness to increase—but not in as straightforward a manner as people are inclined to think. Lone-actor

terrorists, like other solo public mass murderers, have often been thought to be more mentally unstable than terrorists acting as a group and with the support of larger organizations (Spaaij 2010; Simon 2013; Corner and Gill 2015a). Until recently, however, this has been an inference drawn from case studies, not the systematic study of larger bodies of data.

## **2. New Research on Mental Disorders and Lone-Actor Terrorism**

The research under scrutiny emerged from two disparate yet convergent discussions that were both public and academic that we address below. It is conditioned more generally, however, by a problematic feature of almost all discussions of MCIs, including acts of terrorism. Since the actions of terrorists and mass public murders are morally repugnant and extraordinary there is a strong impetus to see the perpetrators of such actions as anomalous in significant ways. It is common in the aftermath of these incidents for the actions and actors to be characterized as “crazy,” and this colloquial term invokes the spectre of mental illness as a prime causal factor. The proclivity to think this way is very strong and persistent. Counter-intuitively however, as will be discussed, the research on terrorism tends to show that most terrorists, at any rate, are “remarkably ordinary” – to use the language of a well-known report published by the New York City Police (Silber and Bhatt 2007). This does not mean that some terrorists are not suffering from various forms of mental illness, or that their disorders may not contribute to their violent actions. The links between mental illness and criminal behaviour, and violence more specifically, are complex and open to debate (e.g., Anderson 1997). But our analysis does not imply in any way that mental illness in general is significantly associated with violent behavior, in any direct sense. In most instances it is not. Nevertheless, as Corner and Gill (2015a: 24) state, “the comorbidity of mental illness with other behaviors is well documented across the literature and

include substance abuse (Todd et al. 2004), and violent and criminal convictions (Anderson 1997).”

More specifically, the study of the possible linkages between mental disorders and terrorism grew out of the response to two debates. First, a series of high profile incidents of lone-actor public mass violence caused many to question the classification of some incidents as “terrorism.” At issue was the evidence that mental health issues may have played a significant role in the etiology of these crimes. Such questions have come to fore, for example, regarding Nidal Hassan’s attack at Fort Hood, Texas (2009), Michal Zahaf-Bibeau’s attack on the Canadian Parliament (2014), and Omar Mateen’s attack on a gay nightclub in Orlando, Florida (2016) (e.g., Cox 2009; Zwerdling 2009; Shum 2014; Heer 2014; Ottawa Citizen 2014; Ackerman and Siddiqui 2016; Westbury 2016). Similarly, it is often asked why incidents like Justin Bourque’s rampage shooting of police officers in Moncton, New Brunswick (2014), Dylann Roof’s murder of nine members of a Black church in Charleston, South Carolina (2015), and Alek Minassian’s vehicle ramming attack in Toronto in 2018 are not classified as acts of terrorism (Elmasry & el-Nawawy 2020; Perry & Scrivens 2020; Dolliver & Kearns 2022).

Confronted with these questions, scholars commonly revert to definitional responses to justify why some cases are identified as being terrorism, and not others. Given the lack of consensus on a definition of terrorism (see, e.g., Schmid 2013), however, as well as the significant practical and normative implications of these questions, few are satisfied with this limited approach, and questions arise about the influence of implicit biases (racial and religious) in the classification of these crimes. Examining Canadian media coverage of the attacks perpetrated by Martin Couture-Rouleau and Michal Zehaf-Bibeau, both converts to Islam, and Justin Bourque, a supporter of far-right extremism, Perry and Scriven (2020) argue for example

that “the majority of news sources disregarded a number of key characteristics of each attack and each attacker, and instead constructed countless stories to meet their own rigid profile of a terrorist, as well as ones that met the social threshold of who ought to be defined as a national threat” (2020: 250) Within this framework, they propose, incidents involving Muslims are readily identified with terrorism, while one’s associated with domestic far-right extremism are not.

In each case, much hinges on discerning the presence and relative significance of ideological and psychopathological motivations for the violent acts, yet the data available is not sufficient to reach definitive conclusions. Moreover, it is unclear whether the presence of either factor necessarily discounts the significance of the other. In principle, people suffering from certain mental illnesses can still commit acts of terrorism. Discerning the nature and relative balance of these two factors and the nature of their interactions is often the key to understanding what has happened, and this has prompted new lines of research (e.g., Lankford & Hakim 2011; Lankford 2012a; Capellan 2015), which are summarized below.

Second, researchers have developed new lines of research that are changing our understanding of the relationship between mental disorders and terrorism, and then eventually also lone actor terrorism and other mass murderers, as a result of the failure of efforts to profile terrorists. The pressing need to interdict and counter terrorist plots has driven a desire to differentiate between various types of terrorists and more importantly between potential terrorists and the rest of the population. As criminal profiles had been developed and used widely by law enforcement for serial killers, arsonists, pedophiles, etc. (Kocsis 2006), the development of a terrorists profile has seemed plausible. Three approaches have been taken, focusing on “racial-physical, psychopathological and socioeconomic” parameters (Rae 2012: 1). In this context our

sole concern is with the attempts to develop a psychopathological profile. Racial-physical profiles were never seriously entertained by scholars but are certainly thought to have influenced border security agencies in many countries following 9/11 (Ellmann 2003). Clearly, however, such practices lack the specificity required to identify actual terrorists and involve stereotyping whole populations (e.g., Muslims or Arabs) in morally and politically objectionable ways. Extensive efforts have been made, in diverse ways, to develop a socioeconomic profile, but they have yet to produce anything more than fragmentary and conflicting results (Krueger 2007; Noricks 2009; Piazza 2011; Dawson 2019: 155; Dawson 2021a: 13–22). Efforts to create a psychological profile *per se* have failed as well, as discussed below. In the process, however, we have learned a great deal more about the presence and prevalence of mental health issues amongst terrorists.

Repeated efforts have been made to correlate terrorism with diagnosable mental disorders or personality disorders (see overviews of the research provided by Silke 1998; Victoroff 2005; Kruglanski & Fishman 2006; and Horgan 2014). In the end, however, the traits and behaviours proposed were either too vague or ambiguous, or insufficiently present in the sample of known terrorists. As Silke (1998) concluded some time ago, “the research supporting terrorist abnormality has been sparse and of questionable validity. In contrast, the research suggesting terrorist normality has been more plentiful, and in general, of much greater scientific validity” (62). Nevertheless, some terrorists may be suffering from diagnosable or other less definitive forms of mental illness, and hence it is important to consider if, when, and how this may play an etiological role their violent actions.

### 3. Recent Findings on the Prevalence of Mental Disorders amongst Terrorists

More recent and methodologically sophisticated approaches (e.g., Gill, Horgan, & Deckert 2014; Corner & Gill 2015a; Corner, Gill, & Mason 2016; Corner & Gill 2017) are generating more complete, precise, and interesting findings. These studies develop a more refined, complex, and heterogeneous conception of the correlations between the presence of an array of mental illnesses and different manifestations of terrorism.

For example, Gill, Corner, and colleagues have developed bigger and better datasets that disaggregate the information available on terrorists and types of terrorism, distinguish and track a wider array of behavioural indicators, and employ more sophisticated statistical analyses.

Amongst other things, their research has confirmed the suspicion that mental health issues play a larger but still less than anticipated role in instances of lone actor terrorism than in group-based terrorism. While most terrorists are “normal” in their psychological profiles, many lone-actor terrorists have histories of mental health issues (Hewitt 2003; Gruenewald, Chermak, & Freilich 2013; Gill 2015). Comparing a sample of 119 lone-actor terrorists with 119 group-based terrorists, Corner and Gill (2015a: 26) found that the “odds of a lone-actor terrorist having a mental illness is 13.49 times higher than the odds of a group actor having a mental illness” (Corner & Gill 2015a: 27). The rate of mental illness among lone actors was 31.9% and among group-based terrorists was 3.4% (Corner and Gill 2015a: 27). Lone-actor terrorists who injure people in an attack, for example, are 11.63 times more likely to be schizophrenic and almost 41.6 times more likely to have a mood disorder (Corner & Gill 2015a: 29).

In their study mental illness was coded as a dichotomous variable, but unlike previous studies, care was taken to develop multiple additional variables for the number and name of diagnoses and diagnostic categories. Information on these variables came from extensive examination of the literature available on each actor in the sample. The available literature “was



sourced from the Lexis Nexus database, sworn affidavits, indictments, manifestos, warrants, trial proceeding transcripts, trial memorandums, government and expert witness reports, and competency evaluations” (Corner and Gill 2015a: 26). In each instance, the “diagnosis name was located in the literature, and reliability and quality of the source was taken into account” (Corner and Gill 2015a: 26). A few unclear instances were coded as “nonspecific” diagnosis, for example, when a mandatory treatment order was issued but no confirmed diagnosis specified (Corner and Gill 2015a: 26). Consequently, some of the diagnoses informing the database are from before the individual committed the terrorist offence and some from after, and no specific data are presented on the numbers of either situation.

Many other correlations of the behaviours of lone actor terrorists with the prevalence of mental illness have emerged from Corner and Gill’s analysis as well. “Individuals who injure”, for example, “are 5.1 ... times more likely to have one diagnosis, and 12.5 times ... more likely to have two diagnoses, and 50 ... times more likely to have three or more diagnoses” (2015a: 30). Overall, however, the real numbers of affected terrorists remain small, and there is no way to establish causal linkages based simply on correlations these researchers have observed. Mental illness is more prevalent, though, with lone-actor terrorists focused on single-issue terrorism (e.g., animal-rights, anti-abortion) than with jihadist or far-right terrorism (Corner & Gill 2015a: 31), and the prevalence of mental health disorders amongst group-based terrorists, at 3.4%, is markedly lower than in the general population in most Western societies (Corner, Gill and Mason 2016: 562).<sup>6</sup> The National Institute of Mental Health in the United States, for example,

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<sup>6</sup> An FBI report on lone-offender terrorism in the United States between 1972 and 2015 stated that 25% of offenders had been formally diagnosed with one or more psychiatric disorders prior to their attack, and another 13% were diagnosed after their attacks: Federal Bureau of Investigations Behavioral Threat Assessment Centre (BTAC). (2019) “Lone Offender: A Study of Lone-Offender Terrorism in the United States, 1972–2015” Department of Justice Report (November 2019), <https://www.fbi.gov/file-repository/lone-offender-terrorism-report-111319.pdf/view>, pp. 22–23.

reported that 21.0% of the U.S. adult population experienced some form of mental illness in 2020, and 5.6% of the adult population experienced what they classify as a serious mental illness (National Institute of Mental Health 2022).<sup>7</sup>

Other researchers (e.g., Faccini & Allely 2019; Erlandsson & Meloy 2018; Sieckelink et al 2019) are seeking to understand more precisely, through case studies, how specific mental disorders play a role in instigating acts of violent extremism, and two further studies have sought to ascertain the prevalence rates of specific disorders (Corner, Gill and Mason 2016 and Gill, Corner, McKee, Hitchen and Betley 2019).

Calling on an expanded version of the database used in Corner and Gill (2015a), Corner et al. (2016: 564) have identified the following prevalence rates in their sample of 153 lone-actor terrorists: traumatic brain injury (1.3%); drug dependence (0.7%); schizophrenia (8.5%); schizoaffective disorder (0.7%); delusional disorder (2.0%); psychotic disorder (0.7%); depression (7.2%); bipolar disorder (3.9%); anxiety disorder (1.3%); dissociative disorder (0.7%); obsessive compulsive disorder (1.3%); post-traumatic stress disorder (PTSD) (3.3%); sleep disorder (0.7%); personality disorder (6.5%); and autism spectrum disorder (3.3%). The three disorders with markedly higher levels of prevalence than in the general population, based on comparisons with data from 13 psychiatric epidemiological studies (Corner et al. 2016: 567), are schizophrenia, delusional disorder, and autism spectrum disorders.<sup>8</sup>

<sup>7</sup> Corner, Gill and Mason (2016) justify their claim by referencing Jordi Alonso et al., “Prevalence of Mental Disorders in Europe: Results from the European Study of the Epidemiology of Mental Disorders (ESEMeD) Project,” *Acta Psychiatrica Scandinavica* 109 (2004): 21-27, and Ronald Kessler and T. Bedirhan Üstün, *The WHO World Mental Health Survey: Global Perspectives on the Epidemiology of Mental Disorders* (Cambridge University Press, 2008).

<sup>8</sup> The inclusion of autism spectrum disorders in this discussion is subject to debate since many would argue that it is not a mental illness or mental health issue, but rather a form of “neurodivergence” that is probably best not grouped with these other disorders. In reporting this data we are merely reporting on the full set of results published by Corner et al. 2016 and not commenting on the relevance or appropriateness of this finding.

Gill et al. (2019: 5–6) discovered, using closed-source police files on 49 individuals who engaged in or planned to engage in lone-actor terrorism in the United Kingdom between 1995 and 2015,<sup>9</sup> that a third of the sample (32.7%) had a history of mental illness or personality disorder. “In the vast majority of these cases,” they state (Gill et al. 2019: 5), the diagnosis was made before the individual engaged in the terrorism-related activities. In this sample they identified the following prevalence rates: mood disorders (12.2%); schizophrenia (10.2%); intellectual disabilities (4.1%); and personality disorders (2%). In every instance, these disorders have a contentious link with violent behaviour, meaning they can lead to violence in certain circumstances, but there is no necessary, intrinsic, or common association with violence. Overall, we have an insufficient understanding of “the social contextual determinants of violence, but research supports the view that the mentally ill are more often victims than perpetrators of violence” (Stuart 2003).

Reinforcing and extending this conclusion, a recent study sought to formulate how three types of mental disorder (namely psychosis, PTSD, and addiction) may be causally related to terrorism. After carefully delineating the many possible ways in which each of these disorders may hypothetically facilitate involvement in terrorism, Al-Atar (2020: 967) has stated:

There is [sic] simply no empirical studies at this stage to suggest any patterns and generalisations in mental illness-terrorism links, and it is not possible or meaningful to assign more or less weight to certain disorders or symptoms than others when assessing risk. There is no evidence base for an actuarial approach to assessing the role of mental illness in terrorist pathways, and there is [sic] no specific guidelines for practitioners on how to formulate the role of mental illness using existent structured professional judgement approaches.

Similarly, a recent systematic review of the research addressing potential links between personality traits/disorders and violent extremism concluded that there is tentative evidence that

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<sup>9</sup> Coded in accordance with the careful methods to secure coder reliability used in Gill 2015, Corner and Gill 2015a, and other studies by them

some dimensions of personality may play a role in radicalization and terrorism, but overall, the quality and conceptual diversity of the research available is too problematic to draw any clear conclusions (Corner et al. 2021: 395–98).

In another recent systematic review of the literature Gill, Clemmow et al. (2021) identified 25 relevant studies measuring rates of “mental health problems” across 28 violent extremist samples (56).<sup>10 11</sup> In line with the claims made above, this review points to a number of significant if general conclusions:

- (1) “Studies differing in data sources, scientific methods and risk specifications consistently point toward the presence of mental health disorders in a minority of subjects” (Gill, Clemmow et al. 2021: 66).
- (2) Yet there is no simple profile, since the research documents the presence of a wide array of different mental health issues and disorders. In this regard, “terrorist samples are marked by their diversity rather than their homogeneity” (Gill, Clemmow et al. 2021a: 59). No one or small set of disorders is consistently found to be disproportionately present to a significant degree (Gill, Clemmow et al. 2021: 59).
- (3) The data points to a strong distinction, however, between lone-actor and group-based terrorists, with the former marked by a prevalence of mental health issues absent in the latter. The rates of mental health disorders in lone-actor samples, however, “never exceeded 45%” and commonly are much lower (Gill, Clemmow et al. 2021: 67).
- (4) Variations in the prevalence of confirmed diagnoses appear to be dependent on the data sources used. “Where clinical examinations occur (n=236 subjects), diagnoses were present 33.47% of the time. Where studies relied upon wholly, or in some form, upon privileged access to police or judicial data, actual diagnoses occurred 16.96% of the time (n=283

<sup>10</sup> An earlier systematic review by Misia k et al (2019) found only twelve relevant studies, with only a few dealing directly with the possible influence of mental health issues on actual terrorists. (Others dealt with such issues as the vulnerabilities of samples of general populations.) Overall, the review stressed the methodological limitations affecting the reliability of much of the data.

<sup>11</sup> The review excluded studies on personality or personality disorders, because that was being covered by another study, and aimed to assess “the associations, correlates and impacts of mental health problems upon attitudes, intentions and behaviours in the context of radicalisation and terrorism” (Gill, Clemmow et al. 2021: 52). The study notes the multiple problems posed by the different constructs of mental health problems in the 25 studies examined and differences in the data collection techniques. Nineteen of the studies reported on “confirmed diagnosed mental disorders, while the others used a variety of less stringent criteria. Four of the studies based on confirmed diagnoses involved “direct clinical interviews or other associated measures.” One involved clinical self-reports. “Other studies measured mental health concerns indirectly through an investigation of either closed source (n = 4) or open source information (n=10)” (Gill, Clemmow et al. 2021: 58).

subjects). Studies based on open sources (n=1089 subjects) reported 9.82% of the time” (Gill, Clemmow et al. 2021: 58).

- (5) The data reveal that mental health issues co-occur with a range of other stressors, with which they interact in complex ways. Some of the identifiable areas of concern are related to personal life and relationship issues, experiences of discrimination, money/work/housing issues, life changes, health issues, traumatic events, and substance abuse and gambling issues (Gill, Clemmow et al. 2021: 62-66). “Rarely are mental health problems the sole issue. Sometimes mental health problems compound other problems. Sometimes other problems may compound the mental health problems” (Gill, Clemmow et al. 2021: 67).
- (6) All of this provides further support for the consensus view that no two people radicalize in the same way, because of the complexity of the interactions between all the relevant variables. The findings support both the principle of equifinality—“individuals with very different initial states can experience different processes and still end at the same outcome of violent extremism” (Gill, Clemmow et al. 2021: 66)—and the principle of multifinality, whereby “experiencing a single factor may impact upon an individual’s development in very different ways” (2021a: 66). In other words, in any one case, it may be hard to differentiate the relevance of the impact of mental health and other situational factors—a key finding that brings Gill, Clemmow et al. to their most significant conclusion.
- (7) The data in hand stems from studies documenting the presence and, to some extent, the prevalence of certain mental health problems. It does not adequately address the relevance of these problems. To what extent and in what ways do mental health problems play a role in actually determining the behaviors and actions of terrorists, and why do they impact individuals differently? To answer these questions of relevance, as Gill, Clemmow et al. (2021: 69) stress, we need to develop more idiographic research (comparative case studies).

In sum, to date investigations of the links between mental disorders and terrorism have revealed that only a minority (though significant) of terrorists have a history of mental illness, and this group is confined primarily to lone-actor terrorists, especially those classified as single-issue terrorists (e.g., anti-abortion extremists). In this regard, the three disorders that stand out for their disproportionate presence in this population are schizophrenia, delusional disorder, and autism spectrum disorders. As yet, though, little has been established about the nature of the possible linkages between these mental health issues and engagement in violent behavior in general, let alone public mass murder; other than the noteworthy co-occurrence of these disorders with other life stressors. This finding corresponds with the results of other research on mental illness and violence (Hiday 1997; Gilied and Frank 2014). In the general population there

is no noteworthy association between mental illness and violence. Only those experiencing “severe and persistent mental illness” have a higher association with violent behaviour, and largely in circumstances of interpersonal tension and/or social disorganization, such as brought on by poverty and substance abuse (Hiday 1997: 402-405; Gilied and Frank 2014: e5). As Hiday concludes in a review of the research: “For severe mental illness or even active psychosis to lead to violence, social factors must intervene. Neurobiological pathology may be the origin of severe mental illness but social factors affect its course, manifestations, and connection to violence” (Hiday 1997: 411-412). We lack the detailed and comparative case studies required, however, to start delineating and more systematically understand the interactions between severe mental illness and violent behavior in the case of some lone-actor terrorists (i.e., a sub-type of public mass murderers, as discussed further below).

#### **4. Comparative Analyses of Lone-Actor Terrorists and Public Mass Murderers**

Different groups of researchers have undertaken comparative analyses of lone-actor terrorists and mass murderers, often with little direct reference to each other and from somewhat different perspectives. To distill the most pertinent findings without becoming bogged down in procedural or methodological differences, it is advantageous in this context to divide the research into two waves of studies representing initial findings and later developments and refinements.<sup>12</sup>

##### **A. Early Findings**

Studies published by teams of researchers, notably teams led by Lankford, Capellan, and Gill, demonstrate that there are strong similarities in the backgrounds, behaviours, and motivations of

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<sup>12</sup> In this summary analysis there is no pretense to addressing all of the pertinent literature published in the last two decades. Rather, we focus on some of the most conspicuous and well-known studies. Several are based on more comprehensive critical assessments of the existing literature.

lone-actor terrorists and mass murderers. Lankford and colleagues, however, have grounded these similarities in a conception of these individuals as mentally ill (because they are suicidal) and have suggested that this is the driving factor in their actions. In contrast, Capellan and colleagues, as well as Gill and colleagues, have refrained from drawing such inferences, demonstrating that roughly 40% of these offenders have a history of mental illness and emphasizing the complex and problematic role such a history plays in motivating their violence.

As is often the case, all of these studies call on data about similar but not always identical samples. Lankford and Capellan have focused on mass shooters, while Gill and colleagues have more broadly addressed mass murderers. They also develop some of their datasets using slightly different criteria. In some instances, for example, Lankford has used a three-death threshold designation of mass murders (Lankford 2012b: 258), while Capellan and Gill have used the more common FBI standard of four victims, which Lankford has eventually reverted to as well (Lankford & Cowan 2020: 140). Likewise, Capellan has developed datasets that include individuals who “unambiguously attempted to kill four or more victims,” as well as those who succeeded (Capellan & Gomez 2018: 55; see also Capellan 2015: 397 & 400; Capellan et al 2019: 814).

The differences need to be taken into consideration, but overall, the findings of these researchers have been remarkably similar. Examining the seeming differences and similarities of “rampage shooters” in the United States and “volunteer suicide bombers” in Palestine, Lankford and Hakim (2011), have argued that the tendency to cast American rampage shooters as mentally deranged and Palestinian suicide bombers as normal (if fanatical) reflects the alternative cultural (i.e., interpretive) contexts in which their acts happen rather than the actual characteristics of the individuals involved. Relying on open-source data, they have argued that both sets of offenders

had “troubled childhoods,” lived in “oppressive social environments,” had “low self-esteem,” experienced “personal crises,” and were seeking “revenge” and “fame and glory” (Lankford and Hakim 2011: 99 & 101–5). The findings, however, are very conjectural and, as they admit, “should be considered exploratory” (Lankford and Hakim 2011: 106). Certainly, the problem of specificity intrudes throughout their analysis, since the variables analyzed apply to much broader swaths of the populations than the select few who became violent in these extraordinary ways. We have little knowledge, moreover, of how these factors interact differentially for individuals.

Lankford and Hakim have noted that contrary to the common assumption that suicide bombers are normal, there is “growing evidence ... that at least some suicide bombers displayed classic signs of mental illness before their deaths” (2011: 101). Accordingly, and in line with some of his other studies (e.g., Lankford 2011; Lankford 2018a), Lankford has undertaken further comparative analysis of suicide terrorists, rampage, workplace, and school shooters in the United States (from 1990 to 2010), treating each as instances of “murder-suicide” (Lankford 2012b: 257). In his work, Lankford has assumed that suicidal ideation and behaviour is evidence of mental illness (Lankford 2012b). This study has compared offender characteristics such as age, sex, the presence of social marginalization, family problems, work or school problems, and precipitating crises, as well as attack characteristics such as the number of fatalities and casualties, whether or not the attack involved successful suicide attempts, and if they left suicide notes/explanations (Lankford 2012b: 257). Working with an open-source dataset of 81 attacks (12 terrorist, 18 rampage, 16 school, and 35 workplace shootings), Lankford has found that 76 attacks were committed by lone offenders, all except two of whom were male. With the exception of the school shooters, whose average age was 20.22 years, the average age ranged from 37.11 to 41.16 years. Family problems were detected in 41% to 56% of all perpetrators



except workplace shooters, and work and school problems were common, as was evidence of social marginalization and precipitating crises. Attack characteristics differed little, once data for the 9/11 attack were excluded, and most perpetrators killed themselves after their attacks, with 50–67% of suicide terrorists, rampage, and school shooters leaving suicide notes or explanations of their actions. Only 8% of suicide terrorists, however, engaged in what Lankford has termed “fully self-controlled and self-harming” suicides, and only 11% of workplace shooters left notes (Lankford 2012b: 263). Lankford has concluded:

Overall, there were minimal differences between the suicide terrorists’ personal problems and the problems of the other types of offenders. It was actually the workplace shooters who appeared most different from the other perpetrators of murder-suicide (2012b: 263).

First of all, there were twice as many workplace attacks, and the perpetrators were characterized by fewer family problems but experienced more precipitating crises. They left fewer suicide notes; their attacks involved fewer fatalities; and they were much more likely to kill individuals they felt had victimized them, as opposed to strangers or bystanders (Lankford 2012b: 265).

Capellan (2015) published the first study that compared the overall literature and data on lone-actor terrorists and public mass murderers in general. In line with previous studies of aspects of this issue (e.g., Lankford 2012b; McCauley, Moskalenko, & Van Son 2013), he too has demonstrated that “ideological” and “non-ideological” offenders look alike. Most are “white males in their 30s, with rather dysfunctional adult lives. They tend to be single/divorced, unemployed, have low levels of education, and suffer from mental illness” (Capellan 2015: 407). In fact, in his sample of 282 cases between 1970 and 2014 in the United States, he has found approximately 50% of the cases involved “confirmed or suggested mental illness” (402). Both ideological and non-ideological offenders attacked places to which they had authorized access; the events ended within 60 minutes; and they ended with “self-contained or self-harming

suicides” (Capellan 2015: 405). (Unlike Lankford, Capellan has included in this category being killed in the act by the police or others.) The ideological offenders (i.e., lone-actor terrorists), however, were more likely to have “blue-collar jobs” and criminal records. They also engaged in significantly higher levels of planning and were more likely to train for their attacks and research their targets. There is less evidence of precipitating events for them, and they were more likely to attack people and places with which they had no prior relationship (Capellan 2015: 401–3). These findings have led Capellan to suggest that ideology plays a significant role in the preparation for, execution of, and conclusion of their attacks (407).

Gill, Silver, Horgan, and Corner (2017) have produced a more exacting analysis based on “the richest (in terms of size and breadth of variables) dataset of its type,” focusing on 115 mass murderers from 1990 to 2014 in the United States. The results of their analysis reflect many aspects of the findings of Lankford and Capellan but with many more variables and more precision (see especially Gill et al 2017: 711–13).<sup>13</sup> In terms of demographic characteristics, the mass murderers in their sample were overwhelmingly male, with relatively low educational attainment (only 24% had some experience of university). 28% were unemployed, 33% worked in service or administrative jobs, and only 5% were professionals. 43% were single, 17% married, and 13% divorced. 43% had previous criminal convictions but for a wide range of offences, so no one offence stood out as an “escalatory trigger.” 18% had some military experience, but only 2% had actual combat experience. In terms of more complex factors, 63%

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<sup>13</sup> Gill et al. (2017) have also discussed the problems posed by the diverse and somewhat arbitrary criteria used in similar research to differentiate offenders by motives, types of weapon, or the number of victims. Alternatively, they have offered a rationale for defining public mass murderers as individuals who perpetrate crimes with four or more victims (excluding the perpetrator) at one or several geographically close locations over a relatively short period of time. Mass murders committed by gangs, terrorist groups, or criminal organizations, or that were solely instances of domestic violence are excluded from the category of mass public murders. This definition is more or less the consensus view now, and Capellan has advanced much the same definition for “mass public shootings”—technically a more specific sub-type (Capellan et al. 2019: 814).

had experienced long-term stress (ranging from academic, employment, and business failures through disabling injuries and diverse mental health issues). 44% had histories of substance abuse, and 41% had diagnosed mental health disorders. “At least eight of the offenders had previously tried to kill themselves, while many others regularly spoke of a desire to kill themselves” (Gill et al 2017: 712). 26% appeared socially isolated, and 24% lived alone.

In addition, the examination by Gill et al. (2017) of the prevalence of behaviours of mass murderers in the time nearing the event highlights the importance of short-term situational risk factors. This includes such experiences as being recently unemployed, being degraded or the target of a perceived act of prejudice, problems with personal relationships, financial problems, and elevated levels of stress in general (Gill et al. 2017, see Table 1: 712). Measured in periods of two years, one year, and six months before the attack, the significance of events in the six-month period stand out, though the presence of these issues is significant throughout.<sup>14</sup>

In line with the data Gill (2015) collected on lone-actor terrorists and as indicated by previous studies of adolescent mass murderers (Meloy et al 2001) and school shooters (Vossekuil et al 2002), a surprisingly high percentage of mass murderers leak information about their intentions and plans (Gill et al. 2017: 712). Without summarizing all the data reported in Table 2 of this study (2017: 713), in 46% of the cases others were aware of the perpetrator’s grievances, 31% of the mass murderers made verbal statements to friends and family about their intent or beliefs, and in 17% of cases, at least one other person knew of the individual’s research,

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<sup>14</sup> The Violence Project, a non-profit organization, reports that of 180 American mass shooters, over 80% were in noticeable crisis prior to their shootings: 40.6% for years beforehand, 29.7% for months, 15.9% for weeks, and 13.8% for days. Most of the shooters in crisis exhibited one to four symptoms. However, over one third showed five or more signs of a crisis (i.e., 66.9% exhibited increased agitation, 41.9% a abusive behaviour, 39.5% isolation, 33.1% losing reality, 29.7% depressed mood, 27.3% mood swings, 24.4% inability to do daily tasks, and 23.8% paranoia). See the Violence Project (2022) “Key Findings.” Data visualizations (accurate through 2019), <https://www.theviolenceproject.org/mass-shooter-database-3/key-findings/> (accessed 21 February 2022).

planning, and preparation for the attack. 12% of the murderers produced public statements prior to the attack, and 19% issued a pre-event warning.

Despite the array of data, Gill et al. (2017) have observed that it is difficult to gain insights into the motivations of perpetrators. They have stated, however, that “56% held a grievance against a particular person or entity” (713). The list of grievances is wide-ranging, involving government institutions and officials, neighbours, former employers and co-workers, family members, acquaintances, service providers, specific sets of people (e.g., homosexuals), and other vaguer categories (e.g., “rich snobs”) (Gill et al. 2017: 713). They have noted that many offenders “appeared obsessed about other issues unrelated to their grievance,” such as “serial murders, death, food additives, former girlfriends, female neighbors, celebrities, firearms, and the causes of ill-health” (Gill et al. 2017: 713).

Finally, Gill et al. (2017) have noted that “there are a couple of other event-related behaviours that produced interesting results” (713): 79% knew the location of the attack well, often because it was where “most of their routine activities” happened (e.g., school or work); 85% pre-conceived and planned their attacks; and 20% consumed alcohol or drugs just prior to the attacks. Moreover, 53% died in their attacks, and Gill et al. (2017) say rather ambiguously “All but 13 of those cases were suicide, the rest being death by cop” (713). This figure is significantly lower, it is worth noting, than Lankford’s findings (2012b: 262). Lankford (2012b) reported that 67% of suicide terrorists, 89% of rampage shooters, 69% of school shooters, and 91% of workplace shooters, had completed suicide successfully.

The concluding remarks of Gill et al. (2017) regarding their detailed set of findings are worth quoting at some length:

[M]ass murderer attacks are usually the culmination of a complex mix of personal, political, and social drivers that crystalize at the same time to drive the individual down the path of violent action. Whether violence comes to fruition is usually a combination

of the availability and vulnerability of suitable targets that suit the heady mix of personal and political grievances and the individual's capacity to engage in an attack from both a psychological and technical capability standpoint. Many individual cases share a mixture of unfortunate personal life circumstances coupled with an intensification of beliefs/grievances that later developed into the idea to engage in violence. What differed was how these influences were sequenced. Sometimes personal problems led to a susceptibility to ideological influences. Sometimes long-held ideological influences became intensified after the experience of personal problems. This is why we should be wary of monocausal master narratives (e.g., it was caused by mental illness). The development of these behaviors is usually far more labyrinthine and dynamic (Gill et al. 2017: 713).

In most cases, they have stressed, the risk factors have been at play for a long time, more recent situational stressors have a “multiplier effect” on them, and “the trajectory into violence” is a lengthy process (Gill et al. 2017: 714).

#### B. Later Research and Developments

In line with other scholars, Lankford has also argued that the “mass shooter–suicide terrorist distinction might no longer be meaningful” (2018b: 472). In contra-distinction to Gill et al. (2017), however, he has argued that this is because mass murderers and lone-actor terrorists are both—and probably equally—driven by mental illness, as demonstrated by the suicidal nature and consequences of their actions. His circular reasoning in this regard is unique and problematic. He first succinctly stated this thesis in an op-ed in the *New York Times* (Lankford 2012a) and then in a subsequent series of academic publications. In particular, Lankford has stressed that all public mass murderers, including lone-actor terrorists, share three “factors,” all of which we would say are really motivations: “(a) suicidal motives and life indifference, (b) perceived victimization, and (c) desires for attention or fame” (2018b: 472). Relying on evidence derived from open sources, including the notes, manifestos, and videos left behind by attackers, Lankford has pointed to the presence of these “factors” and maintained that they are of primary importance, but he provides no precise data on the prevalence and relevance of these factors. Moreover, he has acknowledged the problem of “false positives,” which is really another instance of the problem of specificity:

Even if most public mass shooters and suicide terrorists exhibit some of the warning signs provided here, that does not mean that everyone who exhibits some of these warning signs will inevitably become a mass killer (Lankford 2018b: 474).

In fact, a great many people will display these three “warning signs” and not become public mass murderers (Mulvey & Cauffman 2001; Fox & DeLateur 2014: 134). Nonetheless, Lankford has argued that the potential harms caused by failing to identify a potential mass murderer outweigh the risks associated with falsely identifying someone as a potential mass murderer. Given the complexities of the situation, as outlined by Gill, Clemmow et al. (2021), it seems fair to say Lankford has significantly underestimated the number of false positives that could result from acting on these three limited “warning signs.” Consequently, we caution against accepting his point of view.

Capellan has augmented his initial analysis with several additional quantitative studies, two of which are examined here: (1) Capellan and Gomez (2018) and (2) Capellan et al (2019). Both of these studies have addressed changes in the characteristics of “public mass shooters” (the subcategory the research focuses on) over time. The authors have developed open-source datasets of such shootings in the United States (Capellan and Gomez 2018 examined 294 shootings from 1984 to 2015; Capellan et al 2019 addressed 319 shootings from 1966 to 2017). Capellan and Gomez (2018) compared data from the last sixteen years of the twentieth century (1984–99) with data from the first sixteen years of the twenty-first century (2000–15). The results reveal that the basic profile of such shooters has remained consistent in many respects: they are overwhelmingly male, predominantly white, in their 30’s and hence older than most criminals, largely single or divorced, have high school or less education, high levels of unemployment, and abnormally high levels of mental illness and substance abuse. Most attacks are “lone-wolf” ones, in locations the attackers are familiar with, and the events are sudden, chaotic, and end relatively quickly (“the overwhelming majority end in less than 30 minutes”,

Capellan & Gomez 2018: 65). Also, “the average number of fatalities and injured victims has remained stable ... (at about 3 fatalities and 3.4 injured victims)” (65).

Nevertheless, Capellan and Gomez (2018) detected significant changes as well: more of the shooters are non-white, more are married or in a relationship, a bit older, have some college education, and are employed (59–60 & 63). There are changes in the attack characteristics as well: they are significantly more likely to be traced back to a precipitating event, and surprisingly, given the onset of social media, there is “a significant decrease in the proportion of offenders who discuss their plans” (61).

These findings have been more or less confirmed by Capellan et al. (2019), which examined 318 mass public shootings in the United States between 1966 and 2017, but the data on “disgruntled employee shootings,” “school shootings,” “ideologically motivated” and “rampage shootings” is disaggregated. The results reveal that 36.1% of the mass public shootings were rampage shootings, 29.8% were disgruntled employee shootings, 19.1% were school shootings, and 14.7% ideologically motivated. Over time, school shootings have been declining, ideologically motivated ones have remained stable, and rampage and disgruntled employee shootings have grown. (Rampage shootings, however, is more or less a residual category, encompassing instances not readily assigned to the other categories.) Capellan et al. (2019) have found no significant differences in the educational backgrounds of these shooters: 70% have no more than high school-level education.<sup>15</sup> Likewise, the levels of confirmed or suggested mental illness was approximately 40% for all the categories. What differs, unsurprisingly, is that school shooters were much younger and almost all single, and disgruntled employees were more likely

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<sup>15</sup> Of course, this figure also demonstrates the “remarkably ordinary” character, in many respects, of public mass murderers, since as the U.S. census reveals that 33.4% of Americans had a bachelor degree or higher in 2016.

to be unemployed (65.9%). Ideologically motivated and rampage shooters were far more likely to have criminal records (48.9% and 40.1% respectively), and the ideological shooters were more likely to be active or former military (27.6%).

In sum, three things stand out from the studies by Capellan and Gomez (2018) and Capellan et al (2019). First, the consistency of the gender variable: the fact that almost all offenders are male warrants much greater study, as Capellan et al. has recommended (2019: 822). Second, the increase in disgruntled employee and rampage shootings means that more attacks are less planned, stem from the acute strain of precipitating events, guided by a revenge motivation (in 83.1% of cases), with a higher percentage of non-white perpetrators. These attacks, however, have a lower level of fatalities and injured victims, probably because of their more impulsive nature. Third, overall the shooters have commonly experienced a number of difficulties in life in terms of high levels of being single or divorced, unemployed, low levels of education, and high levels of mental illness and substance abuse.<sup>16</sup>

Gill and colleagues have extended their analysis as well. Gill, Silver et al. (2021) once again have compared lone-actor terrorists and public mass murderers, with a dataset of 71 terrorists and 115 shooters in the United States between 1990 and 2014. The analysis covers 180 variables, using bivariate and multivariate analyses, and largely confirms their earlier findings. They have examined sociodemographic characteristics and behavioural differences, dividing the

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<sup>16</sup> Recognizing the insufficiency of the conventional categories used to sort such shootings, Capellan et al. (2019) have suggested regrouping mass public shootings as either “autogenic, revenge, or ideological” (817; see also Capellan & Gomez 2018: 53–54). This typology is derived from the application of script analysis and rational choice theory to mass public shooter cases (Osborne & Capellan 2015). These new labels are fairly self-explanatory, and they mean the changes noted involve increase in revenge motivated attacks (e.g., workplace shootings) and a decline in autogenic ones (e.g., school shootings)—ones where the attacks are motivated more by “self-generated” internal reasons. The adequacy of this classification is questionable, however, since the key factor in revenge attacks is the way individuals interpret and respond to precipitating events. The labels “autogenic,” “revenge,” and “ideological” are not logically of a kind either, so the analytic advantage of Capellan’s new categories remains relative at best.



latter into group-related activities, antecedent attack behaviours, and leakage-related behaviours, concluding:

Overall, our data inform the emerging idea that lone-actor terrorists and public mass murderers are not distinct offender types. There is more that unites them than divides them. Although the over-arching focus of our results are the few variables that distinguish them, the vast majority (>80%), of the 180+ variables showed no significant difference. For the most part, they are similar people, with similar mobilization pathways, committing similar forms of violence, with slightly dissimilar motivational structures. Even motivational structures are difficult to demarcate. Although lone-actor terrorists are ideologically influenced, in many cases we see these influences combine with deeply personal grievances to shape aspects of their decision-making ... [and] ... we often see [mass murderers] frame their respective grievances in politicized language ... (Gill, Silver et al. 2021: 5)

Both types of offenders continue to be overwhelmingly male, have an average age of 34 years, and tend to be single or divorced (lone actors 53%; mass murderers 56%) (Gill, Silver et al. 2021: 3). Lone actors, however, have been found to be significantly more educated than mass murderers, with two thirds of the former participating in some form of university education compared to 24% of the latter.

In terms of behaviours, Gill, Silver et al. (2021: 3) have found that lone actors are significantly more likely to: (1) try to recruit co-offenders; (2) interact with co-ideologues, virtually and in-person; (3) produce letters and/or public statements prior to the attack; (4) recently have joined a wider movement; (5) have military or combat experience; (6) have criminal convictions; (7) experience a tipping point in their radicalization; (8) change address prior to the attack; (9) live alone and be socially isolated; (10) engage in dry runs/hostile reconnaissance; (11) demonstrate that their anger is escalating; (12) possess a stockpile of weapons; (13) verbalize their intentions to friends/family/wider audiences; (14) have others aware of their grievance; (15) express a generalized desire to hurt others; (16) have others involved in procuring weaponry; and (17) have others aware of their attack planning. As for mass murderers, Gill, Silver et al. (2021: 3) have found that they are significantly more likely to:

(1) have a history of substance abuse; (2) experience being degraded, treated poorly, or victimized; (3) have problems with personal relationships; (4) experience both recent and chronic stress; and (5) have a history with the event location.

In comparing lone actors with public mass murderers, Gill, Silver et al. (2021) have found no significant differences in (1) the prevalence of mental health disorders (39% versus 41%); (2) the experience of financial problems in the two years prior to the attack (both 25%); and (3) making specific pre-attack warnings (26% versus 19%).

In these findings we can see tendencies, but it is hard to know what is consequential. It appears, for example, that lone-actor terrorists are less alone than mass murderers and, accordingly, also share more information about their intentions prior to acting on them. But as Gill, Silver et al. have cautioned, “half of the lone-actor terrorists were as ‘lone’ as the non-ideologically motivated public mass murderers” (2021: 5). Likewise, just because a public mass murder is not explicitly identified with an ideological reason does not mean there is not one, since “over a quarter of public mass murderers had some form of ideological aspiration, albeit poorly articulated, fanciful, or lacking a wider milieu of support” (Gill, Silver et al. 2021: 5). In other words, what emerges again is the complexity of the etiology and the similarity of the two types of assailants.

The research on this topic is relatively new and subject to certain methodological limitations. For example, the datasets have not been representative samples and thus far have not been complete ones, and they have largely been derived from open sources. Such sources are inevitably subject to some selectivity bias, and this means some variables are over-reported, while others are under-reported. Some of the data utilized on mental health problems has not been the result of the application of standardized assessment tools, and when it has been,

different tools may have been used. Many of the studies are limited by the fact that they sampled on the dependent variable. They have studied only individuals who were lone-actor terrorists or mass murders without a control group or the use of other relevant comparative data (e.g., general population data). The studies by Gill and colleagues have sought to make comparisons with national figures wherever possible, and they have implemented more elaborate means of coding and inter-coder reliability testing to compensate for these limitations. Nevertheless, the sub-Ns for many variables remain small relative to the overall sample. These limitations do not invalidate the findings; they simply mean caution must be exercised in drawing strong conclusions.

#### IV. Summary Observations and Conclusions

Overall, we think there are eleven primary takeaways from this analysis.

*(1) The research available on MCIs is characterized by a breadth and diversity of approaches and terminology, resulting in considerable ambiguity and lack of definitional clarity.*

We have identified 64 different terms that play a role in the conceptualization of MCIs. These terms can be organized in terms of four overlapping criteria: the scale of an MCI, the motivations for an MCI, the nature of an MCI relative to other crimes, and the genre of the MCI. Analysis of the ambiguity in the literature further suggests it stems from differing opinions on the timing/location, deadliness, visibility, success, and method of the violent incidents.

*(2) On the basis of a careful examination of the research, we recommend the use of the following definition of mass casualty event:*

A premeditated and successfully executed act of violence where one or more perpetrator(s) influenced by personal grievances, beliefs, and/or outside ideological sources physically injure and/or kill four or more victims during a discrete period of time.

(3) *There is a dearth of research available on Canadian MCIs, yet we have identified, using the above definition, at least 44 MCIs in Canada between 1970 and 2021 (see **Table 2**).*

(4) *There is a broad profile for the perpetrators of MCIs.* Studies have consistently found that public mass murderers are overwhelmingly male, predominantly white, and have an average age in the mid- to late thirties. The majority are single or divorced, have relatively low levels of education (high school or less), and about 40% have a previous criminal conviction and a history of diagnosed mental health issues. A sizable minority, about a quarter, are socially marginalized and unemployed, and most have experienced a number of stresses and strains in their lives, ranging from problems at school or work, in relationships, with their finances, or from discrimination for years but particularly in the six months preceding their attack. While some have displayed suicidal tendencies (accurate figures not available), there is insufficient reason to posit a desire to die as a significant motivation for their attacks, especially in the case of lone-actor terrorists. If death was the primary objective, there are easier ways to achieve it than planning and perpetrating a mass murder.

(5) *There have been some changes in the basic profile of perpetrators.* The research suggests that in recent years the profile of those perpetrating MCIs has shifted somewhat. More are non-white, married or in a relationship, a bit older, have some university/college education, and are employed. In addition, more of the attacks are revenge motivated, less planned, and more directly related to precipitating events than in the past. However, these changes reflect a broadening of the basic profile more than a significant shift in the nature of the acts and perpetrators. In other words, rather than a shift in the nature of the phenomenon of mass public murder *per se*, such changes may be a reflection of recent demographic and historical trends, such as the aging of baby boomers, more racially diverse populations, higher general levels of

education, and the impact of such major incidents as the financial crisis of 2008 (and more recently perhaps the COVID-19 pandemic).

Disconcertingly, however, as the data reveals, a sizable portion of mass murderers do not conform to even the broad profile, with the exception of their gender (i.e., being men), and this needs to be taken into consideration. In a relative sense, that is, we now reliably know much more about most of the perpetrators of MCIs, but in real terms, the profile remains weak. We know not everyone is equally at risk of engaging in such violence, and we know which factors should be the focus of our attention, given their disproportionate presence (e.g., history of mental illness). Yet many perpetrators diverge from the broad profile in one or more key respects and, most importantly, we are faced once again with then problem of specificity: the profile applies to a much wider segment of the population than those who engage in acts of mass public violence.

(6) *The process of becoming a mass public murderer is characterized by equifinality and multifinality.* A multitude of factors may influence why any one individual turns to violence, and the interplay of these factors may be more important than their mere presence. These facts, along with the role of countless contingencies in precipitating violent behaviour, mean that it is not possible to trace a typical path to violence in anything other than very general ways. The principles of equifinality and multifinality apply. Individuals with very different initial states can experience different combinations of factors yet still end up engaging in acts of mass violence (i.e., equifinality), and the experience of a single factor may impact differently upon individuals yet produce the same violent result (i.e., multifinality). In other words, individuals with different initial situations will experience a range of factors that interact differently to contribute to their violent behaviour, and different people in similar initial situations will experience different

outcomes, as a result of experiencing a single factor differently (Corner forthcoming: 10–11). It is this situation that underlies, in part, the ongoing problem of specificity.

This does not mean, however, that we can only differentiate mass murderers from the rest of us by their final violent actions. In a relative sense, mass murderers can be distinguished, and individual risk assessments could possibly be developed, with sufficient information. There is, however, an extensive research literature on the development and implementation of such threat assessments, one's specifically focused on interpersonal violence of all types, that far exceeds our expertise or the parameters of this report (see, e.g., the well respected journal *Threat Assessment and Management*, a publication of the Association of Threat Assessment Professionals and the American Psychological Association).

(7) *Lone-actor terrorists are much like other public mass murderers yet still distinct by degree.* The similarities between lone-actor terrorists and other types of public mass murderers have been demonstrated by the studies addressed in the review above. The delineation of these similarities is consequential because it broadens the empirical base for the study of this phenomenon overall and augments our understanding of the role of non-ideological factors in terrorism and ideological factors in other instances of public mass murder. We can no longer separate the two by assuming that terrorists are primarily “normal” (i.e., not suffering from a mental disorder) and driven by ideology, while most public mass murderers are mentally ill and non-ideological. Much about the role of these factors in each case, however, has yet to be empirically investigated and clarified.

In the case of lone-actor terrorists there is an increasing appreciation that ideology may play a more important causal or mediating role, or both, than presumed by many researchers, at different points in the process of radicalization (Holbrook & Horgan 2019; Dawson 2021 b: 13–

16), and to different degrees for different individuals. Gill, Silver et al. (2021: 5) make a similar claim for public mass murderers, arguing “in the aftermath of a public mass murder not ‘claimed’ by any terrorist organization, investigators should not discount the possibility that the offender was motivated at least in part by political, religious, or ideological concerns ... (over a quarter of public mass murders had some form of ideological aspirations, albeit poorly articulated, fanciful, or lacking a wider milieu of support).” Weak or strong, the functioning of the ideology is subject to the same considerations as the role of mental illness (see #8 below).

When present to any significant extent, ideology is correlated with consistent differences in the characteristics of offenders and their attacks: ideological public mass murderers tend to be less likely to have a history of mental illness (roughly 30% versus 40% of those without ideological motivations), and their attacks are more planned, more lethal, more likely to target people they do not know, and less likely to be affected by precipitating events. There also is more leakage (i.e., divulging information about their grievances, intentions and plans to other people). The reduced presence of mental illness and the greater amount of leakage probably stem from the fact that even lone-actor terrorists are less socially isolated and perhaps less marginalized as well, because they have some links with others who share their ideological orientation (off- and online).

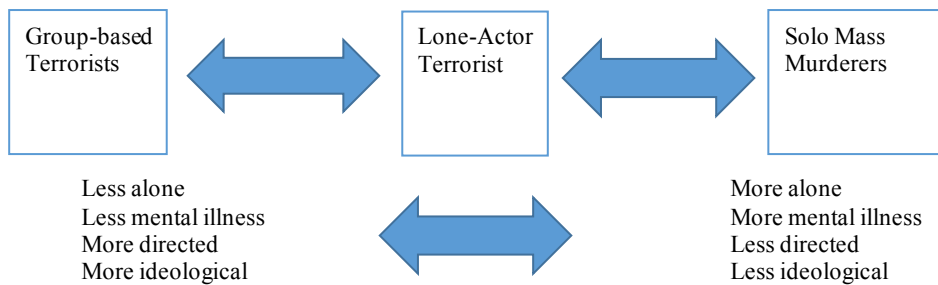
The findings of Gill, Silver et al. (2021) suggest that it would be best to adopt a dimensional approach to differentiating lone-actor terrorists from other types of mass murderers. In this regard, they have recommended the approach advanced by Borum, Fein, and Vossekuil (2012) to distinguish lone-actor terrorists from other terrorists:

[Those authors] make the case that instead of focusing on typologies of lone-offender terrorists (e.g., based on whether the offender received material support or acted under a formal command and control structure), it may be more useful to view (a) the degree of loneness the offender exhibited, (b) the degree of external direction the offender

received, and (c) the depth of their political motivation, as continuums (Gill, Silver et al. 2021: 5, referring to Borum, Fein, & Vossekuil 2012).

These dimensions apply equally well to differentiating lone-actor terrorists from other mass murderers. Group-based terrorists, lone-actor terrorists, and mass murderers form a spectrum, with lone-actor terrorists being somewhere in the middle of the continuum, and being more lone, less directed, and less ideological than group-based terrorists, and less lone, more directed, and more ideological than other mass murderers. The poles of this continuum are Weberian ideal types that rarely exist in reality and merely serve as heuristic devices for anchoring the continuum. Almost all real cases would be plotted somewhere along the continuum.

Figure 1. Continuum of Types of Public Mass Murderers



Even when the presence of an ideology is detected, however, in either lone-actor terrorists or solo mass murderers, we must keep in mind the sequence and relative primacy of personal and ideological motivations.

Many individual cases share a mixture of unfortunate personal life circumstances coupled with an intensification of beliefs/grievances that later developed into the idea to engage in violence. What differed was how these influences were sequenced. Sometimes personal problems led to a susceptibility to ideological influences. Sometimes long-held ideological influences became intensified after the experience of personal problems. (Gill, Silver et al. 2017: 713)



Ideology has a consequential role to play, though, even when it is not the source of grievances and merely the frame used to make sense of the grievances and to direct the attention and energies of the perpetrator (i.e., playing a mediating role). An ideological worldview can be instrumental in mobilizing an individual to take action, in part by providing a justification that transcends the personal. It makes a linkage between personal troubles and political, religious, social or cultural objectives and causes (Maynard 2014 & 2019; Holbrook & Horgan 2019).

(8) *A large minority of mass murderers have a history of mental illness, but the role of mental illness in influencing or precipitating their violence is complex and unclear and must be determined on a case-by-case basis.* As far as we can currently tell, based on the data about diagnosed mental disorders available in open sources of information, a significant minority of mass murderers have a history of some mental illness, and there is some data linking them to specific mental disorders. The data reveals, however, the presence of a wide range of disorders, without any one disorder or set of disorders having particularly strong correlation with particular offenses. Furthermore, approximately 50–60% of offenders have no demonstrable history of mental illness. Lankford’s categorical association of mass murderers with mental illness by virtue of the suicidal nature of most of the attacks (see section III-4 above) is too facile. (Fully establishing this point, though, requires specific argumentation that exceeds the scope of this limited review.)

In the end, Corner’s understanding of the role of mental disorder in terrorism seems apt for psychopathology and mass public murder in general (with the proviso that its presence in the latter is greater):

... [I]t is extremely unlikely that psychopathology alone is the cause of radicalisation. Even for those who, at some point, suffer from mental health problems and ultimately become radicalized, the role of these disorders or traits will differ across cases, and they

will be mediated by a wide range of other experiences and situations. A single specific disorder will likely have a different impact on different people. Sometimes mental health problems may compound other problems. Sometimes other problems may compound the mental health problems. It is also possible that underlying psychopathology mediates other factors and [may] move individuals away from radicalisation, or there may be differences in specific disorders and traits between those who become radicalised and those who act violently (Comer forthcoming: 11).

As stated, the principles of equifinality and multifinality apply, and as Comer has commented, it is important to note that the presence of mental disorders are as likely to inhibit a turn to violence as prompt it. This is why, as Al-Atar (2020: 967) concludes, it is extremely difficult to assign more or less weight to certain disorders or symptoms than others when assessing risk.

In this regard, more generally, behaviour itself is not always a reliable indicator of the presence or absence of mental health disorders and their relevance to mass public violence. Counterintuitively, for example, analyses of the behaviour of lone-actor terrorists suggest that the presence of mental illness had little impact on the likelihood or ability of unwell individuals to engage in the same kinds of pre-attack planning and preparations as those without any mental health issues (Gill, Horgan, & Deckert 2014; Comer & Gill 2015b).

(9) *A high percentage of MCIs are carefully planned.* With the partial exception of workplace shooters and perhaps rampage shooters (who largely form a residual category for public mass murderers who do not fit the other categories), most perpetrators research and make preparations for their attacks for some time—at least several months and often years. It is difficult to say with the data in hand, however, whether they would have acted on their plans absent certain more recent precipitating experiences.

(10) *A significant minority of the perpetrators of MCIs engage in leakage, which may provide an effective avenue for detection and prevention.* Every study has found that 30%+ of perpetrators make statements to friends and family members about their beliefs, intentions, and

plans. In some instances, the levels of leakage (or “attack signaling”) are very high. Meloy et al. (2001), for example, found that 44% of their sample of adolescent mass murderers in North America discussed the act of murder with at least one other person before acting. This indicates that there may be scope to intervene in many cases before the situation becomes violent. Potential MCIs, then, while rare, are not strictly as undetectable as commonly thought (Gill, Corner et al. 2019: 12).

However, there are significant and as yet not fully studied reasons why this information does not come to the attention of the authorities. Friends and family members, the most likely to be aware of this information, “may feel restrained from acting because of love and loyalty or concern about the consequences” (Borum 2013: 108). Therefore, as Borum (2013: 109) states:

Finding ways to encourage concerned people to come forward and to facilitate reporting will be critical to long-term prevention efforts. No quick fix is available, but research on reporting systems has shown that it helps to have multiple channels and options for reporting unacceptable behavior, including anonymous reporting mechanisms (Colvin, 2011). As a general guideline, bystanders are more likely to report concerning behaviors when they perceive the reporting mechanism to be accessible, safe, and credible (Rowe, Wilcox, and Gadlin, 2009).

We are aware of some similar research that has been undertaken into the reluctance of Muslim communities to report members suspected of terrorist activities to the authorities (e.g., Grossman 2015; Thomas et al. 2017), but we lack the expertise to comment further. Overall, though, the leakage also indicates that these perpetrators are simply less alone than previously thought, and hence it may be easier to detect their attack intentions and preparations, and potentially interdict their actions, than is commonly thought (Gill, Corner et al. 2019: 12; Schuurman et al. 2019; Hofmann 2020).

(11) *A defining motif of the behaviour of perpetrators of MCIs is an atypical preoccupation with grievances.* Again, there is no uniformity in the kinds or number of

grievances held by public mass murderers, and the problem of specificity applies in spades since many people hold similar grievances yet do not engage in violence, let alone perpetrate a mass murder. Nevertheless, case histories and the research discussed in this report create the impression that most mass murderers nurture grudges with an intensity and longevity that seems exceptional. They perceive themselves to be the victims of the unfair or unjust actions of specific others, and they feel called upon to rectify this humiliating situation through acts of vengeance, often because they feel their complaints have gone unheeded. For ideological offenders, the grievances are fraternal: they are linked to a group that the offenders can identify with. For non-ideological offenders, the grievances are more egoistic, to use the language of relative deprivation theory (see Smith & Pettigrew 2015). This is seemingly why McCauley et al. (2013), Corner et al. (2018) and Clemmow et al. (2020) favour using the term “grievance-fueled targeted violence” as an umbrella term for discussing all types of public mass murder.

This is an impression, however, and at this time it is unclear how it could be confirmed or tested (or whether someone has attempted). Gill, Corner et al (2019), working with strong closed source data on lone-actor terrorists provided by the British government, coded eight behaviors that they think indicated that individuals held grievances: “whether they published letters or other posts outlining the grievance, made verbal statements to friends and family, made verbal statements to wider audiences, whether others were aware the individual’s anger around the grievance was escalating, whether a bystander was apparent, and whether the individual experienced a recent stressor” (2019: 13). No rationale for all these measures is provided, and the links seem indirect or unclear in a few cases, but they note that all but three of their 49 individuals displayed at least two of the indicators, and 28 displayed five or more.

(12) *We need more research not just on the presence and prevalence of psychopathology and the other social factors for the emergence of MCIs but on the direct relevance of such factors.* The studies reviewed above provide data on the presence and prevalence of factors such as mental health problems, but they do not directly address the relevance of these factors or the different reasons and ways in which they might be relevant (Gill, Clemmow et al. 2021 : 61–62). As Gill and Corner (2015a) have recommended, more case studies and studies using vignettes are needed to provide greater insight into the functional links between specific disorders, symptoms, and actions. Few of these studies exist (see, e.g., Erlandsson & Meloy 2018; Allely & Faccini 2019; Faccini & Allely 2019; Inderberg et al 2019), and there is a decidedly conjectural quality to the analyses available. Overall, a more holistic, dynamic, and diachronic approach is required to investigate the interaction of a series of psychological, social, and situational factors. Such an approach is recommended by “life course research” in criminology (Carlsson & Sarnecki 2015; Simi, Sporer, & Bubolz 2016; Carlsson et al 2020), but such analyses hinge on developing significant biographical data on offenders, which is labour intensive and often simply not possible.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Police And First-Responder Decision-  
Making During Mass Casualty Events**

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## 1. Introduction

Mass casualty events such as those on 22 July 2011 in Norway and on 18–19 April 2020 in Nova Scotia cause an immediate impact and cast shadows for years to come, influencing the lives of relatives, friends, bystanders, response personnel, and others. While mass shootings are mostly negatively associated with casualties, fatalities, grief, and trauma, they are also important learning opportunities.

We experience mass shooting or other mass casualty events on a regular basis. Whether as a result of violent extremism, psychotic illness, or a combination of factors, mass casualties often appear as one-off events; but it is possible to look at them as a pattern of what Boin and colleagues call a creeping crisis (Boin, Ekegren, & Rhinard, 2020). We need better to understand these events, both in order to prevent or avert future mass shootings and in order to improve our preparedness and training for dealing with the events we cannot prevent, the residual risks. In this respect, it is all the more important to use the opportunities that exist to learn from these events through, e.g., after-action reports and the circulation of lessons learned.

The aim of this report is to study mass shooting incidents through the theoretical lenses of crisis, crisis management, information, situational awareness, and decision-making as a means of learning lessons that can be applied in the future. The report is based on research on the concepts of risk, crisis, situational awareness, sense-making, decision-making, societal safety, and learning, and on extensive research on mass shooting and police use of force. The report is not based on original empirical data from the events in Nova Scotia in April 2020 but will point out some similarities between those incidents and other cases such as the Utøya, Norway mass shooting in July 2011, Columbine in 1999, Virginia Tech in 2007 and Christchurch in 2019.

The report is structured as follows. Section 2 provides a discussion of key concepts, while chapter 3 describes sense-making and situational awareness. Section 4 focuses on crisis decision-making and section 5 on mobilization and response on three hierarchical agency or organizational levels. Section 6 looks at the public capacity in crisis response. Section 7 examines

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the importance of crisis communications, in particular two-way communication. Section 8 offers some thoughts on societal safety and responsibilities for managing mass shooting events. Section 9 presents some thoughts on learning and accident investigations. Finally, section 10 presents some concluding remarks and recommendations. A thorough review of relevant literature on these topics is presented throughout the report.

## 2. Key Concepts

### 2.1. Mass Casualties, Mass Murders, and Mass Shootings

A “mass casualty” event produces demand for medical care that may outstrip the capacity of local or even regional health care systems to provide conventional standards of care to the affected population (McCaw, Wood, McCaw, & McVernon, 2008), or an overwhelming event where the number of casualties vastly exceeds the local resources and capabilities in a short period of time (DeNolf & Kahwaji, 2018; Lomaglio, Ansaloni, Catena, Sartelli, & Coccolini, 2020). Such mass casualty events could be due to natural disasters, accidents, but also violent attacks such as mass murders or mass shootings. A “mass murder” may be described as four or more murders occurring during the same incident, with no distinctive time period between the murders (FBI, 2008: 8), or the killing of multiple people by one or more offenders in a short span of time, normally within a few hours, and either in the same place or in locations that are geographically near one another (Hickey, 2013). Those mass murders occurring in several locations, the bifurcated events, are events where the murderer begins killing in one place and then moves on to another location to continue murdering victims (Hickey, 2013). This was the case during the massacre at Virginia Tech in 2007 where the murderer began killing in the student residential dorm and continued the attack across campus 2 hours later (Huff-Corzine et al., 2014). Following the same line of thought as mass murder, a “mass shooting” could be defined as a multiple homicide incident in which four or more victims are murdered with firearms—not including the offender(s)—within one event, and in one or more locations relatively near one another (Krouse & Richardson, 2015: 2), or as killing four or more victims using firearms within a 24-hour period (Kim, Capellan, & Adler, 2021), whereas a “mass public shooting” is defined to mean a multiple homicide incident in which four or more victims are murdered with firearms, within one event, in at least one or more public locations, such as, a workplace, school, restaurant, house of worship, neighbourhood, or other public setting (Krouse & Richardson, 2015: 2-3).

There is an extensive body of relevant research on firearms flow and control, mass shootings, and emergency medical services (EMS) during/after mass shootings, including:

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- **Firearms flow or epidemic:** (Cook, Cukier, & Krause, 2009; Cotter, 2014; Cukier & Sidel, 2006; Farquhar, 1996; Miller & Bryant, 2021; Rubenstein, Wood, Levine, & Hennekens, 2019; Shultz, Thoresen, & Galea, 2017; Tessler et al., 2017; Zimring, 1991).
- **Firearms control:** (Cukier, 1998; Every-Palmer, Cunningham, Jenkins, & Bell, 2021; Forsyth, 2011; Langmann, 2012; Mauser, 2011; McPhedran & Baker, 2011; McPhedran, Baker, & Singh, 2011; Mundt, 1990; Newbold, 1999).
- **Emergency Medical Services (EMS) in mass shooting events:** (Chovaz, Patel, March, Taylor, & Brewer, 2018; Jenkins, 1996; Pennardt & Schwartz, 2014).
- **Police use of force:** (Bye et al., 2019; Carlier, Lamberts, Van Uchelen, & Gersons, 1998; Flin, Pender, Wujec, Grant, & Stewart, 2006; Henriksen & Kruke, 2020a, 2020b; Mitchell & Flin, 2007; Oudejans, 2008; Schakel, van Fenema, & Faraj, 2016; van den Heuvel, Alison, & Power, 2014).
- **Training and simulation of operative police work:** (Bennell, Jones, & Corey, 2007; Helsen & Starkes, 1999; Henriksen & Kruke, 2021; Henriksen, Snortheimsmoen, & Kruke, 2018; Johnsen, Espevik, Saus, Sanden, & Olsen, 2016; Phelps, Strype, Le Bellu, Lahlou, & Aandal, 2018; Ready & Young, 2015; Saus et al., 2006; Sommer, Njå, & Lussand, 2015).
- **Mass shooting:** (Huff-Corzine et al., 2014; Kim, Capellan, & Adler, 2021; Lake, 2018; Lopez, Crimmins, & Haskins, 2020; MacNeil, 2014; McPhedran, Baker, & Singh, 2011; Miller & Bryant, 2021; Monteiro et al., 2014; Reeping, Jacoby, Rajan, & Branas, 2020; Shultz, Thoresen, & Galea, 2017).
- **Surviving and follow-up after mass shooting:** (Bharadwaj, Bhuller, Løken, & Wentzel, 2021; Jenkins, 1996; North, McCutcheon, Spitznagel, & Smith, 2002; North, Smith, & Spitznagel, 1994, 1997; Nurmi, 2017).
- **School shootings:** (Bondü, Scheithauer, Leuschner, & Cornell, 2013; Borum, Cornell, Modzeleski, & Jimerson, 2010; Böckler, Seeger, Sitzer, & Heitmeyer, 2012; Columbine Review Commission, 2001; Cramer & Bradley, 2009; Daniels, 2013; Daniels et al., 2010; Gasser, Creutzfeldt, Näher, Rainer, & Wickler, 2004; Lankford, 2013; Larkin, 2009; Panel, 2007; Upshaw, 2013; Wilson & Thomson, 2019).

## 2.2. Risk

Even though “risk” is a common term, and the concept of risk is central to a number of scientific fields, there is little general consensus on how to define and interpret it (Aven & Ortwin, 2010; Engen, Gould, Kruke, Olsen, & Olsen, 2021). A well cited definition of risk has been presented by Aven and Renn: “Risk refers to uncertainty about and severity of the events and consequences (or outcomes) of an activity with respect to something that humans value” (Aven & Renn, 2009: 6). Rosa has also focused on uncertainty and value: “Risk is a situation or event where something of human value (including humans themselves) has been put at stake and where the

outcome is uncertain” (Rosa, 1998: 28). Thus, uncertainty is a main component of risk (Aven, 2008).

### 2.3. Uncertainty

We cannot discuss risk or conduct risk management without considering the term “uncertainty.” Cambridge Dictionary defines “uncertainty” as “a situation in which something is not known, or something that is not known or certain.” In crisis response literature, uncertainty is frequently identified as a factor causing stress and/or leading to “non-decision-making,” which in turn may lead to a failure to prevent the escalation of the situation at hand. For example, as we will see in section 2.5, a crisis can be defined as “a serious threat to the basic structures or the fundamental values and norms of a system, which under time pressure and highly uncertain circumstances necessitates making critical decisions” (Rosenthal, Charles, & t' Hart, 1989: 10). Uncertainty occupies a central position in this understanding of crisis. In a crisis situation we need to reduce uncertainty and strive for sensitivity to operations (Weick, Sutcliffe, & Obstfeld, 1999), sense-making (Boin et al., 2016; Endsley, 2015; Weick, 1993) or situational awareness (Endsley, 1995).

In their discussions of transboundary crisis, Ansell and colleagues have operationalized uncertainty in three different forms (Ansell, Boin, & Keller, 2010):

- (1) uncertainty about the source of the problem;
- (2) uncertainty about the evolution of the problem; and
- (3) uncertainty about possible solutions to the problem.

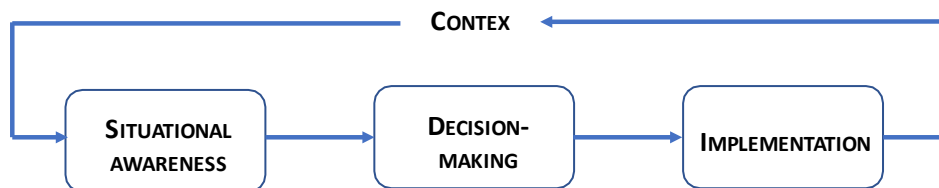
The quality of performance by managers and frontline personnel in situations characterized by uncertainty and ambiguity may be enabled by some particular contextualized practices aiding them to discern, interpret, and make sense of important discrepancies as a situation unfolds, and then to develop a richer understanding of the situation at hand (Barton, Sutcliffe, Vogus, & DeWitt, 2015) (see sections 3 and 4 for a more detail discussions on sense-making and situational awareness). A key point is to look for discrepancies and to develop the capacity to

expect and manage the unexpected (Bechky & Okhuysen, 2011; Tierney, Lindell, & Perry, 2001; Weick & Sutcliffe, 2001).

In the specific context of mass shootings, uncertainty is often a particularly significant issue because they often develop fast and, in the initial phase following the triggering event, people strive to make sense of the situation in which they find themselves. All these characteristics point to mass shooting as a crisis.

#### 2.4. Situational Awareness and Sense-Making

Situational awareness is a key foundation for timely and relevant decision-making, particularly in a dynamic crisis. These links between context, situational awareness, decision-making, and action are illustrated in **Figure 1**.



*Figure 1: The Links between Context, Situational Awareness, Decision-Making, and Action*

Situational awareness both serves as a main input for decision-making and do also impact the underlying processes used for decision-making (Endsley, 1997). The way in which a person understands the situation in which he/she finds himself/herself influences the decision-making process to solve the situation at hand (Manktelow & Jones, 1987). Thus, key characteristics of the crisis influence the adoption of a relevant mental model and thereby a relevant problem-solving strategy (Endsley, 1997).

Situational awareness, or situation awareness, (SA) is the perception of the elements in the environment within a specific time and space, the comprehension of their meaning, and the projection of their status into the near future (Endsley, 1988). More specifically, situational

awareness is about perceiving critical factors in the environment, understanding what those factors mean, and finally, understanding what will happen in the near future (Endsley, 1988). Many contextual factors affect the ability to conduct timely and relevant decision-making when in a dynamic and complex situation, including those related to available capabilities, stress, workload, goals, mandates, and both internal and external expectations. Another important factor is the level of training and experience of each decision-maker involved in the critical situation.

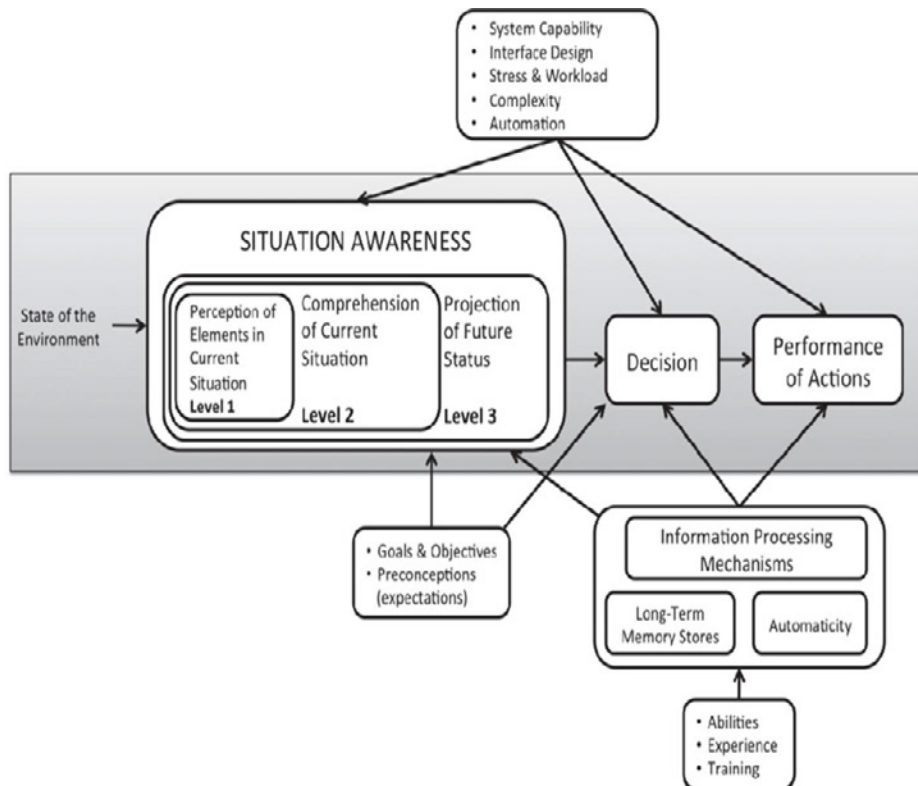


Figure 2: Situational Awareness in Dynamic Decision-Making (Endsley, 1995: 35)

Dynamic and complex novel situations often entail information overload, task complexity, and multiple tasks that may exceed the attention capacity of response personnel

(Endsley, 1995), especially those with less experience. Endsley has described how a well-developed mental model can provide (a) knowledge of the relevant “elements” of the system that can be used in directing attention and classifying information in the perception process (which Endsley refers to as “level-1 SA”), (b) a means of integrating elements to form an understanding of their meaning (which Endsley refers to as “level-2 SA”), and (c) a mechanism for projecting future states of the system based on its current state and an understanding of its dynamics (“level-3 SA”) (Endsley, 1997: 5). Experienced decision-makers can therefore use long-term memory stores and mental models (internal representations of the system they are dealing with) to circumvent limitations of learned classes of situations and environments (Endsley, 1997). These attributes, which come through training and experience, form the foundation for recognition-primed decision-making (Klein, 1989).

What is then sense-making? In Karl Weick’s research on the collapse of sense-making during the Mann Gulch disaster, sense-making is defined as “reality is an ongoing accomplishment that emerges from efforts to create order and make retrospective sense of what occurs” (Weick, 1993: 7). In their discussions of strategic crisis leadership critical tasks, Boin and colleagues also look at the pre-crisis phase in their definition of sense-making: “collecting and processing information that will help crisis managers to detect an emerging crisis and understand the significance of what is going on during a crisis (Boin et al., 2016: 15).

It is a discussion among scholars about the differences between sense-making and situational awareness (see Endsley, 2015). It is not the purpose in this report to go into this discussion. These concepts are defined, characterized and used throughout the report based on their relevance related to mass casualty events.

Because sense-making and situational awareness are the basis of timely and relevant decision-making in an acute crisis such as a mass casualty event, getting “eyes on the ground” or “eyes on the target” is often the first priority because doing so provides essential initial information. Familiarity with the scene of the crisis can also be crucial, even at this early stage. In Christchurch, for example, the arresting police officers had been attending firearms training nearby and were familiar both with the city and with the local policing (Ashford, Heron, & Kaldas, 2020). In contrast, the Norwegian police response to the Utøya attack was delayed due



to lack of local knowledge (NOU 2012:14, 2012). In both cases, the response operations took place in populated areas where citizens with local knowledge were available (Ashford, Heron, & Kaldas, 2020; NOU 2012:14, 2012; The Royal Commission of Inquiry, 2020).

### 2.5. Incidents, crises and disasters

Mass casualty events may be termed incident, crisis, disaster, emergency or catastrophe, pending who you ask, the size of the event, the impact on society, and the response required to manage the situation at hand. There are some distinct differences between these terms.

Professor Enrico Quarantelli, a well renowned researcher at the Delaware Disaster Research Center, argues for the differences between for instance everyday emergencies and disasters, and between disaster and catastrophe (Quarantelli, 2000). The purpose of this section is not to go into details related to these differences, but to state that when the term incident, crisis or disaster is used in connection to mass casualty events, the intent is not to differentiate between these terms.

Rosenthal et al. defined a crisis as “a serious threat to the basic structures or the fundamental values and norms of a social system, which – under time pressure and highly uncertain circumstances – necessitates making critical decisions” (Rosenthal, Charles, & t' Hart, 1989: 10). This definition focuses on some key crisis characteristics and challenges for crisis management, such as threat, time pressure, uncertain circumstances, and the need for critical decision-making. A well referenced definition of a disaster by the UN Office for Disaster Risk Reduction (UNDRR, formerly the UNISDR) includes some of the same characteristics: “a serious disruption of the functioning of a community or a society involving widespread human, material, or environmental losses and impacts which exceeds the ability of the affected community to cope using only its own resources” (UNISDR, 2009). This definition also focuses on a disaster as a disruption of a community, widespread losses, and the need for additional resources.

In addition to being characterized by serious disturbances, threats to the health and lives of citizens, threats to material values and reputation, the added factors of time pressure and uncertain circumstances, and the need for critical decisions, crises are events that rarely occur, and because they can have large and serious material effects, the resultant needs usually

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exceed the capacities of the immediately affected communities and response organizations, which creates further significant and widespread psychological stress. A similarity between crisis and disaster is that they both deal with events that may be characterised by their un-ness: they are unexpected, undesirable, unimaginable, and often unmanageable situations (Hewitt, 1983: 11).

We can all agree that they are undesirable – these are events we want to avoid. But can we also argue that they are unexpected and unimaginable? It is fair to argue that attacks like those at Columbine (1999), Virginia Tech (2007), Utøya (2011), Quebec (2017), Christchurch (2019), and Nova Scotia (2020) took us by surprise. But should such attacks be expected? Crises are sometimes referred to as “black swans” or “grey rhinos,” and the distinction between these two terms is instructive. A black-swan event is sudden, random, and unpredictable (Taleb, 2007). A key aspect of this concept is that the event is unthought of, unimaginable beforehand. A grey rhino, on the other hand, may be threatening because it has a high impact, yet its arrival is preceded by a series of warnings and visible evidence (Wucker, 2016).

Is a mass shooting totally unthought of, unimaginable beforehand, taking us by complete surprise – a black swan? It is fair to assume that even stable and largely peaceful countries such as New Zealand, Canada, and Norway are not exempt from terrorist attacks and other mass shootings, and that they will not be so in the future. Thus, we need to treat mass shootings as grey-rhino events – events that are rare but to a degree are predictable, if only we recognize and heed the warnings.

What, then, about crisis and disasters being unmanageable? If we agree that they are unmanageable, then this leaves little room for preparedness, training, and exercises. It is fair to say that elements of the response to crisis and disasters indicate that they are manageable, even though we experience losses. That was the case in Norway 22 July 2011 and in Christchurch 15. March 2020 (NOU 2012:14, 2012; Royal Commission of Inquiry, 2020). That is also the foundation for research on naturalistic decision-making and recognition-primed decision making (Klein, 1993; Zsombok & Klein, 1997) and for training and exercises in the pre-crisis phase (e.g., Bennell, Jones, & Corey, 2007; Henriksen & Kruke, 2021; Oudejans, 2008; Saus et al., 2006; Wilkerson, Avstreich, Gruppen, Beier, & Woolliscroft, 2008). Thus, we need to train

and exercise to manage such events. The next crisis may not be as planned, and even take us by surprise. The training and exercises may, however, put us into a position to handle a variety of events, and thus also the next crisis.

### 2.5.1. Crisis Typologies

Another way to characterize crises is through typologies – that is, how they are categorized. A well-used categorization is to distinguish between a crisis based on man-made/society made and natural causations. The way we categorize the event in question will have a major impact on the reasons for the development of the crisis. Thus, typologies can be used as a tool to become more familiar with and for more in-depth learning after a crisis. Typologies can also increase our understand of how different actions in the various crisis phases influence the development of a crisis. Finally, typologies may assist us in the deduction of consolidated findings about crisis and auxiliary countermeasures (Gundel, 2005). One major typology distinguishes crises on the basis of their development and termination patterns ('t Hart & Boin, 2001), while a second typology distinguishes crises by the degree to which they are predictable and influenceable (Gundel, 2005). These processual manners of viewing crises allow for discerning between different crisis trajectories ('t Hart & Boin, 2001) and for the possibility of identifying common features and therefore potentially effective proactive or reactive measures (Gundel, 2005).

A typology based on the development and termination patterns of crises differentiates between “fast-burning” crises and “slow-burning” ones. The former develops fast and is terminated abruptly, while a slow-burning crisis has a creeping development pattern and terminates gradually. A “cathartic crisis” has a creeping development pattern but terminates abruptly. Finally, a “long-shadow crisis” develops fast but terminates gradually.

An alternative typology entails a consideration of the predictability and influence-ability of crises. Whereas predictability is about the ability to anticipate the development of a crisis, influenceability is about crisis managers ability to handle the situation and thereby reduce the consequences of the event in question and return to a normality within a reasonable timeframe (Gundel, 2005). Within this framework, “conventional” crises are easy both to predict and to

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influence. Unexpected crises are difficult to predict but easy to influence. “Intractable” crises, on the other hand, are easy to predict but difficult to influence. Finally, “fundamental” crises are both difficult to predict and difficult to influence.

If we look at the first typology and define mass shooting events such as those 22 July 2011, the Bærum Mosque violence in 2019, the Nova Scotia events 18-19. April 2020 and the Christchurch events 15. March 2019, as fast-burning crises, the events develop and terminate fast. If this categorization is correct, we would have little reason to look for the possibility of adopting preventive measures in the period beforehand. We would also not look for the post crisis results of the events, the possible follow-up events by those who would be inspired by the perpetrator to inflict similar harms, or the post traumatic disorders involved people will need to deal with in the aftermath. However, if we see the event as a cathartic crisis, as an event that develops over time and is terminated relatively quickly, this will give room for learning based on the preventive activities that could have taken place beforehand (ref the barriers to the left in the bow-tie diagram – figure 5). If we define the event as a long shadow crisis, we may focus on the psychosocial aftermath of the crisis, aftermath that many may struggle with for a long period of time after the mass shooting, ref (Bharadwaj, Bhuller, Løken, & Wentzel, 2021; Jenkins, 1996; North, McCutcheon, Spitznagel, & Smith, 2002; North, Smith, & Spitznagel, 1994, 1997; Nurmi, 2017).

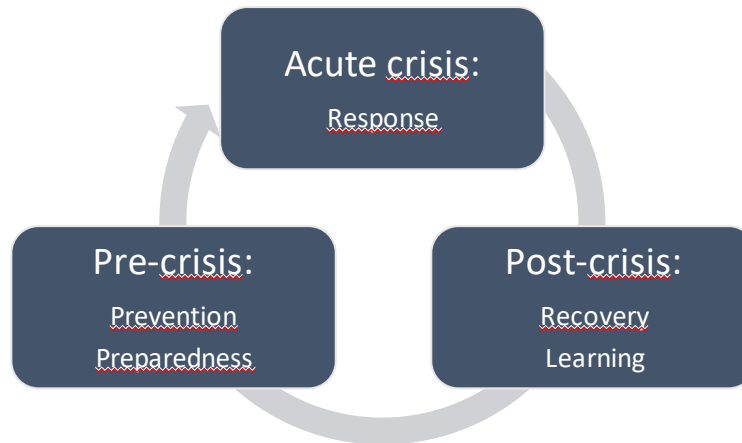
If we then look at the other typology (predictable and influenceable), a key question is whether the events at Oslo and Utøya 22 July 2011 and in Nova Scotia 18-19. April 2020 could have been predicted. If we think that we should have seen this coming, that the danger in principle is well known and often easy to locate in time, space and kind, we will define the event as a conventional crisis (easily predictable and easily influenced), or as an intractable crisis (easily predictable, but difficult to influence). However, if we think that the event was difficult to predict then we would define it as an unexpected crisis (difficult to predict, but easy to influence), or a fundamental crisis (difficult both to predict and to influence).

### 2.5.2. Crisis Phases

The study of crises and subsequent policymaking are often event driven. In other words, a high-profile or notable event will often prompt a flurry of research and policy activity. That is experienced after major terrorist attacks such as 9/11 2001, 22 July 2011, and we also see that following the Covid-19 pandemic. Media attention gives momentum to this process and has inspired many disaster studies. This was the case with accidents and disasters such as the Seveso industrial chemical accident in 1976 (Hombberger, Reggiani, Sambeth, & Wipf, 1979), the Bhopal gas leak accident in 1984 (Shrivastava, 1987), the Chernobyl nuclear accident in 1986 (Beck, 1992), the Challenger space shuttle accident in 1986 (Starbuck and Miliken, 1988; Vaughan, 1996), the Exxon Valdez oil spill in 1989 (Harrald, Marcus, & Wallace, 1990), the Clapham Junction rail crash in 1988 (Clarke, 1998), the Ebola pandemic in 2014 (Karlsen & Kruke, 2018), the Columbia space shuttle accident in 2003 (Starbuck & Farjoun, 2009), 9/11 2001 (Kendra & Wachtendorf, 2003; Rosenthal, 2003; Weick, 2005), the Christchurch mass shootings in 2019 (Klonick, 2019; The Royal Commission of Inquiry, 2020; Wilson & Thomson, 2019), and a number of US mass shootings (Columbine Review Commission, 2001; Kim et al., 2021; Larkin, 2009; Panel, 2007). In this way, there is learning potential after a crisis that may give momentum to both preventive and preparedness initiatives for the next crisis.

There are many models for crisis phases (e.g., Kruke, 2012; Mileti, Drabek, & Haas, 1975; National Governors' Association, 1979; Olson, 2000). The US Federal Emergency Management Agency (FEMA) has adopted a common model, by the National Governors' Association, that contains four phases: Mitigation, Preparedness, Response, and Recovery (National Governors' Association, 1979). Whereas mitigation includes actions to prevent or to reduce the cause, impact, and consequences of disasters, preparedness includes planning, training, and educational activities for events that cannot be mitigated, i.e., the residual risks. The response phase is the phase immediately following the triggering event when critical decision making is aimed at reducing the impact of the crisis. Finally, in the recovery phase, the main activities will be restoration to return to some sort of normalcy. The various models of crisis phases all contain the three basic phases presented in **Figure 3** below. Whereas mitigation and

preparedness form the main activities in the pre-crisis phase, the response phase is the acute crisis phase, and the recovery phase is the post-crisis phase, together with learning.

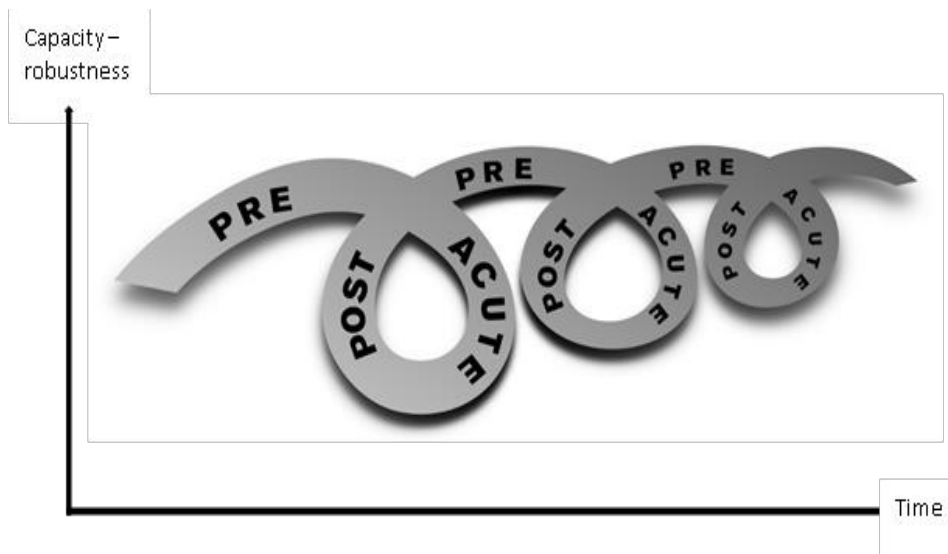


*Figure 3: The Cycle of Crisis Phases (Kruke, 2012)*

An extended crisis perspective regards crises as continuous processes (Kruke, 2012; Roux-Dufort, 2007), moving from a pre-crisis phase via an acute phase (what is normally regarded as the crisis itself) to a post-crisis phase. Prevention and preparedness form the main activities of the pre-crisis phase. The crisis response in the acute phase is aimed at reducing the consequences of the crisis, alleviating the suffering of people stricken by the crisis, and reducing the impact on lives, health and safety, the environment, property, and also reputation. In the post-crisis phase, the important activities involve recovery, rebuilding (Build Back Better), and learning, which aim to put communities and agencies into a more robust position than that prior to the crisis.

The cyclical nature of **Figure 3** may lead to an understanding that we move from a post-crisis phase and back to the pre-crisis phase, where we left off, as some sort of status quo. That is not the case. Instead, **Figure 4** shows a continuous but evolving process whereby learning from each crisis leads to more robust capacity to deal with subsequent crises and disasters.

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*Figure 4: Crisis Phases as a Spiral (Kruke, 2021)*

This three-phase crisis model also allows for an understanding of crisis on a continuous basis: when we are in the pre-crisis phase, waiting for the next acute crisis, then we may be more open and aware of signals that indicate that something may be wrong and that we are heading into an acute crisis (Weick, 2001; Weick & Sutcliffe, 2001; Weick, Sutcliffe, & Obstfeld, 1999).

Common to all crises is that "the next crisis has never happened before." When confronted by a crisis, we may recognize some aspects from previous crises. It is, however, problematic if we treat the next crisis as the previous ones. We also need to look for the aspects of the situation at hand that do not fit with our previous experience. What does this mean for our preparations for crisis response? We need to put ourselves into a position where we are able to manage the unexpected (Weick & Sutcliffe, 2001). Then when we do enter an acute crisis phase, response can embody a two-part process:

1. implementation of planned and trained structures from the preparedness activities in the pre-crisis phase; and

## 2. adaptation of the response to the situation at hand.

Thus, crisis management in the acute phase will be a test of the quality and relevance of our contingency planning and the planned, trained structures of the crisis response – but it will rely heavily on critical decision-making under a high degree of uncertainty (Kruke, 2012). Even with proper preparedness planning and training in the pre-crisis phase, there will always be a need for adaptation to the specifics of a particular crisis. Flexibility, improvisation, bricolage, and adaptation are therefore key words in crisis response (Kruke & Olsen, 2005; La Porte, 2007; La Porte & Consolini, 1991; Mendonça, Beroggi, & Wallace, 2001; Schakel & Wolbers, 2021; Weick, 1993). Such deviations and adaptations of our plans to the situation at hand can be crucial to handling a situation that arises. It is part of the nature of the crisis that not everything will “go smoothly.”

### 2.6. Crisis Prevention and Mitigation

It is possible to look at a crisis as a single, one-off event, as an exception from everyday life. But this understanding leaves little room for learning and improvement. In contrast, it is possible to look at a crisis as a process of incubation that starts long before the triggering event (Dekker, 2006; Groeneweg, 1992; Kruke, 2012; Roux-Dufort, 2007; Turner, 1976). This outlook leads both to optimizing prevention and preparedness strategies and to maximizing the learning potential in the pre- and post-crisis phases. In this respect, we may look for learning opportunities within past crises. Reports, evaluations, and inquiries of previous mass casualties tend to take this latter approach, focusing on both the pre-crisis phase and the acute crisis phase (Henriksen, Brenden, Hoel, Kruke & Myhrer, Forthcoming in 2022; NOU 2012:14, 2012; The Royal Commission of Inquiry, 2020).

A bow-tie diagram may assist us in understanding both the potential sources of an unwanted event, and the control measures or barriers to prevent the event from happening, and the potential mitigation or recovery measures to reduce the consequences of the unwanted event. Thus, a bow tie diagram is a graphical representation centered around an unwanted event (center). On the left side (prevention) are paths on possible causes of an event or risk. On



the right side (mitigation) are the paths indicating the consequences of the event. Barriers are drawn in the diagram, on the left side as preventive measures, and on the right side for reducing the consequences of the event in question.

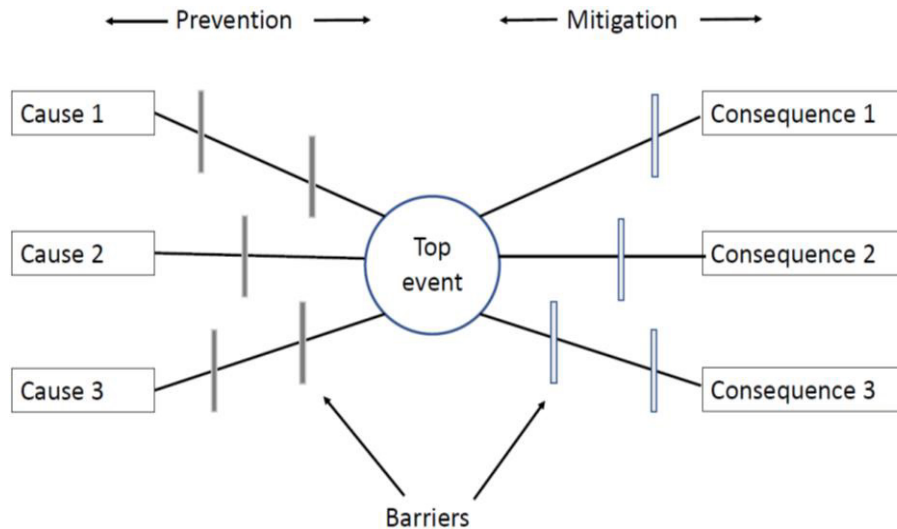


Figure 5: Generic and simplified bow-tie diagram

Typical activities to the left of the diagram (**Figure 5**) are various preventive activities, prevention of threats escalating to a top event, and in this case, a mass casualty event. These activities may be increased focus on psychiatric treatment of people in need and preventive activities in radicalized milieus. According to the 22 July Commission in Norway, there has generally been an insufficient acknowledgement of risk and learning from exercises has not been adequate (NOU 2012:14, 12). Thus, society at large must share the blame for the lack of risk awareness. However, the democratic costs related to systems intended to eliminate every risk of terrorist attack are too high – we must live with a certain level of risk (NOU 2012:14, 2012). Thus, there are dilemmas related to the quality of the barriers to prevent mass casualty

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events from happening. Another example is gun control. Mass shootings also typically renew calls for passage of gun control legislation - stricter weapons laws (Krouse & Richardson, 2015). Following the 22 July attacks the Commission of Inquiry stated that Norway, a country with a large number of weapons, have inadequate systems for registration of weapons, and the weapons control regulations for ownership are not systematically enforced (NOU 2012:14, 2012). There are also interest groups advocating for a more liberal weapon control. In the US this is mostly related to self-protection. In Norway this is more related to hunting and sport. It is also worth mentioning that in the UK, following the Dunblane Primary School mass shooting in Scotland on 13 March 1996, a general ban on private ownership of small arms was put in place (UK Public General Acts, 1997).

Typical activities to the right of the bow-tie diagram will constitute the barriers that reduce the consequences of a mass casualty event. These activities may include the swift and robust mobilization and deployment of response personnel. This response is most of all the result of preparedness activities in the pre-crisis phase, such as relevant equipment, knowledge, and competence to be able to handle the situations we could not prevent, the residual risk. These activities are part of the pre-crisis phase. But the quality of these preparedness activities (to the left in the diagram) are revealed in the quality of the response, i.e., the ability to reduce the consequences of the event (the right side of the diagram). Other activities to the right of the diagram would be crisis communication in and between the response organizations, and crisis communication to the public. Members of the public are often the first to face the perpetrator, and they need information about the threat in order to implement potentially life-saving strategies.

Prevention is a main strategy to the left of the bow-tie diagram, in the pre-crisis phase. A question that often arises in the post-crisis phase is: “could this have been prevented”? Thus, prevention is often an important part of post-event reports and inquiries. For example, approximately 30% of the 22 July inquiry report deals with questions related to prevention (NOU 2012:14, 2012). In the report following the Christchurch mass shooting in New Zealand, many questions were raised about detecting potential terrorists and assessing counterterrorism efforts (The Royal Commission of Inquiry, 2020). And after the Kongsberg mass killing in October

2021, close to 50% of the report is expected to relate to possible prevention of the attack (Henriksen, Brenden, Hoel, Kruke & Myhrer, Forthcoming in 2022). However, even though it is not the intent of this discussion to state that these events could have been prevented, in the following are some examples of such discussions following mass casualty events:

- The 22 July Commission concluded that it would be too strong to conclude that there were no grounds for contending that the Norwegian Police Security Service could and should have averted the attacks on Utøya Island. However, with better ways of working and a broader focus, the Norwegian Police Security Service may have been able to become aware of the perpetrator prior to 22 July (NOU 2012:14, 2012).
- The 22 July Commission concluded that the car bombing of the Government Quarters could have been predicted, and greater measures taken to avert it (NOU 2012:14, 2012). The road leading up to the entrance were to be closed later that year.
- Post-incident evaluation suggests that warning signs prior to the Bærum Mosque shooting in 2019 could have been recognised (Evaluation Committee, 2020). In the summer of 2018, the Norwegian Police Security Service received concerns about extreme attitudes of a nationalist promoting an authoritarian state and conservative views related to family, marriage and sex. The report also stressed that this person had recently joined a shooting club (Evaluation Committee, 2020). The Evaluation Committee assesses the initial treatment of information to be in line with current routines and guidelines, and that the processing of the information was proportional to the information available. However, the Evaluation Committee also concluded with the need for more cooperation between the Norwegian Police Security Service and the Oslo Police District (Evaluation Committee, 2020). Furthermore, the committee would have liked to see an increased attention to cooperation and information exchange between public agencies and the authorities.
- In their final report and findings of the safe school initiative, Implications for the prevention of school attacks in the United States, the authors conclude that some future attacks may be preventable (Vossekuil, Fein, Reddy, Borum, & Modzeleski, 2004). Most incidents of targeted school violence were thought out and planned in advance. Also, the behaviour of

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the perpetrator signaled that something could happen, and signs were noticed by other students and people in their lives, making them concerned. Other research points to similar scope for potential prevention of school shooting rampages (Bondü et al., 2013; Böckler et al., 2012; Cramer & Bradley, 2009; Daniels, 2013; Daniels et al., 2010).

- The 9/11 Commission Report criticized the intelligence communities in the US for not sharing information that could have prevented the attack 9/11 2001 (Kean & Hamilton, 2004). The Commission Report advocate for a different way of organizing Government. The US Government has access to a vast amount of information. But it has a weak system for processing and using what it has. The system of “need to know” should be replaced by a system of “need to share.” In tackling information issues, America needs unity of effort (Kean & Hamilton, 2004).

### 3. Sense-Making and Situational Awareness

#### 3.1. Information and Information-Processing

Crises are, as mentioned in chapter 2, strongly related to uncertainty, especially in the initial phase. Thus, data collection and sharing of information in and between response organizations are crucial for a robust response to a situation that is dynamic, unexpected (Gundel, 2005), and fast-developing ('t Hart & Boin, 2001). There is extensive research on information, information-processing and coordination in crises and disasters, e.g., information and coordination in rapidly evolving disaster response systems (Comfort, Ko, & Zagorecki, 2004), information processing and information needs (Andreassen, Borch, Marchenko, & Sydnnes, 2019; Kruke, 2009; Perry & Nigg, 1985; Sellnow, Seeger, & Ulmer, 2002; Turner, 1978, 1994; Turner & Pidgeon, 1997), and coordination in crisis and disaster response (Comfort, 2007; Drabek, Adams, Kilijanek, & Tamminga, 1979; Drabek & McEntire, 2002; Kruke, 2010; Renå, 2021; Schakel, van Fenema, & Faraj, 2016; Simsa, Rameder, Aghamanoukjan, & Totter, 2019; Stephenson Jr., 2005).

Information overload is generally understood as receiving *too* much information. Organizational scholars define overload as a state induced when the amount of input to a system exceeds its processing capacity or when information processing capabilities and the information loads encountered are mismatched (Sutcliffe & Weick, 2009). We normally argue in the initial stages of a crisis that we do not have the required level of information to base our decisions on. But, information overload may also be a relevant challenge in crisis response. The increased communication via social media adds to that (Hiltz & Plotnick, 2013; Kaufhold, Rupp, Reuter, & Habdank, 2020). Thus, information overload may be a general challenge in crisis response (Crichton, Lauche, & Flin, 2005; Engen, Kruke, Olsen, Olsen, & Pettersen, 2016; Klein, Pliske, Crandall, & Woods, 2005; Salas, Sims, & Burke, 2005), a challenge that may result in decisions not reflecting the needs in the crisis area, and non-decision making ('t Hart, Rosenthal, & Kouzmin, 1993).

Relevant and continuous data-gathering and information-processing horizontally, including across organizational boundaries, and vertical, in each response organization, are crucial for developing relevant situational awareness. Inadequate information-sharing may

cause misunderstanding (Endsley, 2015; Kahneman, 2012) and thus lead to poor decision-making, decision-making that do not meet the requirements to handle the situation at hand. The 22 July Commission concluded that information and communications technology had not been utilized to its full potential during the acute phase of the attacks, particularly with regard to interagency coordination and interaction (NOU 2012:14, 2012). The police relied on telephone calls to notify and mobilize personnel, a system based more on coincidence than on protocols or emergency preparedness schemes. Time was lost that could have been spent working on situational analysis and management of the operations. The police operation rooms also experienced information overload, in that there was insufficient staff to receive and manage the level of information coming in (NOU 2012:14, 2012). Experience and repeated exercises have shown that such understaffing translates into vulnerability. This issue was therefore a central feature of Norwegian police reform in the years after 2011, and the staffing of police operation rooms is now much more robust.

### 3.2. Cognition, Sense-Making, Cosmology Episodes, and Variable Disjunction

Crises are, as stated in chapter 2, unwanted events characterized by a degree of uncertainty. Whereas some people experience some sort of recognition and *déjà vu* when confronted by a crisis, others experience a crisis as a cosmology episode. This two-part experience is supported by research on crisis management. The initial phase of a crisis or a disaster has been referred to as the “milling phase” (Schneider, 1995), the “sense-making phase,” and the “What the hell is going on-phase” (Boin, 't Hart, Stern, & Sundelius, 2016). It involves citizens and responders trying to register the significance of the situation, and the process forms the first part of an emergent situational awareness (Endsley, 1995). In general, cognition is strongly related to sense-making (Boin & Renaud, 2013; Klein & Moon, 2006; Weick, Sutcliffe, & Obstfeld, 2005) and collective mindfulness (Weick, Sutcliffe, & Obstfeld, 1999). In her article on crisis management in hindsight, Louise Comfort has argued that such cognition, understood as the capacity to recognize the degree of emerging risk to which a community is exposed and to act on that information, is central to emergency management performance (Comfort, 2007). Thus, recognition, information-sharing, and contextual understanding are important for timely and relevant emergency response. From an emergency medical viewpoint, incident analysis reports

following mass shootings suggest that improvements in situational awareness can reduce the number of deaths during the incidents (Monteiro et al., 2014).

'When confronted by a new situation, two different understandings or feelings may characterize how we proceed and deal with the situation. On the one hand, something may happen to cause people to feel suddenly and deeply that the universe is no longer a rational, orderly system. This has been referred to as a "cosmology episode" (Weick, 1985: 51-52). Alternatively, a situation can be perceived as capable of being made sense of. Broadly speaking, this latter sort of sense-making "focuses attention upon the idea that the reality of everyday life must be seen as an ongoing 'accomplishment,' which takes particular shape and form as individuals attempt to create order and make retrospective sense of the situations in which they find themselves. ..." (Weick, 2001: 11). In the context of crisis management, sense-making is a challenge made up of two components: detection of emerging threats and vulnerabilities; and an understanding of the unfolding crisis (Boin, 't Hart, Stern, & Sundelius, 2016: 23).

Another way of describing the degree of recognition when confronted by a crisis is presented by Karl Weick as the difference between *déjà vu* (I have experienced this before) and *vu jà dé* (I have never experienced this before) (Weick, 2001) . Experience is a main part of recognition primed decision-making that will be discussed later.

In a mass shooting scenario that develops fast, a main challenge is to understand what is going on, at an early stage, making situational awareness crucial for crisis decision-making.

## 4. Crisis Decision-Making

Management of a crisis or disaster is distinct from everyday policing operations and civil management. The level and quality of planning and decision-making normally seen in a stable society, such as rational planning processes (Banfield, 1959), often diminish in the face of a sudden crisis. Mass casualty events are undoubtedly extreme and extraordinary. Despite their relative rarity and the potentially overwhelming severity of their consequences, however, it is nevertheless possible to identify recognizable signs. The challenge is thus to make sense of the situation and to adapt the response accordingly. Proper response capacities, training and equipment may then be adequate also for managing these events. Before we go into the different decision-making models, we need to include some thoughts on training and experience.

### 4.1. Experience and Training as the Foundation for Decision-Making

An important part of pre-crisis preparation is the training of response personnel. In her book *The Unthinkable: Who Survives when Disaster Strikes – And Why*, Amanda Ripley has argued that the more prepared, the more feeling of control (Ripley, 2008). Without such preparation, it is possible that our preparedness may be based on a fantasy document (Clarke, 1999), on exceptional contributions and improvisations from response personnel, or reliant on coincidence (NOU 2012:14, 2012). For example, a lucky coincidence during the Utøya operation was that the daughter of the National Police Directorate's liaison to the Oslo Police District staff called her father when the shooting started at Utøya. He immediately handed his phone over to a representative of the Norwegian Police Delta Force, who then received first-hand information about what was going on at Utøya (Stensønes, 2017). According to the 22 July Commission, both good and bad luck will play a part in a crisis: unanticipated events and chance will to some extent influence how events play out. The phone is an example of coincidence that influenced the initial Utøya-response of the Norwegian Police Delta Force. However, planning and training can not be based on coincidence or luck. But, in accident investigation we need to consider this element. Coincidence or luck may conceal the reality of available preparedness resources.



There is much relevant research on training , including simulation training in mass casualty incidents (Wilkerson, Avstreich, Gruppen, Beier, & Woolliscroft, 2008), situational awareness training in a police shooting simulator (Saus et al., 2006), experiential learning and simulation-based training in Norwegian police education (Phelps, Strype, Le Bellu, Lahlou, & Aandal, 2018), the quality of firearms training among police officers (Henriksen & Kruke, 2021; Oudejans, 2008), decision-making training for frontline police officers (Johnsen, Espevik, Saus, Sanden, & Olsen, 2016) in potentially dangerous interventions (Helsen & Starkes, 1999), training for decision-makers in non-technical skills (Crichton, Flin, & Rattray, 2000), crisis simulation for preparatory efforts (Boin, Kofman-Bos, & Overdijk, 2004; Boin, Kofman-Bos, & Overdik, 2006), use of force training in Canadian police agencies (Bennell, Jones, & Corey, 2007), and simulator training of time-critical and dynamic situations (Aronsson, Artman, Brynielsson, Lindquist, & Ramberg, 2021).

Salas and Cannon-Bowers conducted a comprehensive review in 2001 of the training research literature reported over the previous decade. They described the progress in five areas of research, including training theory, training needs analysis, antecedent training conditions, training methods and strategies, and post-training conditions (Salas & Cannon-Bowers, 2001). Another promising study was conducted by Salas and colleagues in 2012 pointing to two issues related to training. First, training works. Second, the way in which training is designed, delivered, and implemented matters (Salas, Tannenbaum, Kraiger, & Smith-Jentsch, 2012). Similarly, proper collection of experience data, analysis of training needs, and proper design of training have been found to be crucial for effective incident response training, including mass shooting responses.

Much police training on on-going life-threatening violence is conducted indoors (NOU 2012:14, 2012), and a typical mass shooting training scenario involves an active shooter at a school. However, mass shooting events in Nova Scotia (2020), Utøya (2011), Kongsberg (2021), and Christchurch (2019) have made clear that there is a need for specific training in open terrain. A scenario is defined as “descriptions of plausible events that may occur in the future, leading to a particular set of outcomes” (Cambridge Centre for Risk Studies - in collaboration

with Lighthill Risk Network, 2020). Thus, training scenarios may give response personnel the recognition they need in a mass shooting if the training is relevant.

Training and exercises, and also operations, are opportunities to map the quality of information-processing and cooperation in and between organizations. A conclusion that frequently emerges in reports from police exercises and incidents in Norway is that there is a need to improve information dissemination and information exchange (Evaluation Committee, 2020; Norwegian Directorate for Civil Protection, 2006; NOU 2012:14, 2012). It is fair to argue that, in addition to making evident the need for an increase in information exchange, regular and relevant training exercises can improve the ability of personnel to interact with and cooperate well with others, both internally in own organization, but also with counterparts in other organisations (ref figure 7).

Training must also be seen in correlation with experience level. Recognition in a mass shooting event may be the result of either relevant experience (with a mass shooting event), relevant training and exercises in mass shooting scenarios, or both. Most police officers do not have experience with a mass shooting or with a mass shooter taking up the fight with the police. Thus, relevant training and exercises are important for police officers to gain competence about how to handle a mass shooter and thereby increase the likelihood to recognition and timely decision-making when facing a mass shooter.

The 22 July Commission concluded that Norwegian police training on “shooting in progress” situations prior to the attacks at Utøya paved the way for an effective response operation once the police arrived on the island (NOU 2012:14, 2012). However, the Commission nonetheless recommended additional training for specific types of tactical response personnel (those who are licensed to carry arms with less training in the Norwegian police force), in particular, training related to the use of firearms (NOU 2012:14, 2012).

#### 4.2. Intuitive and Analytic Decisions

There are many models for decision-making, such as the Banfield rational planning model (Banfield, 1959), but most deal with ordinary, everyday decisions. Others, such as the naturalistic decision-making (NDM) model concerns decision-making in a crisis (Kornberger,

Leixnering, & Meyer, 2019). The recognition-primed decision (RPD) model (Klein, 1993) is based on the idea that incident commanders use their own experiences to identify a crisis and thus find good and adapted responses.

Decision-making processes can broadly be described as either intuitive or analytic (Hamm, 1988; Hammond, 1986, 1988; Helsloot & Ruitenbergh, 2004; Kahneman, 2012). Edward C. Banfield, an early researcher into analytic decision-making, formulated a rational planning model with four key components (Banfield, 1959):

1. Analysis of the situation: all possible open courses of action to reach the end result.
2. End reduction and elaboration: an end is an image of a future state of affairs towards which action is oriented.
3. The design of courses of action: a developing course of action implies a description of the “key” actions to be taken or the commitments to be made.
4. The comparative evaluation of consequences: all consequences—not merely those intended by the planner—must be taken into account.

Following this rational planning model, it is theoretically possible to use a simple framework to make a decision, as illustrated in **Table 1**. Potential courses of action (alternatives A-C) are displayed at the top of the table. To the left is a list of evaluation criteria that are used to evaluate each course of action with a simple black-and-white/yes–no binary. We then choose the option that produces the cumulatively optimal outcome. In this example it will be the course of action represented by Alternative A that will be our decision because it is predicted to fulfill four of our five criteria.

*Table 1: A Rational Choice Process*

Evaluation Criteria	Alternative A	Alternative B	Alternative C
Criteria 1	X		
Criteria 2		X	X
Criteria 3	X		X
Criteria 4	X	X	X
Criteria 5	X	X	
<b>Total</b>	4	3	3

This rational choice model based on rational planning is instrumental to many everyday decision-making scenarios. This classic theory of decision-making is based on research, mainly in controlled settings. Unfortunately, the process outlined by this type of decision-making is extremely simplistic, time-consuming, and based on clear-cut factors (i.e., a finite set of alternatives, as well as criteria that can be judged on a yes/no basis). Moreover, each alternative course of action may generate a cascade of potential subsequent choices that must also be judged against the criteria before a decision can be made rationally.

This model does not meet the need for timely decisions in a dynamic and complex crisis. As can be seen by the process described above and illustrated in Table 1, analytic decision-making is based on rules of reasoning, algorithms, and formal logic. In contrast, intuitive reasoning is associative, automatic, emotional, and unconscious (Helsloot & Ruitenber, 2004). Intuitive decision-making is based on recognition of situations and experience with relevant circumstances. In the context of a fast-developing crisis characterized by a lack of preparation time, response personnel may react intuitively to make life-saving decisions (Helsloot & Ruitenber, 2004). However, intuitive decisions can also be the result of weaknesses in group dynamics, stress, and time-pressure, and they may lead to further systematic weaknesses in information-gathering, assessment processes, and subsequent decision-making. Intuitive decision-making may be problematic due to an inadequate foundation on information and/or reliance on analogies that are not relevant for the situation at hand. We may be led astray due to our gut feelings. While experience and training may address some of the weaknesses associated with intuitive decision-making, an alternative model of decision-making has attempted to account for the many complexities of dynamic crises, as well as of human and organizational interactions. This model will be examined below.

#### **4.3. Naturalistic decision-making (NDM)**

Naturalistic decision-making (NDM) is a model describing how people actually make decisions in real-life situations, under time pressure and stress (Klein, 2008; Lipshitz, Klein, Orasanu, & Salas, 2001; Zsombok & Klein, 1997). These settings differ to a large degree from the more controlled settings of rational choices. They are characterized by time pressure, high stakes, uncertainty,

dynamic contexts, multiple actors, organizational limitations, and vague and shifting goals (Klein, 1993). Successful decision-making in such scenarios builds on long and relevant experience, on not choosing between alternatives and with less procedures. One of the NDM-models is the recognition-primed decision model (Klein, 2008).

To account for the complexity of dynamic real-life situations, the recognition-primed decision-making model, illustrated in **Figure 6**, is far from simple. But it is centred around two key components: how decision-makers generate good options by using experience to build a repertoire of relevant patterns; and how decision-makers evaluate an option, through imagining how the option may play out in the given context, without comparing it to other options.

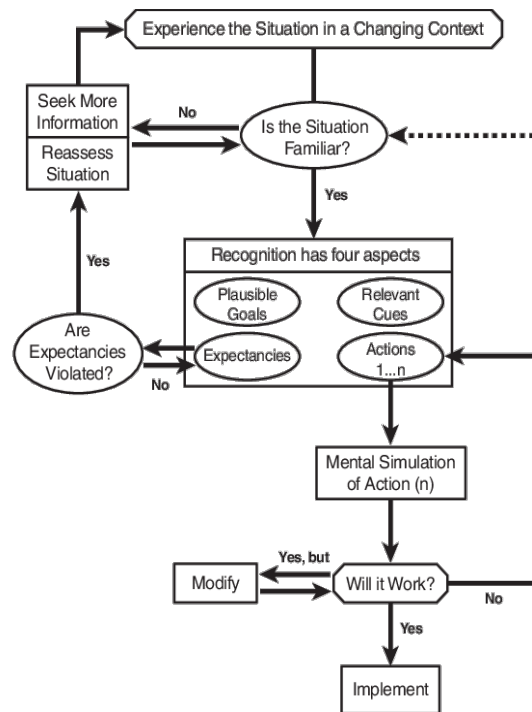


Figure 6: Recognition-Primed Decision Model (Klein, 1998: 27)

In the first part of the model, the decision-maker experiences a situation in a changing context that requires a decision. The decision-maker will consider if the situation is familiar, if

there is a pattern match from a previous experience. A pattern match, or recognition, is based on relevant cues, plausible goals, and relevant expectations. If these expectations are violated, the decision-maker may need to reassess the situation and/or seek out more information. Pattern recognition furthermore will suggest a set of actions that are likely to be successful. The next step is to evaluate the first action through mental simulation. If the decision-maker deems that Action 1 will work as is, implementation is the next and final step. Action 1 can also be modified and then re-evaluated; or the decision-maker may need to move on to Action 2 and repeat the evaluation process, possibly even returning to the pre-recognition stage, before arriving at a course of action that is judged to have a potentially successful outcome.

The key features of the recognition-primed decision model include (Klein, 1996, 1997):

1. a blend of intuition (pattern recognition) + analysis (mental simulation);
2. a usually workable first option (no random generation of options);
3. “satisficing” (Simon, 1973), that is, a workable choice in a short period of time, which is not the same as optimizing;
4. evaluation through mental simulation – not rational choice;
5. a focus on elaborating and improving options, not choosing between options;
6. a focus on situation awareness, not courses of action; and
7. a decision maker who is primed to act, not waiting to complete the analysis.

This model has been adopted in a number of sectors (see Henriksen & Kruke, 2020; Klein, 1993; Ross, Klein, Thunholm, Schmitt, & Baxter, 2004) such as the armed forces, police organizations and fire departments – organizations working in environments characterized by time pressure, high stakes (life and health, the environment, material values and reputation), vague and shifting goals, uncertainty, inadequate information, and dynamic conditions.

#### 4.4. Information and Decision-Making

When do we have enough information about a situation to make timely and relevant decisions?

This is a key issue and challenge in most dynamic crises. For example, researchers have examined how police officers make decisions about use of their firearms (e.g., (Helsen & Starkes, 1999; Henriksen & Kruke, 2020b; Mitchell & Flin, 2007; Renå, 2021, 2022; Schakel et al., 2016; van den Heuvel et al., 2014). We seldom feel that we have enough information to make decisions in situations where important values are at stake, values such as life and health. The

result may be non-decision making (’t Hart, Rosenthal, & Kouzmin, 1993) or decision avoidance (Anderson, 2003). Non-decision making can be the result of a perceived need for more information, but also of information overload. The wider research on decision avoidance also argue that humans avoid decisions because they prefer status quo (Samuelson & Zeckhauser, 1988), they prefer not to act - omission bias (Ritov & Baron, 1992), initial inaction tends to persist - inaction inertia (Tykocinski, Pittman, & Tuttle, 1995), and delay - choice deferral (Dhar, 1996). However, even though we may have many reasons for delaying decision-making, we need to make decisions to handle the situation at hand. Even though we are likely to receive more information the longer we wait, and our decisions will thus be based on a more precise understanding of the situation at hand, important values may be lost due to the delay in decision-making. The crisis itself does not wait. In a dynamic, fast-burning crisis (’t Hart & Boin, 2001), the crisis develops, and may therefore increase the threat. That means that our options or alternatives, even though we learn more about them, may be closing. Thus, we have a window of opportunity to make decisions. In the initial stages of a crisis, we may not have enough information to make precise decisions, but we may have several alternatives to choose from. At a later stage in the development of the crisis we may have more information, but the available alternatives may be decreasing. Balancing the level of information with available alternatives is a key aspect of crisis response. In their study of the Norwegian police response to the 22 July attacks, Bye and colleagues have looked at institutionalized informal practices that get established over time and may influence police operations (Bye et al., 2019). In addition, they have identified additional issues related to actor complexity, the large number of actors involved and subsequent need for coordination, and the level of uncertainty of what was going on during the response. They have concluded that marginalized strategic management resources resulted in insufficient attention towards intelligence, leading to an ineffective police effort to track and capture the perpetrator and thereby prevent further casualties (Bye et al., 2019). In other words, management and decision-making on several levels of the response hierarchy play a direct role in the success and timeliness of crisis response operations.

Mass shooting incidents often entail decision-making on the basis of what most would regard as insufficient information, so clear strategies must be adopted, and training be

implemented; but it is also important to recognize that, given the inherent nature of such crises, there will likely be bad calls and courses of action that lead to unfortunate outcomes. Future judgment will always be coloured by knowledge of the actual outcome, but in the midst of a crisis, choices and their consequences are far less clear (NOU 2012:14, 2012). First responder agencies are under increasing scrutiny for to their ability to mount timely and coordinated responses to unexpected events (Schake et al., 2016). In a mass shooting, a rational analytic approach to decision-making such as that discussed in section 4.2 above will be too slow. “Satisficing” – not optimizing – may be the best strategy for decision-making in a fast-developing scenario. In this way, planning and crisis response are two distinct disciplines (Perry & Lindell, 2003). Individuals’ actions are heavily influenced by the ways in which the road has (or has not) been paved for them to perform their duties, and it is easy to forget that imperfect systems can leave individuals in positions to make fatal mistakes (NOU 2012:14, 2012).



## 5. Mobilization and Response

The final test of the quality and relevance of a crisis response system comes when a mass casualty event unfolds. Reliable responses to terrorist events and mass shooting events require the ability for rapid assessment and adaption, flexibility in decision-making and coordination, and trust between crisis responders and agencies (Kapucu, 2012). A mass casualty response may require the mobilization and response from all levels of the response hierarchy. Standard hierarchy among professional crisis response organizations often encompasses three broad levels (Engen, Gould, Kruke, Olsen, & Olsen, 2021), as shown in **Table 2**.

*Table 2: Organizational Levels of Crisis Response*

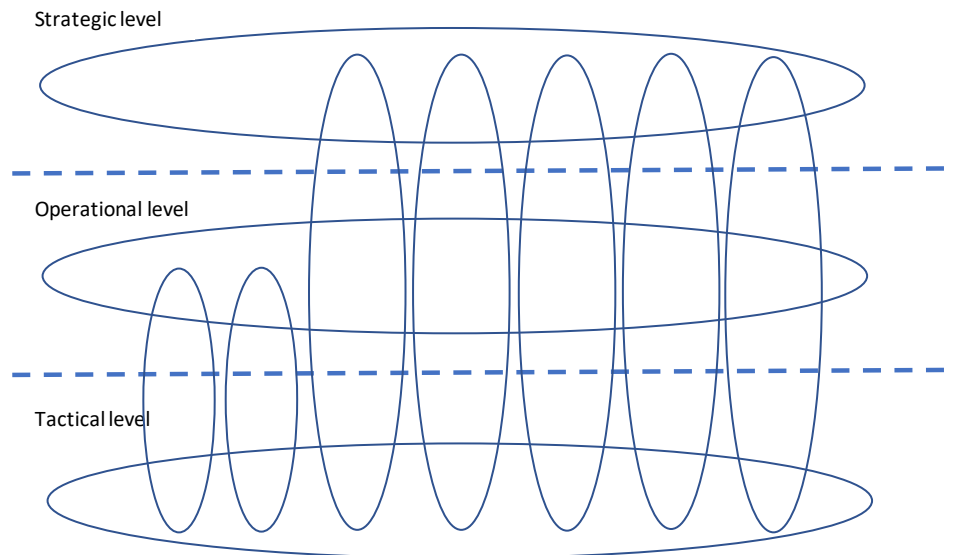
Main Job Site	Type of Decision-making
Headquarters	Strategic
Operations rooms	Operational
Field (incident scene)	Tactical

Most people associate crisis response to action at the field level, at the scene. This association is reaffirmed by the crisis response principle of proximity – decisions should be made as close to the scene as possible. However, not *all* decisions should be made at the tactical level. In fact, many decisions are and should be made at the operational and strategic levels. Such decisions include those related to mobilization of additional resources, cooperation between multiple scenes, how to deal with the media, crisis communication strategies, etc.

An important aim of decisions made at the higher levels of the response hierarchy is to provide the means for swift and efficient response at the tactical level. Thus, a key question is the degree to which the operational and strategic levels possess the required understanding of the situation at hand to provide the relevant support needed at field level. Sensemaking at the different hierarchical levels may differ (Boin & Renaud, 2013; Barry Turner, 1976), calling for increased horizontal and vertical interaction in and between the response organizations.

### 5.1. Coordination: intra- and interorganizational coordination

Coordination, understood as management of dependencies (Malone & Crowston, 1994) or as the adjustment of actions and decisions among interdependent actors to achieve specified goals (Renå, 2021), is a key issue in large-scale emergency operations. This is true internally, in the various response agencies, but also cross-organisationally, between interdependent agencies. In a dynamic crisis, data collection, data dissemination, and even decision-making must take place both within and between response organisations. Some issues emerge as particularly important in crisis response, issues like intra- and inter-organisational information exchange, decision-making processes, and coordination. For example, field officers at tactical level need to interact with colleagues in their own response organization, both horizontally at field level and vertically up through their own organization; and they must also interact with colleagues in other organisations. These horizontal and vertical interaction patterns are represented by the ovals in **Figure 7** below.



*Figure 7: Horizontal and Vertical Interaction Patterns*

Whereas the vertical interaction patterns in the figure are the intra-organizational information dissemination and decision-making structures within each response organization,

the horizontal interaction patterns are the cross-organizational information dissemination and coordination structures at each level of response (Kruke & Olsen, 2011). These patterns make clear the need for systems and routines that are developed deliberately for efficient, good, and rapid situational reporting in and between all levels of crisis management. See section 4.1 for a discussion of the need to improve information dissemination and information exchange (Evaluation Committee, 2020; Norwegian Directorate for Civil Protection, 2006; NOU 2012:14, 2012). Finally, localization of decision-making authority needs to fluctuate pending the dynamics of the situation in the crisis area ('t Hart, Rosenthal, & Kouzmin, 1993; Bain, 1999; Kruke & Olsen, 2011; Weick, Sutcliffe, & Obstfeld, 1999) and the quality of vertical information-exchange between the field level and the operational and strategic levels (Kruke & Olsen, 2011).

Intra- and interorganizational barriers to information-exchange in and between organisations may hamper both the development of situational awareness and relevant decision-making. Barry Turner argues that inadequate vertical and horizontal information-processing may cause variable disjunction, “a complex situation in which a number of parties handling a problem are unable to obtain precisely the same information about the problem so that different interpretations of the problem exist” (Turner, 1978: 50). He furthermore argues that it is common for disasters to happen “when a large complex problem, the limits of which were difficult to specify, was being dealt with by a number of groups and individuals usually operating in different organizations (Turner, 1976: 384). Thus, we need both more quality vertical intra-organizational interaction between field officers at the tactical level and decision-makers at operational and strategic levels and increased inter-organizational information-exchange and coordination to secure a timely and relevant response (Kruke & Olsen, 2011).

A mass casualty event, understood as an overwhelming event where the number of casualties vastly exceeds the local resources and capabilities (DeNolf & Kahwaji, 2018; Lomaglio, Ansaloni, Catena, Sartelli, & Coccolini, 2020), is per definition an event calling for a network response by a number of actors, at several levels of the response hierarchy. Thus, in response to a mass casualty event, coordination is required between many relevant entities, including blue-light agencies but also other actors such as voluntary groups, media, the public, etc.

## 5.2. Zones in Mass Casualty Events

Cooperation and information exchange are crucial for reliable response operations in mass casualty events. In a mass shooting, this cooperation is instrumental to attend to the security of personnel, and in particular personnel from the fire department and ambulance services, but also for the public. Thus, the police incident commander (in Norway) divide the scene and surroundings of a mass shooting event into different zones based on the degree of threat or hazard within the area (Chovaz, Patel, March, Taylor, & Brewer, 2018; Pennardt & Schwartz, 2014; PLIVO-procedure, 2015). These zones (Hot or Red Zone; Warm or yellow Zone; Cold or Green Zone) are specified in many guidelines, for instance in the US National Incident Management System (NIMS) and in the Norwegian procedure for ongoing life-threatening violence (PLIVO-procedure, 2015).

These zones are part of a common language understood by blue-light agencies and particularly adopted during tactical operations in active-shooter/mass shooting events with multi-organizational responses.

Typically, these zones are defined by a police incident commander, who specifies the demarcation between zones and positioning of first responders:

- **Hot Zone or Red Zone:** This is the area with a direct and immediate threat where ambulance services and firefighters should not have access. Citizens finding themselves in this zone should evacuate, if possible, or hide.
- **Warm Zone or Yellow Zone:** This is the area with a potential threat but no direct or immediate threat.
- **Cold Zone or Green Zone:** This is the area with no significant threat reasonably anticipated. This is the staging area for firefighters, emergency medical services (EMS) and other relevant unarmed rescue capacities.

An alternative strategy involving the Rescue Task Force (RTF) is a strategy whereby a second wave of police officers' escorts civilian emergency medical services into the warm zone (Chovaz, Patel, March, Taylor, & Brewer, 2018), making it possible to assist people in need in the warm zone before the threat is neutralized in the hot zone. Nevertheless, in a dynamic situation (where, for example, a perpetrator is highly mobile) or in particularly challenging settings (e.g., treacherous terrain, darkness, a dense crowd of civilians), it is often difficult to assess the threat level, and there will therefore be a degree of uncertainty regarding the reliability of these defined zones.

Training for situations of ongoing life-threatening violence is only a small part of general police training in Norway. But there is a formal coordination procedure for such situations (PLIVO-procedure, 2015), focusing on cooperation between the police, ambulance services, and the fire department. All of these blue-light agencies have roles to play in an ongoing life-threatening violence situation such as a mass shooter event. These zones of demarcation are therefore crucial for coordinating the response and ensuring the safety and effectiveness of personnel, especially unarmed medical and rescue workers. Another important aspect of implementing these zones is to move citizens out of harm's way.

### 5.3. First responder Responsibilities in a mass shooting event

The police are the main actor mandated and trained to use force to stop a perpetrator. The response to mass shooting has historically involved a segmented operation—first focused on police officers' goals of stopping the shooting, followed by the remainder of the incident response and recovery (Jacobs et al., 2013). The responsibilities of the first police officers approaching the scene of a mass shooting has however not always been clear. The police response to the 1999 mass shooting at the Columbine High School in Jefferson County, Colorado in the USA, is a good example. Two students killed 13 people and wounded 24 people in a 45-minute mass shooting. The first police patrol arriving at Columbine High School during the mass shooting decided to secure the area while waiting for the special trained police task force – the special weapons and tactics team (SWAT-team). This was according to their training standards and available equipment. This decision to wait was heavily criticized afterwards and led to

## Mobilization and Response

initiatives to strengthen the first patrol's ability to launch immediate, tactical decisions to stop ongoing violence and save lives (Columbine Review Commission. (2001). In Norway, an active shooter scenario is termed ongoing life-threatening violence (Pågående Livstruende Vold (PLIVO)). A national standard procedure for handling a situation of ongoing life-threatening violence (PLIVO-procedure), that came into effect in 2015, calls for close co-operation between the emergency services during ongoing life-threatening violence (PLIVO-procedure, 2015). According to the PLIVO-procedure, the police will go directly towards the perpetrator and neutralize him/her. The immediate area around the perpetrator is the “hot zone.” Behind the police hunting down the perpetrator, a “warm zone” will be cleared by the police for paramedics to assist people in need and for paramedics and firefighters to transport wounded to the “cold zone.”

However, the police might not be the first professional responder on-scene. After the 22 July attack, the Norwegian police were criticized for being too slow in their response (NOU 2012:14, 2012). In the Utøya operation in particular, weak communication systems led response teams to miss each other and caused misunderstanding about the location of the mustering point. That said, even though the two attacks (in Oslo and at Utøya) took place consecutively and therefore created confusion about what was going on (Stensønes, 2017), mobilization of police resources to handle the bomb explosion in the government quarters had a positive effect on the police deployment of response capacities for Utøya, a deployment that happened more quickly and with a larger operational force than what is normally available on a Friday afternoon. Also, the police responses during the Al-Noor Islamic Centre mosque attack in Norway 10 August 2019 (Evaluation Committee, 2020) and the Valdres bus express attack November 4. 2013 (The Norwegian Directorate for Civil Protection, 2014) was delayed. In rural areas, it is possible that the paramedics and the firefighters are the first responders to arrive on scene. In such cases, the PLIVO-procedure calls for the paramedics and firefighters to neutralize the perpetrator. That was the case during the Valdres bus express mass casualty incident in 2013, when police officers were delayed and firefighters neutralized the perpetrator (The Norwegian Directorate for Civil Protection, 2014). This aspect of the PLIVO procedure is particularly relevant in cases in which a perpetrator does not have firearms, and paramedics and

fire fighters are able to use whatever equipment they have to their disposal to neutralize the perpetrator. However, even though first responders from the fire department often are available on short notice, and may comprise the first response on scene, especially in rural areas, they are generally not trained and equipped to deal directly with active shooters. Nonetheless, they are often recruited locally and thus often possess significant local knowledge of the community and geography. That information can be beneficial to an effective response. The same can be said about ambulance personnel, and the public.

## 6. Public Roles in Responding to Mass Casualty Events

Most people would expect that crisis response is a task for professionals, namely blue-light agencies or first responders. As the term indicates, first responders are specially trained to be among the first to arrive at the scene of an emergency. First responders are typically police officers, paramedics, emergency medical technicians (EMTs), and firefighters. However, first responders may not actually be the first at the scene of an event, especially one where there are many casualties or where the incident is ongoing, and furthermore, once they arrive, it is often not straightforward who is who in these settings (Mudalige, Carley, & Mackway-Jones, 2006). Many actors may be present (Reeping, Jacoby, Rajan, & Branas, 2020), including victims and bystanders (Callaway, 2018; Evaluation Committee, 2020; Kruke, 2012; NOU 2012:14, 2012). What is important to notice is that, even with a robust response from the professional responders, local capacities are key resources in a dynamic crisis ('t Hart, Rosenthal, & Kouzmin, 1993; Boin, 't Hart, Stern, & Sundelius, 2005; Dynes, 1993; Helsloot & Ruitenbergh, 2004; IFRC, 1994; Kruke, 2015, 2016; Kruke & Olsen, 2011; Schneider, 1995). In fast developing crisis, the capacities of the public may be crucial for a reliable response. Thus, this is important to consider, plan for and exercise among the professional responders.

Members of the public are often the first to be confronted by a perpetrator of mass violence. They are therefore often more or less on their own in the initial minutes of a mass shooting. They need some sort of a contingency plan on how to behave in mass shooting events. There are some strategies for public response during such an event. They mainly focus on three basic strategies for how to deal with the event (Reeping, Jacoby, Rajan, & Branas, 2020):

- RUN:** If possible, try to run away from the shooter.
- HIDE:** If escape is not possible, try to hide. Block any doors, avoid and/or blind any windows, and silence any cellular phones.
- FIGHT:** If running and hiding are not possible, and your life is in danger, the last resort is to fight back.

These strategies are part of the contingency planning in Norwegian kindergartens and schools (Norwegian Directorate for Education and Training, 2019). In addition to these strategies, the



police need to be alerted as soon as possible to mobilize and deploy a robust police response. The public calling in may also receive valuable advice from the police to take the necessary decisions to deal with the situation in which they find themselves.

Even though most members of the public are not trained and equipped to deal with an active shooter, they might have some knowledge, skills, and maybe also equipment, that is valuable for the eventual official crisis response. In some cases, members of the public have spontaneously and effectively self-organized in the face of mass casualty events (Comfort et al., 1999; Cottrell, 2010; Dynes, 1993; Kruke, 2015, 2016, 2021; Simsa et al., 2019). That was the case 22 July in Norway, both public assistance after the explosion in Oslo, and youths at Utøya assisting each other. There are also examples of forming of emergent groups (Stallings & Quarantelli, 1985; Sebastian & Bui, 2009; Tierney et al., 2001), exemplified by the public spontaneously forming groups to do search and rescue following events like Hurricane Katrina in 2005 (Sebastian & Bui, 2009) and avalanche search and rescue (Kruke, 2016). A high degree of voluntarism can also be seen in post-crisis communities, increasing the resilience of the overall response (Kendra & Wachtendorf, 2003; Upshaw, 2013).

### 6.1. Myths about Citizen Response

Can we trust the citizens and their capacities in a critical situation? There are common myths about how populations behave in crises (Clarke, 2002; Dynes, 1974; Helsloot & Ruitenbergh, 2004; Kruke, 2015, 2016; McPhail, 1991; Quarantelli, 1953, 1954, 1999; Tierney, 2003; Tierney, Benc, & Kuligowski, 2006). These myths are largely about the public panicking and being helpless in crises. Panic has been described as a strong and uncontrolled fear and loss of judgment that may lead to unwise, irrational, or reckless action (Clarke, 2002), as acute fear resulting in uncontrolled escape (Quarantelli, 1953), as mass demoralization and social breakdown (Porfiriev, 1998; Tierney, Benc, & Kuligowski, 2006), and as social disorder (Quarantelli, 1998b). While there are examples of helplessness and panic, many people assist themselves and others in need during crises, despite their own fear. And there is evidence that people seldom panic in disaster situations (Auf der Heide, 2004; Clarke, 2002; Helsloot &

Ruitenbergh, 2004; Johnson, Feinberg, & Johnston, 1994; Kruke, 2015, 2016; Quarantelli, 1953, 1954, 1999; Tierney, Bevc, & Kuligowski, 2006).

Moreover, it is possible to prepare for and even to a degree avoid panic, as indicated by the US Red Cross in an article on disaster myths, media frames, and their consequences after Hurricane Katrina in New Orleans in 2005: “I can’t stop a [tornado, flood, fire, hurricane, terrorist attack, etc.] but I can stop panic” (Tierney, Bevc, & Kuligowski, 2006). The myth that people will be helpless in critical situations can also be challenged. Research shows that communities quickly commence rescue operations and lifesaving first aid in acute crises (Dynes, 1993; Helsloot & Ruitenbergh, 2004; Kruke, 2015, 2016, 2021; Tierney, Bevc, & Kuligowski, 2006). Passivity among the population rarely occurs. Thus, even though there are examples of panic and helpless behaviour, there are also many examples of the public providing assistance. The challenge for the professional responders is to realize that they might have relevant capacities in the crisis area.

## 6.2. Crisis Response as a Shift System

Responses to sudden and unexpected events, including mass casualties, follow a pattern of a “shift system,” meaning that as the incident evolves, different groups of actors will arrive to the scene and become involved in the crisis response. This is supported by many empirical examples from accidents, crises, disasters, and catastrophes. **Table 3** shows that those civilians who are physically proximate to the event and directly affected are the first to respond, they form “the first shift”, and these civilians often engage immediately in life-preserving activities, including saving themselves and protecting others. They are also the ones who call the emergency numbers to inform the professional response organizations, and they can convey relevant information.

*Table 3: Acute Phase Crisis Response as a Shift System*

Actors	Phase	Activities and Responsibilities
Those directly affected	The “golden hour”	Own life saving and assistance to others in need
Passers-by and those randomly present	The “golden hour” +	Ad-hoc assistance to the directly affected
Professional responders (blue-light agencies)	Acute phase (30 min +)	Take command and management upon arrival on the accident scene
Volunteers (organised)	Acute phase (several hours +)	Defined by themselves and agreed upon with the professionals

The term “golden hour” is borrowed from medicine. In the crisis response “the golden hour” is the period up till seriously injured people receive professional medical attention (Helsloot & Ruitenberg, 2004; Kruke, 2012). In this period, a huge burden is upon the shoulders of those people who are present or passing nearby when disaster strikes. Since professional members of blue-light agencies are often not available during or in the immediate aftermath of a crisis, those persons who are present will form the only available initial response, including for acute life-saving actions (Helsloot & Ruitenberg, 2004).

As seen in **Table 3**, professional responders (police officers, firefighters, ambulance personnel, etc.) form the third “shift” of the acute response, taking command of the activities upon arrival on the accident scene. While the professional responders’ mobilization and deployment time within **Table 3** is 30+ minutes, in actuality, it will of course vary depending on a variety of factors, including the distance from headquarters to the scene.

Finally, **Table 3** accounts for volunteers from non-governmental organizations (NGOs), who often become involved in large-scale search and rescue operations, such as the Red Cross and Red Crescent. This fourth shift is not available on the scene of sudden and fast-burning accidents (Gundel, 2005; 't Hart & Boin, 2001) but may assist with recovery in the post-crisis phase of such an event.

### 6.3. Stress

Traumatic stress has been defined as “the emotional, cognitive, behavioral, physiological experience of individuals who are exposed to or who witness events that overwhelm their coping and problem-solving abilities” (Lerner & Shelton, 2001). Stress is more generally defined as: a) external influences (stress stimuli / stressor); b) a physical or emotional reaction to external influences (stress experience); or c) a response to the interaction between the external influences and the reactions to them. Thus, stress may be a mental and/or a physiological condition characterized by a subjective experience of being under pressure to such an extent that it is experienced as unpleasant. The body may react to this pressure with physical, mental, and emotional responses – the body releases hormones and chemicals to prepare the body for physical action. This can be interpreted as a person feeling “under attack” and switching to “fight or flight” mode. Stress can lead to impaired attention and an inability to concentrate. A typical stress reaction is a diminished capacity to perform tasks beyond the most basic routines. Integrated problem-solving becomes complicated in such situations. Another well-known phenomenon caused by stress increases is channeled attention, or tunnel vision. Stress can also reduce the ability to communicate as one is used to under less stressful circumstances.

All of these consequences of stress inevitably apply as well to police officers and other first responders (Brown & Campbell, 1994). In particular, stress can play a large role in situational awareness (Endsley, 1995; Flin et al., 2006) and decision-making (Flin, Salas, Strub, & Martin, 1997; Klein, 1996). Early psychologists Robert Yerkes and John Dillingham Dodson developed a model of the relationship between a person’s physiological and / or mental stress and their ability to perform tasks (Yerkes & Dodson, 1908). As shown in **Figure 8**, performance increases as stress increases, but only to a point, after which performance declines as stress becomes too high. However, it is fair to argue that experiencing a mass casualty event fall past the optimal point of stress for many people, especially the public, but also many professional responders.

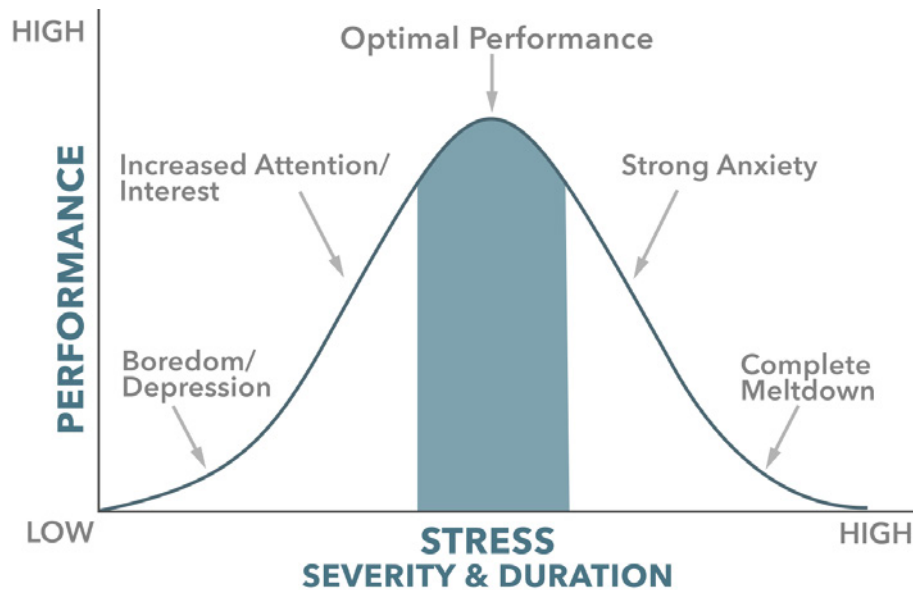


Figure 8: The Relationship between Pressure and Performance (Yerkes & Dodson, 1908)

There is extensive research on stress reactions following mass shootings, in particular, on the subjects of surviving a mass shooting (Bharadwaj et al., 2021), follow-up of mass shooting survivors (North et al., 2002, North et al., 1997), post-traumatic stress disorder in survivors of a mass shooting (North et al., 1994), PTSD in police officers (Carlier et al., 1998), and distress and recovery in emergency responders after mass shooting incidents (Jenkins, 1996).

Paton and Flin (1999) have conducted research into disaster stress from an emergency management perspective and concluded that there are some specific disaster stressors for emergency managers. Personal factors, such as physical and mental condition, training level, age, and active versus passive personalities affect stress. External factors such as lack of or incomplete information may increase the stress level in a crisis. Operational systems that are intended to support crisis managers have a positive effect on stress. The opposite is the case if the systems do not function properly or not at all (Paton & Flin, 1999). Training in the use of the systems can give a feeling of recognition and of mastery and thereby help reduce stress.

Team composition and cooperation (or lack of cooperation) in and between teams can affect the level of stress, especially in situations of interdependence between actors and organizations (Paton & Flin, 1999). Another stress factor is the quality of communication – information exchange, which affects the understanding of the situation and thereby the quality of critical decision-making. Inadequate information processing and interpretation of information can cause adverse events (Turner, 1976).

#### 6.4. Relevance to Mass Casualty Events

The events in Norway on 22 July 2011 showed with the utmost clarity how individual actions can make a huge difference during a crisis (NOU 2012:14, 2012). Members of the public may be a valuable resource, and in rapidly evolving and surprising situations, often those who save you will be the ones standing right next to you (Kruke, 2012). In the case of a mass shooting, however, most civilians will not possess the knowledge or have the resources necessary to successfully confront the shooter. A recent study of mass shootings in the United States (Reeping et al., 2020) has identified a widespread need for bystander training and public triage training. Utilization of local contextual knowledge, the spontaneous self-organization we experience in crisis areas (Comfort, 1990; Comfort et al., 1999; Dynes, 1993; Simsa et al., 2019), and the emerging resource perspective of converting disaster victims into potential helping resources (Quarantelli, 1998a), are crucial for especially the initial response.

Even during a mass shooting when they have little to no training, members of the public sometimes play a significant role. They are usually the ones to call the police, and they may possess local knowledge that will assist the police response. When a gunman opened fire at the Al-Noor Islamic Centre in Norway on 10 August 2019, police officers were delayed due to communication problems and because their navigation app had not been updated with the latest road maintenance closures in the area (Evaluation Committee, 2020). As a result, it was a civilian response that neutralized the perpetrator, who was overpowered by three members of the public and then turned over to police after their eventual arrival (Evaluation Committee, 2020). Likewise, during the Utøya attacks on 22 July 2011, random passers-by, tourists, and local

residents were absolutely crucial to one of the most extensive rescue operations ever staged in Norway (NOU 2012:14, 2012). A few examples of crucial life-saving efforts by volunteers during the mass shooting on Utøya 22 July:

- A number of the youths on Utøya received physical injuries such as fractures and cuts in their attempts to save themselves and others (NOU 2012:14, 2012). They saw their friends being shot right in front of their eyes, some were shot at, some were wounded themselves, they had to run for their lives and hide, or swim to the mainland with bullets whizzing around their ears (NOU 2012:14, 2012).
- A girl was shot in the arm when she ran away from the perpetrator (Hanssen, 2012). Together with several others, she ended up in the fjord, swimming for safety. She felt in good shape and offered assistance to other youths swimming together with her. They were then rescued by volunteers in a boat coming to their aid.
- A student was approached by the perpetrator shouting stop and that he was a police officer (Hanssen, 2012). The student was then shot in the back but managed to hide. He was later found by two real police officers. They gave him some first aid and carried him to a tent where a 16-year-old girl was asked to take care of him. This girl was then responsible for three wounded youths, one shot in the head, a boy shot in the leg, and the student shot in the back.
- After witnessing her boyfriend shot and killed, a girl ran for safety and hide inside a building together with several other youths. Inside their hideout, they could hear several shots, and they realized that youths around them were killed. After the police arrived, she assisted the seriously injured. There was a lot of care - lots of people who just wanted to help, she said (Skjervold, Torgersen, & Melgård, 2012).
- Volunteers from Utvika Camping and other nearby places rescued young people swimming for their lives (NOU 2012:14, 2012). At the risk of their own lives, they used boats to rescue youths in the water, they rescued youths on the island while the perpetrator still was killing people, and they rescued people on the beach on the mainland just across the fjord from Utøya. This beach was in the initial phase of the

Public Roles in Responding to Mass Casualty Events

mass casualty operation considered a dangerous zone by the police (i.e. in the direct line of fire from the island). Thus, it took some time before professional responders were given access to the beach. In the meantime, volunteers formed the main part of the rescue operation.

The examples above are all about the positive contributions of volunteers in the midst of a mass shooting. Without the efforts of volunteers on that day, more lives would have been lost, and the scope of the devastation would have been even greater. Many of these volunteers acted with impressive, altruistic effort, putting their own lives in danger. Many set aside their own fears in order to save both friends and strangers; and others engaged in dangerous rescue work – both at the Government Complex and on Utøya Island (NOU 2012:14, 2012). It is of course possible that there were also some well-intentioned efforts by members of the public that interfered with the response. However, the reports after 22 July do not mention such efforts.



## 7. Crisis Communication

Crisis communication is broadly defined as the collection, processing, and dissemination of information required to address a crisis situation (Coombs & Holladay, 2010). It can also encompass dialogue between the authorities and the public, with the aim of minimizing the consequences or damage. Thus, crisis communication is about giving the response organizations and the population in the crisis area the required information to make informed decisions about how to handle the situation at hand.

There is much research on crisis communication, e.g., on the use of Twitter during floods (Bruns, Burgess, Crawford, & Shaw, 2012); on conceptualization of crisis communication and handbooks (Coombs & Holladay, 2010; Coombs, 2010; Heath & O'Hair, 2010a; Heath & O'Hair, 2010b; Seeger, 2002; Sellnow & Seeger, 2013; Sellnow et al., 2002); on crisis communication and terrorism, including the Norway attacks on 22 July 2011 (Falkheimer, 2014; Frey, 2018a, 2018b); crisis communication and social media (Filkková, Hafstad, & Jensen, 2016; Frey, 2018a, 2018b; Hallahan, 2010; Wendling, Radisch, & Jacobzone, 2013); the effectiveness of crisis communication (Millar & Health, 2004; Ulmer, Sellnow, & Seeger, 2011); and struggles with internal crisis communication (Heide & Simonsson, 2015).

While the scope of this report does not include a detailed examination of communications during mass casualties, it is important to note that in the context of civilian involvement in crisis response, communications is a two-way process. The authorities need to convey important information to the population as well as to the response teams at the tactical level; but it is also important to recognize that the authorities sometimes rely on important information from the public. A sophisticated and robust communications system is therefore essential to crisis management. Such a system needs to encompass the transmission of important information between personnel and response levels, across organizational boundaries, and to/from the public.

The indispensable role of communications was evident during the 22 July attacks in Norway. Although the police posted messages via Twitter (NOU 2012:14, 2012; Renå, 2021, 2022), a crowd-feeding communication strategy, they did not possess the required personnel

and data capacity to conduct effective crowd-sourcing (Harrison & Johnson, 2016) on social media. i.e., they did not scan social media for relevant information on what was going on at Utøya. Social media had already become a major real-time source of information about crises around the world. During the Indian Ocean tsunami 26. December 2004 social media was used on a wide scale to inform others while it was ongoing (Hallahan, 2010). Many of the youths at Utøya used social media to communicate with friends and families and to convey what they perceived to be important information to the authorities (Morsut et al., 2021). Frey has studied the use of social media during and after the Utøya terror attack (Frey, 2018a, 2018b). Kaufmann (2015) studied Norwegian citizens use of social media during the terrorist attacks (both in Oslo and Utøya). However, the police did not get access to this flow of information, nor were they able to communicate on the platforms used by the youths on Utøya to inform the youths on how to cope with the situation.

Communications between citizens calling the police emergency number and the police operation rooms may also prove difficult in the context of acute situations with lives at stake. During the Bærum Mosque shooting, for example, a civilian who called the police experienced language problems, he did not speak fluent Norwegian, in his attempt to convey his message to the police operator at the Police Operations Room (Evaluation Committee, 2020). During the mass shooting at Utøya, many young people on the island, as well as many of their friends and family members, tried unsuccessfully to call the police emergency number but received only busy signals on their phones. The few youths from the island that managed to get through conveyed a rather fragmented picture of what was taking place on the island (NOU 2012:14, 2012). Thus, it was difficult for the operators at the Police Operations Room to visualize the situation on the island.

In examining the police communications during the 22 July attacks, the Commission found that police patrols used informal language and failed to follow official crisis communication protocols (NOU 2012:14, 2012). Even though maintaining a high standard of accurate, efficient, and professional communications is a challenge during a dynamic crisis response with high levels of stress, it is nevertheless important to make sure that valuable information is communicated and received. An important part of training is therefore to

practice maintaining good, clear, and precise radio communications. Another point by the Commission was that individual patrols must be given access to technology for written and visual information-sharing and receive training in systems that enable them to do their jobs better, act in a concerted manner, and exchange information throughout all levels within the police (NOU 2012:14, 2012). Many of these lessons have since been integrated into national police reform, a new police communication system and more robust staffing of police operation rooms.

## 8. Societal Safety and Mass Casualty Events

Mass shootings and other mass casualty events are extraordinary and call for extraordinary management and responses. Most societies typically cannot manage such events with only ordinary procedures and ordinary resources. Such events require joint crisis responses by a network of actors, with strong interdependence. Furthermore, public trust, which tends to have been built up over time through long-term and robust societal functions, are put to an extreme test by a mass casualty event. Such trust is vital for successful crisis response.

“Societal safety” is defined in a Norwegian Parliamentary White Paper as “society’s ability to maintain critical social functions, to protect the life and health of the citizens, and to meet citizens’ basic requirements in a variety of stress situations” (White Paper no. 17 p.4 (2001-2002), 2002). Societal safety thus centres around a few key concepts and fundamental issues (Olsen, Kruke, & Hovden, 2007: 72):

- **Extraordinary stresses and losses:** Events, crises or emergencies that require a response beyond routine capacities and operations.
- **Complexity and mutual dependence:** Occurrences or the prevention of occurrences in technological and social systems with a high degree of interdependency.
- **Trust in vital social functions:** Occurrences or the prevention of occurrences that undermine confidence in the ability of social institutions to maintain individual or collective safety.

Each of these will be looked at more closely below with reference to mass casualty events.

### 8.1. Extraordinary Stresses and Losses

The events and losses in Norway on July 22 were extraordinary and required extraordinary handling. The scale of the attacks, the number of people calling the police emergency numbers, the tactical mobilization, and the operation room management of the entire responses required much more staff than what was initially available and made evident the vulnerabilities of police operating rooms in the face of sudden, massive operations. Thus, it is fair to ask one of the basic questions on the level of emergency preparedness: Should we prepare to deal with such "worst case" scenarios, or should we go for a more routine scenario manning? In retrospect, it is easy to criticize the people on duty, as well as the emergency preparedness. Mass casualties like

those suffered on 22 July 2011 show us that preparedness for such extraordinary events is an important topic.

### 8.2. Complexity and Interdependence

Mass casualty events such as the 22 July attacks are complex and require responses from a network of different interdependent actors, including police, ambulance services, fire brigades, civil protection units, military units, voluntary humanitarian organizations, local communities, etc. The events showed us that successful management in one sector or organization depends on successful management in other sectors and organizations.

### 8.3. Trust in Vital Social Functions

Fundamental societal institutions and infrastructures in Norway generally enjoy a high level of trust by the public (NOU 2012:14, 2012; Olsen, Kruke, & Hovden, 2007). When events like those on 22 July occur, the population generally expects them to be managed in a robust way. However, these expectations were not fully met during the responses to the 22 July 2011 attacks. Public confidence in the country's preparedness for large-scale crises was put to the test (Kruke, 2012; NOU 2012:14, 2012; Wollebæk, Enjolras, Steen-Johnsen, & Ødegård, 2012), in particular on issues like:

- The securing of the Government Quarter and the Prime Minister's Office before 22 July.
- Parts of the police responses to the mass shooting at Utøya.
- The police and the health service's handling of the rescue operation at Utvika Camping (on the land side).
- Mobile phone network capacity problems (Frey, 2018; Ling et al., 2018; Nilsen, Thoresen, Wentzel-Larsen, & Dyb, 2019).
- Internal police crisis communication during 22 July (DNK The Directorate for Emergency Communication, 2011).
- Public crisis communication directed towards the youths at Utøya during the mass shooting (Filuková, Hafstad, & Jensen, 2016; Frey, 2018; NOU 2012:14, 2012).
- The Norwegian Police Security Service inability to detect and prevent the perpetrator and his planning.

How did then the responses to the mass casualty events of 22 July 2011 influence trust in vital social functions? A report commissioned by the 22 July Centre in Oslo studied trust in various social institutions after the attacks 22 July 2011 (Steen-Johnsen, Enjolras, Solheim, & Winsvold, 2018). The study found a rapid increase in trust immediately after 22 July 2011, followed by a gradual movement back to the trust levels before the attacks. It is worth noting the high level of trust in the police in the months after the attacks, and that a strong media criticism of the police response did not affect the populations trust in the police force. However, after the publication of the 22 July report, a fall in trust level affected primarily the police authorities, not the local police (Steen-Johnsen, Enjolras, Solheim, & Winsvold, 2018). To discuss reasons for this reduced trust in the police authorities would be speculations. However, it is fair to argue that a possible reason could be insufficient prioritization of police preparedness in the years before 22 July, in particular in rural areas. That was also a main issue in the Norwegian police reform after the 22 July (Storting proposition no 61 LS (2014-2015), 2015). Some of the relevant changes coming out of the police reform were:

- A more visible and accessible police force.
- Reduced response time in the event of extraordinary events.
- 95 percent of all calls to the police operations centers must be answered within 20 seconds.
- Larger and more robust police operations centers
- Fewer and more robust police districts
- Emphasis will be placed on management recruitment, management training and management at all levels of the police organization.

Not all of these changes were the results of the lessons learned during the 22 July response. However, it is fair to argue that these changes were required for a more robust police response to mass casualty events.

## 9. Learning and Post-event Investigations

In his study of the Halifax explosion in 1917, Samuel Henry Prince conducted one of the first systematic analyses of human behaviour during disasters (Prince, 1920). A striking part of his research was its explicit acknowledgement of the opportunities following a disaster (Ripley, 2008). Prince quoted St. Augustine in his thesis: “This awful catastrophe is not the end but the beginning. History does not end so. It is the way its chapters open” (Prince, 1920: 12). Since Prince’s pioneering work, there has been extensive research on human behaviour during and after major crises, as well as on the idea that disasters provide learning opportunities for preventive initiatives in the pre-crisis phase and improved disaster responses in the acute phase (Kruke, 2012). There have been studies about, e.g., learning amongst firefighters (Bøhm, 2017; Groenendaal & Helsloot, 2016; G. A. Klein, 1989, 1998; Sommer & Njå, 2011); learning among police officers (Sommer et al., 2015); learning in rescue operations (Sommer & Njå, 2012); learning from crises (Boin, 2008; al., 2016; Toft & Reynolds, 2016); learning from mass casualty events (Henriksen, Brenden, Hoel, Kruke, & Myhrer, Forthcoming in 2022; Kruke, 2012; NOU 2012:14, 2012; Royal Commission of Inquiry, 2020), incident investigation (Carroll, Rudolph, Hatakenaka, Wiederhold, & Boldrini, 2001; Hale, Wilpert, & Freitag, 1997); advance mass shooting research to inform practice (Lopez et al., 2020); barriers to learning from crises (Smith & Elliott, 2007); shared experiences of mass shootings that develop an understanding of the collective experience, consequences and recovery processes following mass shootings (Nurmi, 2017); and how learning may require unlearning certain assumptions and fallacies regarding public crises (Klein, 2011).

Crisis and disasters are often “focusing events”, or agenda setting events (Birkeland, 1997) attracting attention from media, institutions and stakeholders. However, learning following a crisis, or a disaster may be hindered by obstacles such as the political and organizational barriers to effective learning from disasters (Birkland, 1997), blame (Olson, 2000), the politics of investigation (Boin, McConnell, & 't Hart, 2008), and the politics of crisis management (Boin et al., 2005, 2016), all of which may reduce the accountability of, and hinder, the important learning processes in the post-crisis phase. There are, in other words, lessons we

don't learn (Donahue & Tuohy, 2006). Nevertheless, mass casualty events will happen in the future, and we must therefore take advantage of any learning opportunity that we can.

Learning is not correlated with blame. As stated in the 22 July report, it is the perpetrator and no one else who is to blame for the loss of precious human lives, for physical and mental harm (NOU 2012:14, 2012). Learning is also not only about mistakes. Many scholars argue most of all for learning from mistakes. But learning from successes are also important. In his research on resilience engineering, Hollnagel and colleagues have argued that we often begin with asking why things go wrong in our attempts to map the assumed causes and thereby to make sure that they do not happen again (Hollnagel, 2014; Hollnagel, Woods, & Leveson, 2006). We need to fix what went wrong, but we also need to take care of what went well. Look also for the important non-technical skills (Flin et al., 2003; Flin, O'Connor, & Crichton, 2008) that are required for reliable and robust operations. In other words, an important complementary strategy is to ask how and why things were managed well and then to try and ensure that they happen again (Hollnagel, 2014; Hollnagel, Woods, & Leveson, 2006).

Post-crisis investigations almost always reveal human errors at the sharp end (Cook & Woods, 1994; Dekker, 2006). If such individual human errors become our sole focus, however, then the solution will likewise be focused on merely weeding out the "bad apples" (Dekker, 2006). Another and more promising way of understanding human error is that it is a symptom of wider problems within a system (Dekker, 2006). Instead of looking for where individuals went wrong, examine how people's assessments and actions made sense at the time, given the circumstances that surrounded them (Dekker, 2006). Thus, when conducting investigations following mass shooting events, it is imperative to look beyond specific actions by response personnel and seek a deeper understanding of what led them to make such decisions during such a response. There may be relevant explanations at the organizational and systemic levels that could provide a richer understanding of specific actions/inactions at the field level. These explanations may have something to do with:

- Everyday workplace priorities
- Economic priorities
- Cooperation (or lack thereof) between interdependent agencies (i.e., "silo" thinking)



Learning and Post-event Investigations

- The structure of response organizations and operation rooms
- Communication, horizontally and vertically, in and between response organizations
- Strategies for crisis communication inside the response organizations and also with the public
- Training strategies (functional and full scale)
- Technical equipment for coordination and information-sharing (command, control, and information systems)

## 10. Conclusions

Crises must be met with a nation's full capacities. This broad principle gives direction both to our proactive work in the pre-crisis phase, when the focus is on prevention and preparation, and to our efforts in crisis management during the acute phase. Ultimately, the successes and failures of first responders are a reflection of their training, equipment, and the resources invested in the organizations and systems within which they work.

Reliable crisis response relies heavily on our capacity to gather information, share the information across organizational levels and boundaries, and build collective situational awareness as the foundation for timely and proper decision-making. Research on crisis management and experiences from mass shooting events have both highlighted the challenges of horizontal and vertical information exchange and reliable decision-making internally in various response organizations, as well as the challenges of collaboration across multiple response organizations. Thus, facilitating both inter-agency and intra-agency interaction must therefore be a priority.

Strategies for crisis management understandably tend to focus on the response of police and other first responders. But when considering how a society is likely to respond to a crisis, it is important not to overlook the role of the public. In many fast-developing crises, such as mass shooting events, the public are often on their own in the immediate, initial phase. Moreover, mass casualty events have shown how witnesses, passers-by, and other members of the public can make positive contributions during an acute crisis, in particular if they are informed on what is going on. Thus, emergency planning and crisis management plans, as well as training and exercises, should account for and capitalize on the public's capacity to be part of their community's crisis response.

The willingness and commitment to learn from a traumatic mass casualty event can be decisive for building future capacity in response organizations and for rebuilding or even enhancing the relationship of trust between the population and the authorities. Learning is in many ways about changing behaviour based on the recommendations in after-action reports. In change, we see that learning is a priority...!

#### 10.1. Recommendations for Future Research

- Further studies of past mass casualty events to improve both prevention and response
- Studies of prevented attacks
- Comparative studies of mass shooting events with other violent attacks
- Studies of information-processing in and between response organizations
- Studies of the police capacity to manage large operations in response to mass casualties in rural areas
- Studies of the relevance of education, training, and exercises in and between response organizations in mass shooting events
- Studies of equipment, training, and standard operating procedures (SOPs) in crisis communications internally in response organizations, and in particular communications directed towards the public.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Police Culture: Origins, Features, and  
Reform**

**Dr. Bethan Loftus  
Bangor University, United Kingdom**

**April 2022**

[masscasualtycommission.ca](http://masscasualtycommission.ca)

# POLICE CULTURE: ORIGINS, FEATURES, AND REFORM

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Report prepared for the Mass Casualty Commission, March 2022

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## Executive Summary

Academic research and professional debate on policing have long sought to understand whether police officers share a distinctive way of viewing and acting within their role. The existence of what has become known as ‘police culture’ has been an enduring topic of discussion since the 1960s and continues to be widely debated today. Within the field, there is a preoccupation with the day-to-day values, belief systems, and working practices of rank-and-file officers, with successive generations of researchers noting similar features within the occupational culture. Increasingly, however, portrayals of a monolithic, inflexible, and negative police culture have been subject to robust critique. Yet there is sufficient evidence from research and inquiries that police services in different countries exhibit at least some of the qualities captured by the term, and as a result, a common conclusion is that changes are needed to elements of police culture(s).

Against such a background, the scope of this report is to describe and examine key research conclusions emanating from the literature on police culture, as well as the efforts implemented to encourage change on the ground. In particular, the report:

- explains the social science methodology of ethnography, setting out the value of ethnography to policing research and understandings of police culture;
- supplies a definition of the central concept of ‘police culture’ and discusses what have been characterized as key features of police culture over time and in different settings;
- identifies some standard strategies used by police services to change aspects of their culture, noting the possible reasons for the success and failures of these strategies; and

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- focuses, where possible, on attempts to influence police culture with respect to family violence, gender-based violence, and the provision of equitable policing services to racialized groups, as well as the success and failures of these initiatives.

The intricacy of the themes within the police culture debate, and discussed within this report, makes it difficult to summarize in a few sentences or words. Nevertheless, the reflections at the end of this report present the main consolidated discussion points and policy-focused demands for change emanating from previous research and thought.

### **I. The Important Role of the Police**

In modern democracies, the police are recognized as the most visible of all criminal justice institutions. Police officers are bestowed with a broad range of powers to stop, search, arrest, and detain members of the public, as well as to deploy covert and undercover methods for gathering information that is transformed into intelligence to inform police operations. The police are also typically the first state agents that suspects encounter, therefore heavily influencing who enters the criminal justice system and who potentially comes to be ascribed with criminal status (McConville et al 1991). Uniformed police officers largely symbolize and represent the body politic, and it follows that the practices of policing provide the public with some of their most tangible experiences of the state, powerfully shaping feelings of citizenship (Skinns 2019) and national belonging (Parmar 2011). Indeed, much research demonstrates that when people perceive policing to be unprofessional, unfair, or intrusive, not only is trust in the police lost, but police—and state—legitimacy may also be damaged and co-operation withdrawn as a result (Jackson et al 2012).<sup>1</sup> As many policing researchers have noted, the capacity to use legally

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<sup>1</sup> It should be noted, however, that the exclusive domain of the (state) police has been challenged by the arrival of other actors who are providing policing services. The contemporary 'pluralized' policing field comprises a multiplicity of public, private, and voluntary organizations. These include but are not limited to private security officers, border enforcement personnel, and neighbourhood watches. See Lister and Jones (2016).



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sanctioned force against members of the public sets the police apart from other (state) institutions (Bittner 1970; Fassin 2015). In short, policing plays a significant role in culture, connecting police officers to state legitimacy, politics, and the social order (Loader and Mulcahy 2003). As discussed further below, the images and iconography associated with police work—from uniforms and badges to vehicles and flags—have important symbolic appeal for both police officers and the public.

In most contexts, the police mandate refers to an authorization to act or conduct operations in the public interest in accordance with prevailing laws and regulations with the power and authority of the government. In their day-to-day work, the police are broadly responsible for the maintenance of public order and the prevention and detection of crime. Many police researchers have nevertheless drawn attention to the paradoxes of policing in liberal democracies (Banton 1964; Bittner 1970; Loader 2006; Baker 2008). First, the police role inherently involves the application of force in societies that are, at least notionally, dedicated to peace and the rule of law. Second, while the police are arguably the most important provider of citizen security and safety, they are an agency that presents a threat to security and well-being when officers abuse their powers or respond inadequately to calls for assistance. Third, the police are required to adhere to the due process rights of suspects whilst simultaneously striving to detect, prevent, and control crime (Humble 2020).

The police are a vital and powerful social institution that serve as a visible nexus for a range of relationships between individuals, communities, and the state. As a result, they have proved to be an enduring topic for research and inquiry throughout the decades. Early research sought to understand how police officers working on the ground see the social world and their own place within it. The relevance of ‘police culture’ emerged as a central concept to explain the

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accepted practices, rules, values, and principles of conduct that officers apply to practical situations in the course of their work (Skolnick 1966). Understanding the worldview and perspectives of the police was particularly important because it became apparent that officers exercise considerable discretion in their everyday work and, as a result, can decide where and on whom to focus attention. It was also noted that through discretionary powers, police actions can deviate from the law and organizational guidance (Reiner 2010; see also Brown 1981). On the one hand, researchers found that certain groups of people are *over*-policed as suspects of crime. For instance, officers tended to focus their attention on underprivileged sections of society, such as the homeless, drug addicts, and minority ethnic groups (Bittner 1967). Conversely, other groups are *under*-policed as victims of crime, with female victims of domestic and intra-family violence subjected to chronic neglect by the police (Parnas 1971).

The occupational culture of the police has historically been portrayed as a major factor in shaping the way police officers conduct their everyday work, with researchers continuing to explore whether officers share a distinct and identifiable set of beliefs, values, and assumptions that influences how they think about their role and perform their work. In an attempt to synthesize the dominant themes within the police culture literature, Reiner (2010) has outlined the ‘core characteristics’ of police culture as comprising: an exaggerated sense of mission towards the police role, with officers craving work that promises excitement; the celebration of masculine exploits, with a willingness to use force during interactions; privileging on-the-job experience over official directives and guidance; a suspicious disposition that stereotypes certain people, places, and events; feelings of social isolation from ordinary (civilian) members of the public; and a defensive sense of solidarity with colleagues. In addition, police culture is often marked by cynicism, pessimism, secrecy, and a warped sense of humour. It is alleged that the

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perennial features of police culture are impervious to change and can have an impact on the service that different sections of society receive—often for the worse (Reiner 2010).

However, a growing number of researchers have called into question both the existence and conceptualization of a monolithic and negative police culture. They advocate for a more nuanced and diversified way of understanding the complexities of police identity. Focusing on apparently common and negative traits in police culture is unhelpful, resulting ‘in crude generalisations ... so as to make the results virtually meaningless’ (Hobbs 1991: 606). There is also consensus that if there is indeed a police culture, then it has the potential to transform and respond innovatively to change (Sklansky 2007; Wood et al 2008; Charman 2017). To be sure, developments in society and in police organizations can be expected to reshape the cultural expressions of police officers. These changes include but are not limited to: the cultural, racial, ethnic, and gender diversification of police organizations and demands for recognition of gendered and cultured identities in broader society; the impact of operational changes such as community policing philosophies and shifts in police function; a trend towards citizen surveillance of officers and the influence of official critiques of the police. Authors have also challenged traditional interpretations of police culture by critically interrogating its assumed homogeneity and universality. The occupational culture can vary according to individual officer, rank, department, and force. In order to reflect the nuances in what has traditionally been seen as the dominant culture, scholars argue that discussions of police culture are better referred to in the plural—that is, as police *cultures* (Cockroft 2007; Westmarland 2008).

These critiques imply that police culture may be losing its usefulness as a concept. Understandings of police culture have been overstated in some accounts, but there are nevertheless reasons to continue to research and debate the topic. It cannot be overlooked that

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successive generations of researchers have observed via observational research prominently similar characteristics in the narratives, sentiments, and actions of police officers working in different time periods and across varied jurisdictions. When asked, police officers *themselves* have acknowledged, defined, and described traits of police culture (Chan et al 2003).

**1. Outline of the Report**

The aim of this report is to provide a comprehensive review of the research on police culture to date. The discussion is organized around four principal sections: The first defines and highlights the importance of ethnography as a valuable research method for observing, documenting, and understanding the working culture of the police. In the second section, I discuss influential definitions of police culture and provide analysis of its key features and sources as noted by early and contemporary researchers. This section also provides a substantive critique of the way police culture has been conceived and portrayed, as well as a review of available research regarding police symbols and insignia. Beginning from the commonly held view that aspects of police culture are nevertheless perennial and difficult to change, the third section of the report reviews the main strategies adopted internally within police organizations to bring about cultural change. The final section provides an examination of how (inter)national scandals and pivotal moments within policing histories have the potential to exert external pressure and embed strategies for reforming police culture.

The research underpinning the report does not include the firsthand collection of new primary or empirical data. The forthcoming discussion is based on academic articles, books, chapters, and other relevant, publicly available secondary data. The literature was located through the input of key search terms relevant to the scope of the report and via an array of online databases (such as JSTOR, Applied Social Science and Index, and ProQuest), alongside

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hardcopy resources. Where appropriate, aspects of the discussion draw upon empirical examples from my own ethnographic research with police officers, including, for instance, fieldnote extracts and interview narratives. In addition, the report includes suitable examples from other researchers who have explored police culture in different countries and settings. However, it should be noted that accounts of police culture have flowed from a series of ethnographies conducted from the 1950s onwards and usually in Anglo-American contexts. Therefore, the contemporary relevance of these classic studies for understanding police culture today, and in different countries, should not be taken at face value. Evidence for the existence of and prominent themes within police culture remains contextually specific and not easily generalized.

## 2. Canadian Ethnographies of Policing

A number of important ethnographies have shed light on the realities of policing outside of the American and English contexts. While ethnographies of policing in Canada appear to be few and far between, several are worthy of note. Richard Ericson published two major titles stemming from his ethnographic research with police in Canada. In *Making Crime: A Study of Detective Work* (1981), Ericson explored detective work and its place within policing in Canada by observing six detective units over a total of 179 shifts. He set out to understand detectives' use of discretion in constructing cases and their results. Ericson found that detective work is autonomous, operates in conditions of low visibility, and is reactive rather than proactive since cases are largely initiated by complainants and patrol officers. Yet once detectives assume ownership of a case, they draw on their discretionary powers to steer and shape the investigation, including making choices about what investigations to take on, what questions to ask, and how to interpret the answers (Ericson 1981). Discretion is also involved in writing the official accounts of the case and in dealing with complainants and suspects. With its focus on non-uniformed

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officers working within specialist units, this study made a significant contribution to the literature on policing and police culture.

Second, Ericson's publication *Reproducing Order: A Study of Police Patrol Work* (1982) provides one of the few in-depth studies of Canadian police work from the perspective of uniformed patrol officers. His findings were based on observations of 348 shifts or 1323 patrol officer–citizen encounters in an unnamed municipality of Ontario (Ericson 1982). Through his fieldwork, Ericson found that the work of patrol officers is governed by a distinct set of 'rules', including criminal-law rules, administrative rules, and those rules within the occupational culture. Together, these formal and informal rules present officers with a sense of order and a basis on which to conduct their routine activities so as to reproduce that order. Ericson's research also considered the internal occupational environment and culture of the officers being studied, in addition to addressing the diverse aspects of patrol work. The study illustrates the broad discretion police officers have in deciding whether or not to contend with a certain complainant or suspect. Ericson also noted that officers are highly selective in their application of the law (Ericson 1982). His overall argument was that policing both generates and reproduces the nature of the social order; the choices officers make in their everyday work can increase the disadvantage experienced by underprivileged sections of society, such as the homeless, drug addicts, and others who live on the edge. Ericson also offered a helpful description of how his ethnographic study was conducted, providing insights into the difficulties of gaining access to the world of patrol officers. As he noted, being granted formal entry by senior officers can in fact *heighten* the suspicions of the lower ranking members of the police organization.

There is a recent study by Holly Campeau (2016), whose PhD thesis, *Policing in Unsettled Times: An Analysis of Culture in the Police Organization*, explored police culture in an

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occupational landscape that was undergoing change. Drawing on rich, ethnographic fieldwork that included 100 interviews and observation data collected over eighteen months in a police department in a Canadian city, she has provided a nuanced and up-to-date account of police cultures (Campeau 2016). Her key findings were: that police culture should be reconceptualized within the literature as a resource that officers employ in times of stress and direct challenge; that citizen surveillance of the police (via smartphones, for example) contributes to officer insecurity; that traditional themes of solidarity and brotherhood among officers are being eroded; and that the top-down, hierarchical approach to implementing change in the police is inadequate, but new generations of police officers can play a key role in transformation. Campeau has subsequently published various aspects of her ethnography (Campeau 2015; Campeau 2018; Campeau 2019).

Another ethnography conducted with police in Canada is by Sanders et al (2015). This is noteworthy because it provides rare insight into how the police draw on and deploy intelligence analysis and risk technologies, in addition to providing an understanding of the organizational changes stemming from the engagement with such technologies. As the authors have explained, ‘In light of the ever-growing incorporation of scientific knowledge and technology in Canadian policing, it is of vital importance for criminologists to ethnographically study the ways in which police services construct knowledge about crime’ (714). The empirical investigation included 86 interviews with crime analysts, patrol officers and others involved in crime analysis, as well as 36 hours of observation with patrol officers and those involved in crime analytic and information management workshops. The authors found that the occupational culture of the police is influenced by the cultural, organizational, and everyday activities and routines of police work. In particular, the police do not simply *adopt* intelligence-led approaches to policing. On the contrary, they actively *translate* it and, moreover, as a measure to demonstrate accountability

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(714). The authors also observed a culture of ‘hoarding’ intelligence, thereby—and paradoxically—challenging the underlying principles of proactive policing practices. Overall, the study by Sanders and colleagues offers an important examination of police innovation and reform in a Canadian context.

## II. Ethnography and the ‘Discovery’ of Police Culture

Ethnography (from the Greek words *Ethnos* meaning *people* and *Graphein* meaning *writing*) is a research methodology that lends itself to the study of the beliefs, social interactions, and behaviours of small societies and groups of people, with observation and participation over a prolonged period of time (Naidoo 2012). Broadly speaking, an ethnographic approach is ‘a detailed, up-close investigation of both the subjective and the objective aspects of cultural life—that is, of the many ways in which humans organize, live in, and give meaning to the world’ (McGranahan 2018: 7). Its origin lies in the tradition of anthropology in which researchers’ technique was to immerse themselves in the culture of the society or group under study in order to describe life in vivid detail (O’Connell Davidson and Layder 1994). This entailed becoming an accepted member of the group, participating actively in its cultural life and everyday practices. ‘Being there’ allows ethnographers to directly observe the daily activities and social interactions of those under study (Geertz 1988), as well as providing opportunity to experience the mundane and spectacular moments that touch and shape their lives. In so doing, ethnographers form close relationships with their research participants and engage in many unrehearsed, on-the-spot conversations to elicit their views and understandings of various topics. Fieldnotes are central to ethnographic practice, as they offer a written report or account of that work. Ethnographers rely extensively on their fieldnotes because it is from this body of material that key research findings and patterns emerge.



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With its emphasis on participant observation and seeing the world from the point of view of subjects of study, ethnography contrasts strikingly with quantitative methods of research such as surveys. Ethnography differs significantly from the latter type of methods precisely because it examines what people *do* as well as what they say, thereby enabling insightful examination of discrepancies between talk and behaviour—an important distinction for those researching the police (Waddington 1999).

By its very nature, ethnography conducted within the field of criminology is complicated by the fact it involves researching crime, criminals, victims, criminal justice agencies, in addition to other powerful organizations involved in the social control or punishment of people. This is particularly true in the case of ethnographic research *on* rather than *with* the police because they may have ‘much to hide and much to lose’ from the discovery of embarrassing or incriminating data (Reiner 2010). Undertaking an ethnography of operational policing does not only involve engaging with the potentially dangerous world inhabited by the police. It also entails confronting the realities and social impact of police power and the regulatory attempts to constrain that power (Loftus et al 2022).

Although an ethnographic approach is undoubtedly the most appropriate method available to access the inner world of policing (Marks 2005), police organizations are forbidding sites to research. This is largely due to the cultural reflex on the part of the police to be suspicious of outsider, civilian researchers. As a methodological approach, ethnography has proven unparalleled for examining the working rules, tacit understandings, and underlying assumptions that operate beneath what Holdaway (1983) has termed the ‘presentational canopy’ of police organizations. Similarly, speaking as both an ethnographer and serving police officer, Young (1991: 15) has explained that it requires ‘a great deal of fieldwork to reveal much about

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the unspoken agenda which determines many aspects of police practice'. Other approaches to studying the police are largely unsuitable for achieving this end because the methods employed tend to rely on accounts offered by the police officers themselves, whether in interviews or official documents—the authenticity of which is often precisely the question being studied (Bacon et al 2020). Such accounts may be selective presentations that do not necessarily depict the state of phenomena as they genuinely exist and, at worst, may be an attempt to convince the target audience of a particular image or truth that should not be taken at face value.

The origin of ethnography in police studies lies in the 'conflict' phase of policing research, when a series of influential empirical studies sought to capture and expose the culture and behaviour of police officers as they interacted with their various publics and with each other (Reiner 2015). In particular, police ethnographies were set in motion by a series of high-profile police–citizen clashes that characterised much of the 1960s and 1970s, primarily in the United States and United Kingdom. At this time, theoretical developments influenced by symbolic interactionist perspectives led for the first time to a critical focus on state agencies.<sup>2</sup> Attention thus shifted away from those who break the law to those who enforce it (Reiner 2010). This new conceptual lens was accompanied by a methodological turn towards qualitative forms of inquiry, including ethnography, which subsequently allowed researchers to witness firsthand the interior world of the police in a way previously unseen. These early police ethnographies, which were largely conducted by sociologists working within US and UK contexts, produced many of the concepts, themes, and theories that have since become central tenets of policing scholarship. They set the research agenda for those who followed and remain a source of inspiration and

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<sup>2</sup> Symbolic interactionism is a leading perspective in sociology that addresses the way in which society is both created, negotiated and maintained through face-to-face interactions among individuals (Denzin 2004).

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valuable reflection for policing scholars around the world (Bacon et al 2020). The insights gleaned from early police ethnographies include: how police officers learn the craft of the job from colleagues rather than in the formal training academy (Fielding 1988); the sources of police deviance and forms of corruption (Punch 1985); the influence of informal and extra-legal values and assumptions on the exercise of police discretion (McConville et al 1991); the prevalence of differential law enforcement practices (Bittner 1967); and the many challenges and dilemmas that lie at the heart of policing (Westley 1970).

For all its contributions, however, ethnography is not a faultless methodology. Critiques revolve around the need for researchers to *interpret* elements of the study, and so analysis may not be a wholly neutral exercise. Making sense of what is observed and how findings are presented is a largely idiosyncratic task and often too reliant on the positioning of the ethnographer (Hammersley 2018). At worst, findings may be viewed as biased and unreliable, and there are associated concerns about generalization from single or small numbers of cases within fieldwork. Part of the solution has been to encourage ethnographers to openly reflect upon how their own cultural, political, and intellectual positioning shapes the collection, analysis, and discussion of the data (Hammersley 2018). Another answer is to engage research subjects—in this case, the police—as collaborators (Henry 2017). Police researchers can share fieldnotes and published papers with the police, who may act as auditors of authenticity (Bacon et al 2020). Finally, there may be a particular limitation of ethnography for understanding police culture. There has been a heavy concentration on the day-to-day work of the rank and file, rather than the decisions and behaviours of senior police leaders. This has led some to comment that ‘studies of police culture have been coterminous with patrol culture’ (Reiner 2010: 86).

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Nevertheless, the contribution of ethnography to our understandings of policing is profound, not least because it offers unreplicable insight into the processes, structures, and meanings that sustain and motivate this social group. Today, ethnographic approaches continue to be considered crucial for exposing and documenting the behind-the-scenes values, narratives, and routine activities of the police.

While police ethnographies have principally focused on uniformed officers operating at the bottom of the organizational structure, a number of studies have expanded their reach to examine the working values and practices of specialist units, including plain-clothed detectives (Bacon 2016), firearm units (Westmarland 2001a), and those working in covert and undercover roles (Loftus et al 2016). Other work has focused on newly emerging modes of police, such as non-warranted Police Community Support Officers (PCSOs) (O'Neill 2019). Other scholars have mapped, via ethnographic methods, the mindsets and behaviours of non-state actors who are endowed with policing functions. From illustrative descriptions of the internal codes and activities of the para-police in Canada (Rigakos 2002) to rich accounts of how private UK security officers mark out people for attention (Wakefield 2004; Hansen-Löftstrand et al 2016), ethnography has made substantial contributions to enriching our understandings of policing activity that takes place beyond—and sometimes in partnership with—the state police. In a similar manner, the policing of world borders has become increasingly salient, accruing steady interest from ethnographers wishing to deeply understand how this phenomenon plays out at the coalface (Mutsaers 2014). A series of studies have also examined policing cultures and practices in countries undergoing social and political turmoil, such as post-apartheid South Africa (Glaeser 2000; Marks 2005) and during the ‘troubles’ in Northern Ireland (Brewer 1991). More recent ethnographies in this vein have also presented rigorous analysis of police structures, mentalities,

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and behaviours in transitional and post-conflict societies (Jauregui 2016; Beek and Göpfert 2013; Blaustein 2015). Together, they provide an international, comparative perspective of policing and its cultures in a variety of contexts.

It is well documented that conducting ethnography with police officers can provoke complex practical and ethical challenges (Westmarland 2001b; Marks 2005; Loftus 2009; Jauregui 2013). These include but are not limited to: challenges of securing access; difficulties that researchers face if they encounter police deviance; threats to personal safety while in the field; difficulties securing informed consent while being immersed in a fluid and unpredictable environment; and complications about protecting both the anonymity of officers who participate in the research and the confidentiality of any information that is obtained. In short, police ethnographers are presented with many in-the-moment ethical dilemmas that require careful navigation.

While there is a strong tradition of ethnography within policing scholarship, it is also noteworthy that from the 1980s, police research in its ethnographic form has been challenged by the developing trend towards government-funded agendas that focus on establishing practically relevant theories and evidence that can directly inform and improve police policies, strategies, and tactics (Reiner 1992; Bacon et al 2020). Quantitative surveys, experimental studies, and the search for best practice play a prominent role in the contemporary research landscape and tend to eclipse qualitative endeavours concerned with broader issues of democracy and power (Sheptycki 2018). However, while trends in the funding landscape seem to overlook ethnographic research, police ethnographies have nevertheless endured challenges to the method and are returning to prominence (Bacon et al 2020).

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Given the origins of police ethnography, researchers tend to be ideologically poised to challenge the ways in which policing is done and to whom it is done. There are, however, good reasons not simply to disparage the police in such accounts. This is an endeavour that speaks to the appreciative inquiry operationalized in criminological studies (Liebling et al 2001), including those on policing (Jardine 2020). Police officers have a challenging job, are one agency operating within a larger criminal justice system, and are responsive to the influence of formal policies, management directives, and the law. The position adopted by Karpiak (2016) and his work on *humanization* is germane. He has emphasised the need to generate a constructive and critical assessment of policing alongside an acknowledgement of the ‘fallibility of officers and other traits that are just as essential to what makes the police—as individuals and as an institution—human’ (Karpiak 2016: 6; see also Karpiak and Garriott 2018). If we wish to understand who the police are, what they do, and why they do it, as researchers we need to humanize them (Loftus et al 2022).

The salience of ethnography for comprehending the world of policing in its various guises and settings is well established. It is a method that powerfully brings the backstage of policing to the front of stage. One of the key themes to have consistently emerged from ethnographies is the idea that police officers often share a distinct and identifiable set of beliefs, values, and assumptions that influences how they think about their role and perform their work—that is, the existence of a police culture, or police cultures. It is to these findings that the report now turns.

### **III. Police Culture: Definitions, Themes, and Challenges**

This section of the report provides a detailed discussion of the background to and concept of police culture. In particular, it focuses on influential definitions of the term before outlining what

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has been identified as the core features of police culture over time and in different urban and rural contexts. The section therefore reviews a number of classic police ethnographies that continue to exert considerable influence over this area of study, as well as the works that have subsequently followed suit, providing a thematic discussion of the central characteristics observed within police culture. Increasingly, researchers have criticized the concept and indeed refuted the existence of a monolithic, inflexible, and wholly negative police culture. It is important, therefore, to attend to the critiques as well.

The term ‘occupational culture’ refers to distinctive patterns of thought and actions shared by members of the same profession, reflected in their language, morals, outlooks, beliefs, and traditions (Trice and Beyer 1993). Although most occupational groups have a shared culture—including, for example, teachers, prison officers, lawyers, and health care professionals—the working culture of the police has received significant attention within academic and professional debates. This is mainly due to the unique role that the police play in societies, including their widespread interactions with members of the public on the streets and inside private homes.

There are many different definitions of police culture. For example, Peter Manning has defined it as ‘the accepted practices, rules, and principles of conduct that are situationally applied’ (1989: 360). Janet Chan has suggested that police culture encompasses ‘informal occupational norms and values operating under the apparently rigid hierarchical structure of police organisations’ (1996: 110). And Robert Reiner has referred to police culture as ‘the values, norms, perspectives, myths and craft rules which inform their conduct’ (2010: 115). Collectively, police culture comprises a shared set of values that shapes how police officers perceive and talk about their working environment and influences how they act within it. It is a

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term used to explain how police—particularly officers working within the lower ranks of the organization—make sense of their social world and interact with people in different settings.

The idea of police culture emerged from pioneering ethnographic studies that aimed to bring the hitherto concealed world of the police into sharper focus. Since then, an abundance of research on police culture has identified seemingly recurring themes and characteristics within police culture over time and in different locations. It is valuable to review what is widely regarded as the first authoritative studies of police culture.

### 1. Early Studies

Jerome Skolnick's portrayal of the police 'working personality' in an American police force arose from his broader investigation into the 'effects of a man's work on his outlook of the world' (Skolnick 1966: 42). Skolnick found that (rank-and-file) officers shared a collective culture resulting from the common dilemmas, difficulties, and tensions associated with the policing vocation. Central to these tensions is the potential danger that officers face in their day-to-day encounters with members of the public: the police role is distinctive in that it routinely requires officers to confront situations in which there is an unpredictable element of risk of physical danger. Second, Skolnick noted that the police are the visible symbol of state authority (backed by the potential to exert legally sanctioned force), and this feature places them in a difficult and alienated position from the various publics they encounter. Third, Skolnick observed that these elements of danger and authority within everyday policing are joined by a constant pressure to be efficient and get results. For Skolnick, these inescapable features of the police role converge to produce a 'distinctive cognitive and behavioural responses in police: a working personality' (1966: 42).



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As a response to the potential for danger and unpredictable assault in police work, a core feature of what Skolnick identified as the working personality of police is *suspiciousness* towards people, places, and events (Skolnick 1966). The authority that police bring to bear on their interactions with the public also means that *social isolation* features within the working personality, and this in turn encourages a high degree of internal *solidarity* with colleagues (Skolnick 1966). Skolnick further identified *moral conservatism* as a culturally produced response in police: ‘the fact that a man is engaged in enforcing a set of rules implies that he also becomes implicated in affirming them’ (Skolnick 1966: 59).

Other pioneering studies echoed many of Skolnick’s conclusions. For example, both William Westley (1970), in the American context, and Michael Banton (1964), in the British context, found that the police placed themselves in an oppositional relationship with the public, leading to an emphasis on mutual support and unity with other officers and social isolation from the public at large.

Maureen Cain (1973) also provided a comprehensive description of the occupational ideologies and behaviour of police officers in the British context. Her work is notable because it explored policing in both urban and rural locations. Cain found that urban officers were orientated principally towards a crime-fighting image of their role, even though in practice such tasks formed only a small part of their daily workload. In the eyes of the rank and file, ‘real’ police work was associated with the act of arresting individuals, with police defining the periods in between action-oriented incidents as boring. One way of relieving the boredom of a shift was to make marginally legitimate arrests of individuals who were already known to the police. This provided officers with an opportunity for excitement and also brought kudos. Urban officers viewed themselves separate from the public, and, like Skolnick (1966), Cain also observed rank-

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and-file prejudice and suspicion towards minority ethnic males. In contrast to urban officers who emphasized and championed the crime-fighting part of their role, Cain found that rural constables were more integrated into the communities they policed. She found that relations between the police and the public were friendly, and rural patrols tended to be quiet, harmonious, and unhurried (Cain 1973). Indeed, she underlined just how distinctive rural policing was at that time. While police in urban areas operated as a team, in rural areas officers were isolated from their colleagues and, as a result, more dependent upon their civilian neighbours. Officers also resided in the area where they worked, were more embedded within the community and their families were accorded a distinctive status. By exploring rural policing, Cain offered early insight into how police culture varies according to location.

While other policing scholars made similarly substantial contributions to the field at this time, the early ethnographies noted above are widely regarded as prompting the beginnings of research into the attitudes and behaviours of officers, as well as the day-to-day realities of policing. Above all, they provided a central reference point for subsequent generations of researchers who also set out to explore whether the police possess a distinctive occupational culture.

## 2. 'Core Characteristics'

Robert Reiner (2010) has brought together the key findings of classic and contemporary studies, providing a thematic list of what he has termed the 'core characteristics of cop culture'. This oft-cited conceptualisation considers police culture to be a discernible and patterned set of understandings that help officers cope with the peculiar demands of their work. Within his overarching analytical framework, Reiner (2010) identifies the core elements of police culture as

including: a sense of mission; intolerance and prejudice; suspicion and skepticism; isolation, mutual solidarity, and conservatism.

#### *A. Pursuit of Crime and Excitement*

A central characteristic of police culture is what Reiner has identified as an exaggerated ‘sense of mission’ (2010: 119). Police ascribe great pride to the job of policing, acclaiming its uniqueness and potential to make a difference. The result is that officers invariably interpret their role as one that first and foremost involves fighting crime. Police conceive their role as the protection of the weak against the predatory (Reiner 2010; see also Holdaway 1983). During my own research in an English police force, for example, officers expressed great pride in the mission of police work and celebrated its potential to make a difference, as the following comments demonstrate:

*Bethan:* What were your motivations for becoming a police officer? Why did you join the job?

*Jake:* I know it sounds corny, but I really wasn’t happy with the way things were in society. People were being mugged, raped, burgled, and I thought I could make a difference. I wanted to make a difference to society, to help people.

*Rowan:* I joined for the same reasons. I didn’t join to go on the Community Team to be honest with you. I really joined to go out and lock up people. (Loftus 2009: 90)

The moral imperative to catch criminals and fight crime is of course a noble one.

However, the crime-is-war metaphor within police culture (Crank 2004) means that officers seek out work that is considered exciting and action-packed. In a classic observational study of the police in London, Smith and Gray (1985) found that officers drive at high speed to incidents that do not require rapid response. Other researchers have noted that officers relish the opportunity to participate in incidents offering the lure of excitement, action, and physical prowess (Westmarland 2001a; Ilan 2018) and tend to tell each other stories that glorify thrilling and confrontational encounters (Young 1991; Kurtz and Upton 2018). This outlook can make the police resistant to efforts to redefine their role as one that encompasses less confrontational or community-oriented dimensions (Marks 2005). Indeed, the preoccupation with excitement and

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the search, chase, and arrest of criminals can also mean that aspects of routine policing are considered less important. In the police worldview, incidents failing to conform with perceived ‘real’ police work are referred to as ‘rubbish’ (Holdaway 1983).<sup>3</sup> It has been noted that police officers regard being called to domestic violence incidents as rubbish work, a point explored further below.

### *B. Intolerance and Prejudice*

Racism has been identified as one of the most problematic features of police culture. Non-white officers working within white-dominated organizations have articulated their experiences of isolation and discrimination *inside* policing organizations, and there is a history of harassment and intolerance towards members of racial and ethnic groups *outside* the organization. These aspects of police culture have been explored across the decades and in different countries, including the United Kingdom (Hall et al 1978; Parmar 2020), Australia (Chan 1997; Cunneen 2018), the United States (Williams and Murphy 1990; Headley 2021), Canada (Wortley and Owusu-Bempah 2011), and South Africa (Marks 2005). While several studies have documented overt forms of racism, racial bias can also occur in more subtle ways within police forces. This resonates strongly with the conclusion made in the Macpherson Report (1999) that failure to properly investigate the racist murder of black teenager Stephen Lawrence in London was a consequence of ‘institutional racism’. Many studies continue to conclude that police stop and question racialized individuals at disproportionately high rates (Provine and Sanchez 2013; Shiner et al 2018; Wortley 2019). Other researchers such as Reiner (2010) have pointed out that

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<sup>3</sup> In British parlance, ‘rubbish’ refers to work of low value that detracts from the more important or more exciting work of chasing and arresting criminals.

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the racism displayed by officers partly reflects the racist tendencies of the broader society from which they are drawn.

Another core characteristic of police culture includes a taken-for-granted masculine ethos, whereby officers display physical and emotional toughness and engage in traditionally masculine activities, such as heavy drinking and predatory heterosexuality (Reiner 2010; see also Young 1991; Westmarland 2001a; Bastarache 2020). Police culture reflects misogynistic and patriarchal ideologies, amounting to what Smith and Gray (1985) notoriously referred to as a ‘cult of masculinity’. Women have encountered difficulty in gaining legitimate acceptance within police organizations, experiencing forms of sexual harassment and discrimination (Martin 1980; Sapp 1986; Heidensohn 1992; Brown 1998; Loftus 2009). Female officers find it particularly difficult to achieve promotion and break into specialist and elite units (Westmarland 2001a; Silvestri 2017). Stereotypical assumptions regarding gender have also underpinned the type of work women perform within the police, often being assigned to roles that have a compassionate element, such as family liaison or community-oriented work (Heidensohn 1992). In a highly gendered environment, female officers are under pressure to either perform the roles that reinforce gender stereotypes or reject part of their femininity by adopting aspects of the masculine culture. Such a choice has been pertinently summed up by Martin (1980), who argued that, as officers, women are forced to choose between becoming *policewomen* or *policewomen*.

In addition to experiencing a complex process of marginalization and discrimination, 2SLGBTQ+ officers have found themselves adopting the values and qualities associated with the prevailing heterosexual culture (Burke 1993; Miller et al 2003). In my own research, gay officers recalled experiences of being met with suspicion and exclusion until they demonstrated their masculine traits—namely overt willingness to ‘back up’ fellow officers in incidents or

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uncomfortably adopting the heterosexist and macho culture of their colleagues (Loftus 2009). One officer described how for three years he invented a dual life, which fictitiously included a girlfriend, in order to conform with the prevailing heterosexual culture.

The masculine culture of policing has also been blamed for influencing attitudes and behaviours towards female victims of crime. In an influential analysis, Edwards (1989) argued that the patriarchal underpinnings of police culture construct domestic violence incidents as inconclusive, low-status work that distracts officers from their ‘real’ police work.<sup>4</sup> In dealing practically with such incidents, officers have historically avoided arresting the (usually) male perpetrators, thereby undermining the legal implications of what has taken place and failing to protect victims from harm (Grimshaw and Jefferson 1987; Stanko 1989). Attending officers merely provided advice to the parties (Grimshaw and Jefferson 1987), an action that essentially redefines this public criminal matter into a private civil dispute (Edwards 1989).

Following years of campaigning and legislative changes, policing reform has attempted to improve the way officers respond to domestic violence. This has involved two major shifts: first, police organizations are expected to take domestic violence incidents seriously, and officers are being asked to be supportive and sensitive in their response to such incidents (Loftus 2009); second, some comprehensive policies have been introduced instructing officers to arrest any assaulting partner where there is evidence of assault—that is, a pro-arrest or mandatory arrest policy for domestic violence (Hoyle and Sanders 2000). Officers appear mixed in terms of their sympathy with victims of domestic violence. In my own ethnographic research, I recorded the following fieldnote when I accompanied a young officer:

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<sup>4</sup> Edwards (1989) also blamed the wider role of the law for sustaining this bias.

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The report was of a woman being beaten on a street by a male who, it was believed, was her boyfriend. When Nathan and I arrived at the scene, there were four other male officers there from a different shift. They were standing around a young woman who was crying and whose arm was covered in blood. One of the officers was sympathetically trying to coax the name of her boyfriend out of the woman, but she was telling him to go away because she did not want to name him. Another officer became impatient and was saying things like, 'Look love, you are going to have to help yourself'; and, 'Only you can get yourself out of this situation' while another told her, 'We can't stand here all night'.

It was agreed that there was nothing that they could do while she was withholding the boyfriend's name from them. The first officer appeared genuinely frustrated at the prospect of not being able to help the young woman, but the other officers displayed a striking lack of sympathy and virtually blamed the woman for her position. Walking away, Nathan called her a 'stupid slag' and said that she deserved her abuse if she was not going to help herself (Loftus 2009: 130).

As Charman (2019) has noted, the perceived moral character of victims affects the degree of sympathy and professionalism displayed by officers. In some studies, the subject officers were found to be rarely sympathetic to women viewed as somehow contributing to their victimization. For example, in my own research (Loftus 2009) officers' response to gender-based family violence was particularly lacking if the complainant had a history of calling the police about such matters. Their response was particularly deficient if the complainant was perceived as coarse or rowdy as the following incident demonstrates:

[On patrol] An Immediate Response came through about a domestic violence incident on the Hammond housing estate [an area considered by officers to be 'rough']. A woman had been heard shouting out of a top floor window that her husband had hit her. David and Sergeant Jones recognized the address and said, 'Oh for fuck sake, not that daft cow again.' Apparently, the police had been called there on a number of occasions.

When we arrived at the location, the woman was standing on the front doorstep and was arguing with her husband. She appeared to be drunk and was shouting to the police that her husband had hit her, but her husband was denying it. About seven officers had now turned up, and merely stood around and listened to the woman as she started to cry and shout. She was shouting that her young nephew was dying in hospital, and that her husband had hit her for coming back late from visiting hours. She kept repeating the sentence, 'The system stinks' and, as she was saying this, she began to stagger over to where we were standing. At one point when she fell over, her blouse lifted up and exposed her stomach and underwear. By now all of the (male) officers were looking on in a musement and laughing amongst themselves. One officer said to another, 'If she doesn't fucking shut up, I am going to knock her out myself', while another said, 'I'm going to lock *her* up if she doesn't shut up'.

Sergeant Jones eventually went into the house to talk to the husband. After a while he came out and said apologetically to the other officers, 'I am going to have to lock him up—Logan will have my arse if I don't' [Logan was the Superintendent who was responsible for reiterating the current organisational drive on intimate partner and family violence incidents to the rank and file]. However, Jones told his colleagues that the woman had come home drunk and probably 'wound up' the husband, who had subsequently retaliated. Jones and the other officers saw the arrest as an 'arse covering exercise' (Loftus 2009: 132).

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Part of the treatment accorded to the woman in the above incident and to others like her is related to low socioeconomic position. In my ethnography, which spanned both urban and rural locations, the police overwhelmingly dealt with people who were socially, economically, and politically powerless (Loftus 2009). One prominent feature of their culture was the class contempt displayed towards the poor, a potent force of othering (Loftus 2009).

Worryingly, recent research by Goodmark (2015) has revealed that intimate partner abuse by police officers is systemic and may be encouraged by elements of peer socialization and culture.

### *C. Suspicion and Skepticism*

As Skolnick (1966) noted, the pervading sense of danger and unpredictability experienced by police officers means they are alert to anything suspicious. Other ethnographies have identified suspicion as a shared attribute of the police worldview (Holdaway 1983; Holmberg 2003). Through on-the-job experience, police develop an extensive inventory of indicators that, for them, signal a person's possible involvement in crime. Invariably, these markers are driven by aesthetic and behavioural cues in the working environment (Loftus 2009). Suspicion is an entirely understandable and indeed desirable cultural response to the police role and is encouraged by formal organizational training. However, it potentially leads to the stereotyping of certain groups of people and can both reflect and reinforce the patterns of disadvantage within broader society (Fassin 2013). Police work is largely influenced by oversimplified ideas about suspicious people and activities. In the past, non-white individuals have been stereotyped as disorderly, anti-police and inherently criminal (Cain 1973; Smith and Gray 1985; Young 1991; Chan 1997). In the United Kingdom, young black Caribbean men have been particularly



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associated with crime (Hall et al 1978; Foster 1989). I wrote the following fieldnote after one of my first ever shifts with two officers:

Scott and Darren remarked that I had chosen a good time to do my research with them because there were a lot of black gangsters on their patch who were 'causing trouble' for the police. They suggested that the Reservation Estate was the worst for gang crimes because of its high black population. Scott explained that most of the 'black lads' on the estate hated the police—even though they were responsible for most of the gang and drugs related crimes in the entire policing division. Scott and Darren then started to mimic a strong Black Caribbean accent and parodied aspects of 'gang culture' (Loftus 2009: 143).

Some officers deliberately patrolled the estate in order to assert their authority over the area, and this could cause antagonism between the police and some of the minority ethnic residents.

It has also been argued that police possess a uniquely cynical and pessimistic view of their social world. Police see society as deteriorating, with moral standards and respect for authority eroding rapidly (Holdaway 1983). The police often come into contact with people who are experiencing adverse and difficult circumstances, and officers are called to deal with challenging and upsetting incidents. This effectively makes policing a 'dirty work' occupation (Hughes 1958). Added to this, officers encounter people who routinely lie to them and who try to divert the blame onto others. As a result, the police have a jaundiced view of the public (Manning 1977). This became evident in my own fieldwork:

The Area Control Room dispatched Paul and Nick to a job. A car had crashed into the side of a terraced house in Hope Street and had driven off. [...] A few bricks were missing from the house and there was glass all over the pavement. They cleaned up the mess and both surmised that the car was stolen. Two minutes later, the ACR passed all officers the details of a car that had just been reported stolen. Paul let out a sarcastic groan and suggested that the person who reported it was probably the driver of the car that had hit the house. He turned to me and explained, 'He was probably drunk and faked the theft. This job makes you so cynical. You get to think the worst of everyone, even your own mother!' (Loftus 2009: 109)

Such police skepticism can manifest itself in an outwardly detached and unsympathetic manner during interactions (Waddington 1999). The cynical element of the police outlook is also said to extend to senior officers within the organisation (Reiner 1978; Graef 1989). The most common complaint of the rank and file is that their superiors are detached from the 'sharp end' of

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operational policing: ‘from the perspective of the rank and file, senior ranks are divorced from reality, living in a comfortable and trouble-free existence on the upper floors of police headquarters’ (Waddington 1999: 231). This sense of betrayal by management reinforces a marked sense of solidarity among the rank and file and can subsequently thwart top-down reform initiatives (Crank 2004).

A dark sense of humour is an byproduct of the cynical perspective. Although the jokes and pranks police officers play on one another can appear to outsiders as warped and insensitive, humour is an important coping mechanism because it releases the tensions associated with their difficult environment (Waddington 1999).

#### *D. Isolation, Mutual Solidarity, and Conservatism*

The police are portrayed as an insular occupational group that makes a sharp distinction between ‘us’ (the police) and ‘them’ (the rest of the population). The close affinity between colleagues is reinforced by defining features of their job, including working the arduous shift system together; difficulties in separating work from home life; reliance on colleagues in times of danger and pressure; and the isolating nature of their position as the face of state authority. Yet the sense of solidarity within the police can be dysfunctional, particularly when it protects and covers up colleague deviance and infringements of procedure (Mollen Report 1994). In my own research, officers expressed clear interdependence with each other. Group loyalty was especially potent between officers on the same shift:

*Bethan:* What do you think influences the way you do the job?

*Jack:* The biggest influence on you is your peers though...

*Ian:* Yeah, definitely. It sounds really sad, but when you come into work it’s very social. I see more of the lads than I do of my own family! And in a way you all become like family, don’t you?

*Matthew:* It’s very social. My shift, and here, the team spirit is phenomenal. I once got a three-month attachment to another squad, and I didn’t want to leave my shift!

*Ian:* It’s fantastic, a group of people who really give a monkeys about you.

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*Matthew:* And you come back in after a good job that everyone has been involved in, you come back in and think, 'Good job. Teamwork'...

*Jack:* You talk everything out as a team. (Loftus, 2009: 119)

Officers had a clear awareness of what characteristics were important in a colleague:

*Bethan:* As a police officer, what qualities do you think makes an ideal colleague?

*Simon:* You like to think of your colleague as a good friend. We are all good friends, and the police are a family at the end of the day ...

*David:* Yes, yes ...

*Simon:* Someone you can turn to in confidence, and someone who is going to back you up. Someone who you can trust and who is going to be there if you need them ...

*David:* Somebody you can talk to and have a laugh with.

*Donna:* We are all in the same boat doing the same job. And you like to think that we are all singing from the same hymn book ...

*Simon:* The ideal colleague is someone who is the same as you basically. (Loftus, 2009: 120)

In their perceptions of the public, the police make a distinction between the 'respectable' and 'rough' citizenry (Shearing 1981), and this can determine whether or not a person is considered to be deserving of policing services. Those falling into the latter category have been variously classified by the police as 'slags' (Smith and Gray 1985), 'pukes' (Ericson 1982), 'prigs' (Young 1991), and 'scrotes' (Loftus 2009). A morally conservative outlook perpetuates these views (Baker 1985). Recent research by Charman (2019) has found that police officers also sharply delineate between undeserving and deserving victims, contributing to a process of 'informed neglect' that exacerbates the exclusion and alienation of certain people in society.

### 3. Artifacts of Culture: Police Symbols and Insignia

Organizational theorist Edgar Schein (1985) has suggested that the 'artefacts' of organizations—symbols, technologies, clothing, uniforms, and other physical objects—are the most visible expressions of organizational culture. Although research in this area with specific regard to police culture is limited, there are police symbols that have the potential to evoke powerful emotions for officers and the public alike. As Crank (2004) has argued, highly visible signifiers

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of policing such as the uniform, hat, and badge are culturally affirming, pulling together the ingroup (police) whilst drawing boundaries with the outgroup (non-police). The uniform is a particularly potent symbol of ‘cop-ness’ and heroism since, in the eyes of its wearers, it establishes police authority and power (Crank 2004). Police museums are increasingly popular cultural sites, allowing members of the public to get close to and learn about policing and criminal justice. As Joshua et al (2021) have found, there are dozens of police museums within Canada, and the displays heavily emphasize the uniform.<sup>5</sup>

The collection and trading of police memorabilia is an accepted practice within policing, with items exchanged between individual officers and between police forces (Crank 2004). As Terpstra (2020) has suggested, some officer swap and keep police memorabilia to preserve the memory of the past and to also symbolically resist new policing regimes. It is worth noting that laws have been introduced in some countries to control individual possession of law enforcement insignia. This in part relates to a concern that civilian ownership of police memorabilia may result in misleading representation and the false impersonation of a police officer. In the United Kingdom, for instance, the Police Act 1996 states that possession of police equipment is illegal without a lawful purpose.

The images and iconography associated with police work thus have broad appeal for the public. In popular culture, the police are recognizable and prominent figures, as evidenced by their inclusion in many television shows, books, documentaries, and films. As Loader (1997) has noted, the police are an iconized group and even widely marketed as a tourist attraction (4). Gift shops across many countries, including Canada, sell police-related collectables. Just a few

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<sup>5</sup> The overall argument by Joshua et al (2021) is that accurate and fuller histories of women police are largely absent within the police museums they studied, thereby serving to reproduce the male dominance of policing in Canadian society.

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examples are teddy bears wearing police uniforms, pocket watches and cuff links engraved with police insignia, as well as mugs, key chains, and calendars draped in police symbols. Loader has suggested that popular attachment to the police lies in ‘the idea of an omnipotent source of order and authority that is able to face up to the criminal Other’ (1997: 7). Public connection to the symbols of policing is *affective*—it provokes a deep emotional response to senses of authority and protection and is closely bound up with a person’s sense of self and belonging within the nation (Loader 1997).<sup>6</sup> The phenomenon of collecting police memorabilia is multifaceted and driven by varied motivations, but symbols of policing may appeal to people who crave a sense of security and those attracted to fantasies of discipline and orderliness. However, further research is required in this area.

#### 4. Problematic Consequences of Police Culture

As the above discussion has illustrated, many accounts describe police culture as isolationist, misogynist, racist, and authoritarian. These cultural descriptions stem from everyday interactions the police have within their various environments and the people they meet. The problematic consequences of police culture broadly coalesce around three concerns. First, police culture can result in certain members of the public receiving a poor quality of service. There have in particular been widespread concerns about the under-policing of family violence and the inadequate service that women have received as victims of gender-based abuse (Westmarland 2001a; Carillo 2021). Early studies (Dobash and Dobash 1979; Edwards 1989) revealed the ways that police responses to domestic abuse were insufficient and inconsistent. In her study, Edwards

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<sup>6</sup> However, Loader (1997) cautions that emotional commitment to policing differs according to social divisions of class, gender, ethnicity, age, and sexuality. For excluded or disenfranchised populations, the symbols of policing may have little appeal and may instead evoke feelings of anxiety and fear rather than pride and belonging.

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(1989) concluded that many officers in two London Boroughs did not comprehend the dynamics and seriousness of domestic violence. As a result, domestic-related calls were commonly viewed as noncriminal incidents and considered a waste of police time. She found that despite physical violence being present on many occasions, the police saw the incidents as disputes rather than as assaults, and arrests and investigations were therefore rare.

In some contrast, I found that there have been important changes in the police response to domestic violence (Loftus 2009). Most officers had incorporated the pro-arrest policy into their routine policing practices, and some were generally sympathetic and professional in their treatment of victims. Some male officers viewed themselves as ‘hero-protectors’ (Westmarland 2001a: 27), displaying a clear desire to apprehend perpetrators. Female officers in particular saw attending domestic violence incidents as a legitimate and worthwhile part of their role (Loftus 2009). However, the extent to which these changes in police practices reflect a genuine desire to provide a better service to victims is less clear. Some officers still regarded these incidents as marginal to their police work activities:

*Ben:* You join the police and spend your lives dealing with domestics, don't you?

*Edward:* It is the same places, same faces every single day. And that's another frustrating element because we are just mopping up after people again and again. [...] The gaffers [senior officers] are big on domestics at the moment, and because of that, we are not being able to do the things that interest us...

*Andy:* The problem now is that we are going out dealing with those types of incidents. And fair enough, technically a crime has been committed by these inebriated people, but we've got paperwork to do for that, and we can't go out and catch the burglars, the rapists and the dealers. We are dealing with drunken domestics—it's crazy. (Loftus 2009: 129)

On the one hand, aspects of police culture pertaining to gender and family-based violence are being revised and unlearned. While multiple policing outlooks and styles can be found and conform with the requirements of new agendas, many domestic violence incidents nevertheless continue to occupy a low position within police culture (see also Grant and Rowe 2011; Myhill 2018).

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Concern has also been raised about the police response to sexual assault victims. For example, Quinlan (2016) has found that despite several decades of institutional reforms in sexual assault policing in Canada, police investigators continue to dismiss a disproportionate number of sexual assault reports as unfounded. Drawing on seventeen interviews with sexual assault investigators working in Ontario, she has described how techniques for assessing credibility and truthfulness in sexual assault cases often rest on normative assumptions about who ‘real’ survivors are and how they behave. Earlier research by Heidensohn (1985) suggested that female victims of sexual offences are likely to be viewed by the police via a narrow range of feminine roles, such as ‘wife’ (a wholly innocent victim) or ‘whore’ (a potent image of female deviance). Such perceptions influence the way the victims are treated by the police and can affect whether or not sexual violence cases are adequately pursued.

The second major problem of police culture is that it can have a negative effect on relations between police officers within the organization, with colleagues from under-represented groups reporting prejudice and exclusion. As police officers, for example, women from many different countries have encountered significant difficulty in gaining legitimate acceptance within police organizations (Garcia 2003; Bikos 2016; Natarajan 2014). As noted earlier, the ‘cult of masculinity’ (Smith and Gray 1985) has historically encouraged various forms of sexual harassment and gender-based discrimination, and the Bastarache Report (2020) has demonstrated that women serving in the Royal Canadian Mounted Police (RCMP) (and provincial and municipal policing agencies) have been experiencing sexual and physical violence and retaliation for decades.

The taken-for-granted ethos of heterosexual masculinity has likewise excluded 2SLGBTQ+ officers from achieving full social membership (Burke 1993; Miller et al 2003).

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Likewise, non-white officers have consistently articulated their experiences of isolation and racial discrimination within policing organizations (Barron and Holdaway 1997; Kochel 2020). However, police organizations have been under pressure to be more representative of the diverse communities they serve, and the demographic make-up of the police is changing in some locations (Sklansky 2006). An allied development is the expansion of civilians working inside police organizations, which has afforded an avenue for cultural, ethnic, racial, and gender diversification in personnel recruitment, although there is a pervasive culture of bullying and harassment amongst police officers and staff (Miller 2021).

The final overarching theme relating to the negative consequences of police culture is that the informal attitudes, values, and behaviours that comprise police identity can act as an obstacle to police reform efforts. As I discuss in further detail later in the report, a body of research has identified much resistance to top-down approaches to reforming police culture, partly because they fail to acknowledge the role played by street-level officers in such cultural processes (Chan 1997; Loftus 2009; Cockcroft 2014; Gundus 2017).

### **5. Critiques of the Police Culture Schema**

According to early scholarly characterizations and to increasingly widespread mainstream images of police culture, police officers possess a range of dysfunctional beliefs, values, and behavioural tendencies that arise as a response to the police role. This shared culture underpins and informs how officers relate to colleagues and members of the public. It is a culture that works in opposition to public service ideals and reform endeavours. The core characteristics (Reiner 2010) described above are believed to be culturally transmitted and reinforced through on-the-job socialization by the immediate peer group. Informal police socialization is presented as distinctly indoctrinating.



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This account has become conventional and has exerted considerable influence, becoming almost truistic. However, recent scholarly research and theorizing has provided a serious challenge to both the conceptualization and existence of a monolithic and stagnant police culture. Broadly, there is a divide between those who adopt a classic approach to understanding police culture based on the ‘core characteristics’ framework described above and those who contend that the occupational culture of the police is fluid and differs according to context, historical period, officer demographics, and context-specific role. As Campeau (2015) has stated, ‘the conceptual template of Reiner’s list now serves as a collective imprint in how we think about the topic [...] and this diverts our attention from new directions and emerging trends’ (36). Since the first seminal ethnographic studies of the police, policing has experienced a great deal of social, cultural, and technological change. These changes include but are not limited to changes to recruitment, shifts in the police function, new forms of accountability, and increased expectations for officers to work with multi-agency partners such as social workers, private security, and mental health professionals. In short, the stability of police culture cannot be assumed.

Australian scholar Janet Chan (1997) has provided one of the most robust critiques of the overarching analytical approach to studying police culture. In what follows, I draw principally upon her work to provide an overview of the key challenges to the orthodox portrayal of police culture.

*A. Variations of Police Culture Based on Role and Context*

Some conventional accounts of the police suggest that police culture is consistent, static, and unchanging. However, a number of scholars have found that occupational culture can vary according to rank, role, department, and force, as well as differing across rural and urban areas.

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One key theme of English studies is that rural officers tend to view the local populace as pro-police and consider policing to be an endeavour *with* and *for* the community rather than policing *of* the community (Cain 1973; Young 1993; Loftus 2009). However, it is possible that this idealized characterization of rural policing has been undermined by the closure of local stations, the increasing use of technologies that may distance the police from their publics, and the routing of calls to the police through centralized, force-wide centres.

Other differences have been found between the culture of uniformed police officers and their plain-clothed counterparts, such as detectives (Bacon 2016) and covert officers engaged in surveillance (Loftus et al 2016), as well as those working in other specialist units, like firearms (Westmarland 2001a). As noted earlier, recent ethnographic research in Canada has explored culture in the context of efforts to integrate intelligence and analytic technologies into the police (Sanders et al 2015). The findings refute the notion of a universal police culture by revealing a plurality of cultures—among, e.g., intelligence analysts, IT operators, and patrol officers—that exists and operates simultaneously within one police organization.

In their influential study, Reuss-Ianni and Ianni (1983) identified a distinction within the working cultures of ‘street cops’ and ‘management cops’. Manning (2007) has since proposed that police organisations are characterized by three subcultures of policing according to rank: command, middle management, and lower participants. Moreover, in providing an account of ‘cultural inertia’ in a Canadian police force, Campeau (2019) has noted division between ‘old-school’ and ‘new generation’ officers. There is evidence of variability in attitudes to and styles of policing between individual officers (Reiner 1978; Fielding 1988; Loftus 2009; Corder 2017).

Contemporary police organizations are also comprised of forms of police officers, such as Police and Community Support Officers (PCSO) in the United Kingdom. PCSOs are a

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policing auxiliary: salaried members of support staff who, unlike traditional police officers, do not hold the warranted power of arrest. The main function of PCSOs is to enhance public reassurance by providing visible uniformed patrol (O’Neil 2019). Ethnographic studies by Cosgrove (2016) and O’Neill (2019) have found that while PCSOs do not construct their own distinctive subculture and are likely to endorse dominant cultural characteristics, they nevertheless demonstrate a departure from *some* classic police culture traits, for example by displaying a strong sense of social service in their work.

Others have found variations in police culture at local and regional levels. In her ethnographic study of the police in London, Foster (1989) found that officers at two police stations only a short distance apart who dealt with similar problems of urban decay nevertheless displayed notably different attitudes, styles, and approaches to their work. Although there are relatively few comparative studies of police culture, studies within this vein have also found significant differences in police culture at the international level. Nickels and Verma (2008) have compared dimensions of police culture across Canada, Japan, and India, identifying broad universality and congruence between officers’ attitudes, but they concluded that some qualities viewed by many as characteristic of all police—such as xenophobia—were not stable across all nations.

Together, such research supports the contention that there are subcultures contained within what is usually presented as mainstream police culture. Yet despite evidence showing clear divergences, representations of police culture tend to generalize police culture as a singular and homogenous entity (Chan 1997; Reiner 2010). In order to reflect the nuances in the dominant culture, scholars have argued that discussions of police culture are better referred to in the plural—that is, as police *cultures* (Foster 2003; Cockcroft 2007; Charman 2019).

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*B. An All-powerful Cultural Force?*

The issue of homogeneity plays a role in the ways that police officers become socialized into their occupational culture. As Chan has argued, most accounts of police culture make the mistake of implying that the ‘acculturation process’ is one way (1997: 66)—that is, it operates as an overwhelming force that consumes police officers once they join the job. Such a deterministic formulation casts officers as manipulated and passive learners and overlooks the ability of police officers to make up their own minds as to whether or not to accept specific features of the culture. Whether, if at all, officers adopt any cultural values depends on many factors, such as their own individual biographies and personalities. Police officers are drawn from many walks of life and do not necessarily share similar outlooks. This also means that police officers can and indeed do exhibit different perceptions of their environment and the people they police. For example, Pichonnaz (2021) has drawn on interviews with new entrants to the police in Switzerland to explore the influence of their previous life experiences before they joined the job on how they see and perform their role. His findings indicate that professional socialization in the police may be a ‘secondary’ form of socialization:

Individuals entering a profession are not empty vessels; they have been shaped by a great number of socialization instances, and especially by primary socialization—i.e., the societal influences they experienced before they became adults—which forms a solid base, most often hard to transform. Therefore, professional socialization cannot have the same impact on all new entrants in a profession (Pichonnaz 2021: 125).

Pichonnaz (2021) has found that the ‘social mobility trajectories’ of new recruits and ‘gender identity’ are pivotal in explaining differences among police officers’ views of their work. Further research on past lives and prior socialization of officers is likely to enhance our understandings of the divisions within police cultures.

While Reiner (2010) has summarized the core characteristics comprising the occupational culture of the police, he too has cautioned that the culture is neither monolithic nor unchanging.

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Rather, police culture is ‘embodied in individuals who enjoy autonomy and creativity’, and variation ‘can be discerned within the broader police culture, generated by distinct experiences’ (Reiner 2010: 116). Even when aspects of police culture are internalized, they do not necessarily determine police behaviour: ‘an important distinction can indeed be made between “cop culture”—the orientations implied and expressed by officers in the course of their work—and “canteen culture”, the values and beliefs exhibited in off-duty socialising’ (Reiner 2010: 85).

### *C. Police Culture as Wholly Negative*

Police culture has commonly been presented in profoundly depressing terms. As Waddington (1999) has argued, the notion of police culture is ‘frequently invoked by academic researchers and commentators to explain and condemn a broad spectrum of policing practice’ (287). By focusing only on the negative characteristics of police culture, researchers fail to take into account positive police behaviours that are equally identifiable. In a general sense, the occupational culture of the police is functional to the survival and security of police officers working in a dangerous, unpredictable, and alienating occupation (Chan 1997). Police culture is a valuable device for supporting officers as they deal with their environments and, in this sense, is a rational response to the irrational world of policing. Indeed, Campeau (2015) has recently argued that police culture should be viewed as a *resource* that actors may choose to employ when faced with particular difficulties and constraints.

It is possible to pinpoint other ways in which aspects of police culture can be interpreted in a positive light. For example, while the loyalty–them–us theme within police culture has been criticized for breeding secrecy and corruption, it can be a source of solidarity and support and nurture a sense of the police as family (Reuss-Ianni 1993). The oft identified issues of mistrust, cynicism, and a continually suspicious mindset can likewise be interpreted as beneficial to the

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core police functions of identifying suspects and protecting the community from crime and harm. And while the police tendency to treat their work as a mission and more than simply a job has been treated pejoratively as a prioritization of excitement and action at the expense of justice and the rule of law, less attention has been paid to the concern for victims—at least those that are considered to be ‘true’ victims—that forms the core of the police sense of mission and contributes to service-orientated approaches to policing. In my own ethnographic research undertaken with police in a rural location, all patrols once provided their immediate and prompt attention to a report of an autistic child who went missing from one of the local supermarkets. Although the child was eventually discovered by a member of the public, officers demonstrated a strong desire to search for the infant and were caring and sympathetic towards the anxious and frightened mother (Loftus 2009).

Moreover, while police culture has been recognized as a powerful obstacle to reform, researchers have also acknowledged that it can be harnessed as a positive tool for regulating and preventing inappropriate police conduct (Toch 2008).

*D. Assumed Insularity from Society*

Another critique of the way police culture has been conceptualized is its assumed isolation from the social, economic, legal, political, and organizational landscapes in which it inevitably operates (Chan 1996). Culturalist interpretations of police culture focus on the immediate peer group of officers and the strong cultural forces that influence their behaviour. However, this approach overlooks the broader contextual influences that shape police thinking and practice. In contrast, some have focused instead on the organizational environment of policing and officers’ places within and relationships to the formal police organization.

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As Paoline (2020) has explained, one of the key differences between an occupational culture and an organizational culture is the locus of cultural influence. While occupational cultures originate from and are maintained by frontline workers, organizational cultures are usually defined from the top of the organization down (Schein 1990). As Paoline has maintained, ‘the point that cannot be overlooked is that organizations that are embedded within an occupation also exert cultural influence on members’ (2020: 204). Other writers have also exposed the influence of police policies, organizational directives, and the law in determining police behaviour. In an influential analysis, McBarnet (1983) went so far as to argue that police officers become the ‘fall guys’ of the legal system, shouldering the blame for any injustices in the operation of the law and other criminal justice agencies. However, other writers have revived occupational culture as a determinant of policing practices and decisions. As Holdaway (1983) has pointed out, law, societal mores, and formal policies can certainly influence policing, but the point is that they become *reworked* to resonate with the preferences of the occupational culture. In a similar vein, McConville et al (1991) have underlined the influence of what they call police ‘working rules’ in determining behaviour, but they have also recognized that policing takes place within legal contexts that are sufficiently permissive to allow the police to work within police-defined objectives. In a similar way, recent work by Sanders et al (2015) has demonstrated how the adoption of police reform in relation to the implementation of intelligence-led policing approaches is shaped by its ‘fit’ within police cultures. Nevertheless, police cultures should not be analyzed in isolation from the wider contexts in which they are situated.

*E. The Supposed Intractability of Police Culture*

Sections IV and V below will discuss more comprehensively the question of cultural change. For now, the final criticism of the way police culture has been conceptualized concerns the notion

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that an insulated, enduring, and all-powerful police culture ‘leaves little scope for a cultural change’ (Chan 1996: 17). This deterministic understanding overlooks the possibility of frontline police officers themselves being at the forefront of change (Marks et al 2017). A realistic and sophisticated formulation of police culture should allow for the capacity of change, as well as resistance to transformation.

### 6. Addressing Criticisms of the Focus on Police Culture

Together, the critiques outlined above imply that monolithic accounts of police culture should be more carefully approached. Policing scholars increasingly argue that analysis in this area should forego crude, overly negative generalizations and adopt a nuanced approach to the study of police culture. This should identify variations and emphasize human agency—that is, the ability of individual officers to make their own choices and shape their own approaches to policing and change (Sklansky 2007). Furthermore, police organizations are continually susceptible to change, including diversity in recruitment, community-based initiatives, agendas relating to professionalization and ethical standards, and, more recently, increasing levels of mediatization, external scrutiny, and accountability (Campeau 2015).

Despite the variation in police cultures that some researchers have justifiably pointed out, others have continued to reveal significant and widespread similarities across police practices and attitudes. It is certainly important to speak about ruptures in *the* police culture, but it may nevertheless be far-fetched to assume that there is so much fragmentation that there are no longer any commonalities (Paoline 2003; Loftus 2009; Reiner 2010). Interrogating the supposed universality of police culture is an important endeavour, but the ‘core characteristics’ that have long been associated with the police emerged from a tradition of informed and theoretically rigorous ethnographic research that has consistently revealed patterns of police attitudes and



policing practices. Moreover, interest in police culture has been revitalized by a succession of high-profile critiques and an increasingly public concern that the occupational culture is one of the main obstacles to police reform.

#### **IV Changing Police Culture: Internal Strategies**

One of the central tenets of police culture scholarship is that entrenched informal values and belief systems held by street-level officers are capable of resisting and ultimately thwarting change efforts. As White and Robinson (2014) have noted, this resistance to change is especially apparent when culture itself is the subject of reform efforts. Moreover, police services also have to be cognizant of and receptive to the imperative of change (Duxbury et al 2018). In addition, it is increasingly acknowledged that change endeavours must take seriously the occupational culture and harness a commitment from rank-and-file officers to the possibility of transformation (White and Robinson 2014). Indeed, analyzing police culture as simply dysfunctional and undesirable overlooks useful strategies for change that originate from rank-and-file officers themselves (Wood et al 2008). This section examines some of the main strategies promoted from *inside* police organizations to reform police culture, highlighting where possible what past and current research suggests about why these programmes of reform are successful or unsuccessful.

##### **1. New Organizational Philosophies, Policies, and Directives**

Frontline police officers can adapt to innovations in policing. For example, one pivotal change in policing is the shift towards community policing. Community policing encourages officers to view members of the public as having a legitimate right to and involvement in policing services rather than as a faceless mass in opposition to the police (Brogden and Nijhar 2005; Nalla and Newman 2013). Much research has been conducted on an international level to assess police officers' attitudes towards community policing. While the overall picture is mixed, it cannot be

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denied that many police officers have a positive view of community policing, incorporating its central tenets into their routine work (Moon 2006; Loftus 2009; Demirkol and Nalla 2020).

Other modifications in police functions and expected role have similar potential to render police culture receptive to change. Take the example of drugs policing. There is growing evidence from the United Kingdom (Bacon 2021), South Africa (Marks et al 2017), and Canada (Landsberg et al 2016) that drugs policing is moving away from traditional law enforcement responses towards a greater focus on harm reduction. At the policy level, change is apparent in the growing number of police-led diversion schemes that offer alternatives to arrest, prosecution, and criminalization by instead offering support for addressing drug use and associated problems through education, treatment programmes, and social support. It is also becoming increasingly common for frontline officers to carry and administer emergency antidotes (such as Naloxone) for overdoses caused by heroin and other opiates. Multiagency cooperation, whereby police officers work closely with drug treatment services or probation services, is also credited with improving police officer responses, including their knowledge about drug users and roads to recovery (Bacon 2021). According to this research, these shifts, together with new expectations and expansions in policing function, are moving police culture away from stereotypes and misconceptions of drug addicts as weak-willed people who make bad choices and directly influence the non-arrest and decriminalization of this group.

The study by Landsberg et al (2016) set out to explore how high-intensity policing activities undermine public health efforts in Canada. They were concerned that the widespread police practice of confiscating injecting drug users' paraphernalia was leading to an increase in the sharing of syringes and elevated risk of HIV infection. Drawing on a case study of changes in drugs policies by the Vancouver Police Department, including those emphasizing harm-

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reduction approaches, Landsberg et al (2016) found a significantly lower prevalence of harmful policing practices, including confiscation and physical violence by officers. However, while drug users were less exposed to negative policing practices, they were still engaging in HIV risk behaviours. This study is germane for our understandings of police culture because the officers appeared to adhere to the *spirit* of the newly introduced drugs policy, demonstrating that a major shift towards a public health approach to policing is possible for a major police department (Landsberg et al 2016).

Similar research in other contexts by Bacon (2021) and Marks et al (2017) likewise shows that police forces can respond positively to shifts in policy, and officers working at the sharp end of policing can develop new ways of thinking and behaving. In the context of drugs policing, change in police culture is possible because of alterations in the broader structural field of policing (particularly the introduction of new policies and directives) and changes in the values and assumptions that frontline police officers have about drug users and the perceived ineffectiveness of enforcement practices (Marks et al 2017).

## 2. Transformational Leadership

There has been a sustained interest in the prospect of new police leadership models as a promoter of reform within police organizations (Cockcroft 2014), although the impact of transformational leadership in hierarchical organizations such as the police continues to be under-researched.

While traditional leadership models rely on the enforcement of asymmetrical contractual relationships between bosses and subordinates, transformational approaches are based upon the values of ‘participation, consultation and inclusion’ (Silvestri 2007: 39). Implementing leadership in this way can serve to erode the cultural barriers that may exist within the police organizational hierarchy. Transformational leadership has the potential to positively influence

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performance, to improve communication, organizational citizenship, and commitment, and therefore to enable legitimate organizational change (Aymerich et al 2021). In an important study, Silvestri (2007) conducted in-depth interviews with 30 senior policewomen to explore the way in which women in leadership positions carry out their roles. She found that they adopted distinctly different leadership styles and ways of working than has traditionally been the case within police organizations, and these tended to mirror the consultative and participatory approaches central to transformational leadership. Silvestri (2007) has thus underscored the immense potential of female leaders to change policing cultures.

Marks and Fleming (2004) examined transformative leadership in the context of the South African Police Service (SAPS) as it underwent much restructuring and reform in line with moves to a more democratic and community-oriented institution. Although efforts were introduced to embed more participatory management strategies, their ethnographic case study of a Public Order Policing Unit within SAPS has demonstrated that both management and rank-and-file officers continued to embrace old and established ways of thinking and related practices. The failure of this new mode of management was a combination on the one hand of ‘the power of symbols and rituals in police organizations, particularly established meanings associated with “discipline”, and on the other hand because police managers are usually not equipped to direct workplace restructuring’ (Marks and Fleming 2004: 786).

While some scholars such as Cockcroft (2014) have argued that the application of transformational leadership models to policing contexts is not straightforward, there is mounting agreement that police organizations may benefit from leadership styles that are not based upon the traditional hierarchy-reward-punishment model (Brown 2003; Marks and Fleming 2004).

### **3. Rank-and-File Participation in Reform versus Top-down Command**

One point emerging from the above discussion is the potential of bottom-up approaches to police reform (Sklansky and Marks 2008). Outside of policing, three arguments are commonly made for involving employees in workplace decision-making and change processes: it heightens morale and commitment, develops democratic skills and habits, and makes for better decisions overall (Sklansky and Marks 2008). A study by Wood et al (2008) has shown that cultural change is possible when police officers are actively involved in the process and contribute their own views and experiences to solve problems. Their research examined the Nexus Policing Project, a collaboration between police and a university in Victoria, Australia. The process entailed academic researchers proactively involving police officers in solving practical problems. This hands-on and collaborative approach to participation and reflection is known as participatory action research (PAR) (Wood et al 2008: 74). In operationalizing PAR, Wood and colleagues have found that there is much potential for officers to ‘challenge the beliefs and meanings that inform their daily practices... [Officers] are able to alter their routines when innovative practice and new ideas assist them in responding to new dilemmas’ (72). However, while police members can become successful change agents, the predominantly ends-focused, conflict-based, and task-oriented character of police organizations nevertheless undermines novel ways of thinking about and doing their work (Wood et al 2008).

Similarly, Bayley (2008) has argued that senior leadership would do well to make a concerted effort to embed and involve frontline officers into reform initiatives by utilizing the important craft knowledge learned on the street for adaptive reforms. Similarly, Toch (2008) has emphasized the importance of harnessing the ‘street wisdom’ of frontline officers, alongside participatory management. He reviewed a discrete intervention in one Californian police department called the Peer Review Panel. This was established to regulate excessive force by

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officers, but importantly, the unit was not conceived as a disciplinary entity. Instead, it was run by frontline officers—some of whom had problematic histories of using excessive force against the public—and involved meeting twice a week for several months to review behavioural patterns and encourage self-critique. As Toch has noted, the strategy was ‘premised on the assumption that personal development and organizational development could be linked’ (2008: 69). The officers had a stake in studying and reflecting upon the problem of conflict with citizens and were therefore best placed to fully comprehend these encounters and offer solutions.

Despite the promise of enlisting frontline officers as key change agents, empirical research into the success—or indeed failure—of such participatory approaches in cultural change endeavours remains uncommon.

#### **4. Recruitment and Promotion of Officers from Diverse Backgrounds**

Police organizations have been criticized for employing police officers who do not reflect the diverse communities they serve. A commitment to diversifying the predominantly white male composition of police workforces in the Western world may dampen the effects of traditional police culture by introducing new actors with different perspectives and approaches. As police organizations become staffed by more civilians, university graduates, women, people of colour, and 2SLGBTQ+ personnel, there is a realistic expectation that internal cultures will adapt to better reflect the diverse experiences and outlooks of their members (Punch 2007; Sklansky 2007). The establishment of internal support associations organized around race, ethnicity, gender, and sexuality signals a mainstreaming of diversity and anchors the acquisition of new power and status by officers from previously marginalized populations. There is evidence to suggest that the working environment of police organizations has been transformed by greater recognition of cultured and gendered identities within the ranks. In my own research, officers

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from previously under-represented backgrounds have appeared less skeptical that discrimination can now be challenged and that formal complaints will be listened to and acted upon by managers. The perception is that the organizational emphasis on diversity and discrimination has significantly reduced overt expressions of racism (Loftus 2009; see also Souhami 2014).

However, the institutionalization of diversity has also produced workplaces where relations can be sensitive and fractious. I have found that the extension of recognition for marginalized groups sits uneasily within the culture of rank-and-file officers, who speak resentfully about the revised emphasis on diversity (Loftus 2009). Evidence of what Campeau (2019) has described as ‘cultural inertia’ has also been observed by Murray (2021), who examined the ways in which Canadian police officers view and enact gender in their workplace. Drawing on interview data, she has found that though most male officers deny and dismiss gender differences and bias, female officers on the other hand describe continuing experiences of workplace sexism and deploy adaptive strategies daily in their workplaces to resist gender inequality (Murray 2021; see also Bastarache 2020). Also of note is research by Couto (2014), who set out to explore how culture is perceived by and impacts the workplace and career experiences of lesbian, gay, bisexual, and transgender police officers in Ontario. Interviews showed that most officers believed their status and relationships in the workplaces were more positive compared to other eras. However, officers also believed that police culture still fundamentally retained a hypermasculine and heterosexual orientation. It is noteworthy that Couto conducted his research almost ten years ago, meaning that up-to-date research is needed to examine self-reports of exclusion and harassment. Hiring and promoting more women, those from 2SLGBTQ+ backgrounds, and officers from racially and ethnically diverse backgrounds may not on its own be enough to radically change the culture of policing. Nevertheless, there are

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studies that show how these officers can contribute new perspectives and distinctive characteristics to workplace identities that ultimately have positive effects on police organizations (Chan et al 2010; Rabe-Hemp 2018).

### **5. New Recruits and Police Socialization**

Research by Charman (2017) in the United Kingdom has demonstrated that police forces today attract and comprise a new guise of officer who is committed to communication, compassion, and empathy as their guiding framework for conducting their work. She has found that contemporary cohorts of police recruits are partially dubious about law enforcement as their primary mandate when they join the job (Charman 2017). However, Charman has also found that as time goes by, new recruits state that their desire to make a difference is undermined by austerity and a perceived lack of support from supervisors and the public, with officers demonstrating increasing levels of cynicism as a result.

It is worth noting that there have been fundamental changes to the point of entry of new recruits into the police organization. Especially in the United Kingdom, Direct Entry schemes allow a person to join the police at a senior level, representing a radical shift from the British policing principle that all new recruits have to start at the bottom—that is, at the lowest rank of police constable. Fiscal uncertainty, a lack of varied perspectives within the most senior ranks, cultural inertia, and under-representation of diverse communities have culminated in a desire to look for new ways to develop and recruit officers (Winsor 2012; Loveday 2013). From a police cultural perspective, direct entrants who join the police at higher ranks arguably bring a wealth of new perspectives and leadership experience to the role. Smith (2016) conducted interviews with the first cohort of men and women who joined the police at the rank of Superintendent in England and Wales. He found that the individuals within this role were highly committed to



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public service and used their experience from their previous non-police occupations to think about leadership in novel ways. For example, Smith (2016) noted that the recruits demonstrated a level of self-awareness not usually seen within the police, as well as high levels of emotional intelligence, and they were confident about questioning established practices. However, he also acknowledged that other police officers opposed the new career pathway and did not necessarily welcome Direct Entry colleagues, with the credibility of the latter being a point of critique. Moreover, the entrants demonstrated an awareness of police culture and how this may impact them as they became more embedded within the police. One interviewee stated, ‘Even after just a couple of months, I can feel the culture seeping into me, so after 18 months of training, will my ability to bring in new perspectives be diminished?’ (Smith 2016: 321).

#### **6. Experiential Learning and Reflexive Practice**

A recent trend within police education that aims to address cultural change is the adoption of experiential learning and reflexive practice. Much of the research exploring such approaches emanates from Norway. As Hoel and Barland (2019) have noted, experience-based learning is a method for the police to learn from past mistakes. In the aftermath of the 2011 terrorist attacks in Norway, there has been a renewed emphasis on experience-based learning within the police aimed at improving crisis management through training exercises and self-evaluations. Hoel and Barland (2019) conducted in-depth interviews with police staff from different ranks who were involved in incident management as part of their role. They have found much divergence between the ranks in understanding the term ‘experience-based learning’, indicating a cultural gap between officers based on role. Moreover, their empirical material demonstrates that officers advocated learning from *past* mistakes for the prevention of *future* mistakes. However, a key obstacle to experience-based learning stems from the dominance of professionalism—notably,

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the idea that the police should not make mistakes (Hoel and Barland 2019). If police organizations want to learn and improve, then they need to ‘normalize their view of human errors and incidents’ (413).

Similar empirical research has examined whether footage from body-worn video (BWV) can enhance experiential learning and encourage self-reflection in Norwegian police students. Phelps et al (2018) have found that BWV devices are particularly useful to stimulate critical reflection among police students, leading to marked differences in experiential learning outcomes. Students have reported learning about the importance of enhanced communication and ethical decision-making, and the reflection was most compelling when they identified mistakes in their own performance (Phelps et al 2018). Similar work in South Africa by Marks et al (2017) has also encouraged officers to critically reflect upon their work with drug addicts. The officers in that study were invited to join groups of academic researchers in focused efforts to reflect upon policing practices. While the broader organizational emphasis was on arresting people involved in local drugs markets, the ideas drawn up by officers in reflective spaces were more in tandem with harm-reduction and human rights approaches towards drug users than with punitive and enforcement-led interventions (Marks et al 2017).

An allied debate is the trend towards better educated police recruits, with a particular focus on whether officers who hold university degrees can (re)shape police culture. Enhancing the educational background of police—both by recruiting those with tertiary education and by enabling officers to study whilst in post—has been praised as a positive development, since it alters the profile of policing and breaks down its institutional isolationism (Punch 2007). In their observational study of policing in the United States, Rydberg and Terrill (2010) examined the outcome of officer education on three key aspects of decision-making: arrest, search, and use of

force. They have found that while higher education did not have any meaningful impact on whether officers arrested or searched citizens, it significantly reduced the use of force during encounters. The authors have provided tentative thoughts on why this may be the case:

Unlike arrests or searches, the use of force is not inherently an end to the encounter but primarily a very different phenomenon. Force may be used throughout encounters as a means to controlling the behavior of suspects. [...] In any given encounter, police officers are permitted to use force if they feel it would be appropriate. [...] In one sense then, as opposed to the decision to arrest or search, there is more room for officer education to have an impact on discretion with respect to force (Rydberg and Terrill 2010: 111).

While further empirical research is needed to more fully explore the influence of higher education on police culture and officer behaviour, there are indications that it can lead to enhanced communication skills and judgement (Paterson 2011; Ramshaw and Soppitt 2018).

### **7. Change from Within: Concluding Thoughts**

This section has explored a number of key attempts, broadly generated from within police organizations, to change police culture. The research outlined above has demonstrated a mixed picture of both success and failure, and more often than not, these two extremes coexist. Some familiar facets of traditional concepts of police culture are resilient, while other aspects are now better understood in novel ways.

Police officers and the organizations they are part of are not insulated from broader political, social, cultural, and economic contexts. The work of Janet Chan in the 1990s rebooted debate about the possibility of changing police culture. Drawing on Bourdieu's (1990) theory of culture and practice, as well as on the work of organizational theorists such as Sackmann (1991) and Schein (1985), Chan (1997) reaffirmed the importance of examining the interactions between the 'field' (the wider organizational, historical, legal, socio-economic, and political conditions of police work) and the 'habitus' (the informal norms and values of officers). For Chan, police culture arises from the intrinsic relationship between the field and the habitus, such

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that when transformations in the field of policing are not accompanied by changes in the habitus, real reform will remain limited (Chan 1997). For her, the social, political, and legislative contexts must also be ripe for meaningful police change to occur. Her study of attempts by New South Wales Police in Australia to reform endemic corruption and racism has indicated that external pressures can have some success in changing police culture. The next section of the report examines some of these key external pressures for reform of police culture.

## **V. Changing Police Culture: External Challenges**

In recent decades, police culture has increasingly been a topic of public scrutiny and professional debate beyond academia. External events and key moments in policing history that make their way into the public consciousness have the potential to prompt changes in policing and its culture. Some of these external forces are discussed below.

### **1. Scandals and Public Inquiries**

Scandals involving controversial events, practices, and behaviours that reflect adversely on the police have featured consistently in the development and operation of public policing at both domestic and international levels. In the wake of scandals, police leaders and politicians face a surge in moral taint and find that legitimacy and reputation are valuable and fragile resources. Mawby (2017) has proposed a model of police scandal as ‘a form of individual or organizational failure that possesses four attributes: (1) transgression; (2) publicization; (3) response; and (4) judgement’ (233). If a scandal is elevated to a public inquiry, the police organization is often required to implement a program of reform intended to shape its future direction and culture (Rowe 2009). One uncertainty revolves around the question of whether the changes deliberately brought in to alter the most negative manifestations of police culture are likely to prompt only superficial change, a point I return to in the conclusion.

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One notable example of a high-profile police scandal with far-reaching consequences involved police racism in the UK. The murder of Stephen Lawrence in 1993 and the subsequent inquiry into police institutional racism are widely regarded as a catalyst in terms of police relations with racialized and ethnically diverse communities in Britain. While it is difficult to assess the impact of the resulting Macpherson Report (1999) in terms of improving trust in the police, it undoubtedly led to an ambitious and sustained program of police reform. Over 70 recommendations were put forward by Sir William Macpherson, centring around enhancing openness, improving accountability, and restoring public confidence. Key recommendations included: vigorous and more independent inspection of police forces; enhanced representation of people from racially and ethnically diverse backgrounds on local Police Authorities; the requirement that racist incidents and crimes that come to the attention of police are properly recorded; and the establishment of Hate Crime Units within police organizations; enhanced procedures for investigation of racist crimes and immediate review and revision of racism awareness training within police services to ensure improved services to victims and witnesses of racist crimes and their families; and closer monitoring of stop-and-search practices.

Some recommendations from the Macpherson Report appear to have been successful, including a reduction in overt expressions of racism and improvements in recording and investigating hate crime in Britain (Foster et al 2005). Due to the heightened political status of minority ethnic groups, I found that many police officers had accusations of racism at the forefront of their minds in the aftermath of the Stephen Lawrence murder and had begun to revise the way they dealt with people from racially and ethnically diverse backgrounds (Loftus 2009). In particular, some officers avoided initiating any proactive encounters with such groups for fear of recrimination from the police organization. These changes can be explained by the

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following factors. The British policing landscape had been transformed following high-profile, official criticism of the way ethnically and socially diverse groups are policed. Policing agendas insisted that officers afford better regard and treatment to people who have previously not been equitably served by policing. The rank and file were acutely aware of the policing demands and were alert to the fact that their behaviour is closely monitored. In other words, the police in my study had to change their (public) behaviour. But while the occupational culture had accommodated aspects of the revised policing terrain, it provoked resentment towards this group. There was a pervasive discourse that racially and ethnically diverse people deliberately exploited their race and ethnicity in order to rebuff officers and policing more generally (Loftus 2009).

The policing of intimate partner and gender-based violence has also been high on the political and public agenda, with governments publishing national strategies both to scrutinize and guide police responses in this area. Carillo (2021) has suggested that there has been considerable improvement in policing since the 1980s in terms of training, attitudes, responses, legislation, and support for victims. Officers are significantly more aware of pro-arrest policies, although they continue to exercise much discretion at the scene (Myhill 2019). The abduction, rape, and murder of Sarah Everard by British police officer Wayne Couzens in 2021 has brought to the fore the acceptance and reproduction of misogyny within police culture, with a public inquiry announced by the Home Secretary in November 2021 (Home Office 2021). The ongoing UK Undercover Policing Inquiry (UCPI) similarly explores the morally troubling culture of covert operatives with respect to gender (see UCPI 2015).<sup>7</sup> Central to the inquiry is the accusation that undercover officers deceived women, some of whom they were monitoring, into

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<sup>7</sup> For further information, see the UCPI website, <https://www.ucpi.org.uk/> (accessed 25 March 2022).

sexual relationships. Recommendations from the UCPI are expected to target the secretive culture of undercover policing.

Another relevant case study of how major reform is secured via external pressure is the controversy surrounding police stop-and-search practices in Scotland. This was set in motion by a report demonstrating an extensive use of stop-and-search powers far above recorded levels in the comparable contexts of England and Wales (Murray 2014). Moreover, these powers were disproportionately deployed against children and young people and often without legal authority or reasonable suspicion (Murray 2014). Intense scrutiny of Police Scotland followed, with a national scandal that brought into sharp focus broader questions of democratic, citizen-focused policing (Murray and Harkin 2017). The critique of stop-and-search in Scotland led to major legal and policy reform, largely in the hope that these would prompt cultural change on the ground. As Aston et al (2021) have explained, one of the key initiatives was a six-month pilot in the Fife Division that sought to improve stop-and-search recordkeeping, enhance accountability, and restore public confidence. However, whilst police officers did begin to systematically record their stop-and-search encounters, young people continued to be disproportionately targeted—and often without a statutory basis (Aston et al 2021). Thus, the pilot amounted to ‘marginal rather than meaningful organizational change’ (46). Several explanations have been put forward by Aston et al (2021) to account for the failure of the reform efforts. First, senior leaders within Police Scotland appear to lack a genuine commitment to change, perhaps even introducing the pilot as a presentational front in order to rebuke public critique. Second, the stop-and-search tactic is still considered to be a core and essential aspect of police work and continues to be communicated to frontline officers as such. Finally, senior police leaders have demonstrated

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skepticism, suggesting that the public concern has been exaggerated in media and political discourse. Aston et al (2021: 49) have explained:

[T]he Fife pilot failed to change officers' cultural knowledge or habitus (Chan 1997), despite ongoing changes in the wider policing field. Police managers were themselves unconvinced by the need for reform; nor was the change implemented in a consultative way, thus precluding two-way communication or fair internal procedures. Without clear senior support, officers were unable to see the pilot as just and fair, or to build it into their occupational identity (Bradford and Quinton 2014).

Aston et al have concluded that real change in police practice and culture requires effective leadership and a strong commitment to organizational justice. The latter emphasizes the need to reorient the police organization to be seen by its own officers as having fair and just procedures, as operating in a transparent way, as having consistent and clear decision-making, and as embedding respectful personal interactions and employing reciprocal and collaborative communication methods (Bradford and Quinton 2014).

## **2. Civilian Police Boards and External Oversight Bodies Investigating Misconduct**

Efforts to professionalize law enforcement and to monitor the behaviour of officers, increasing demands for transparency, and the findings of independent police inquiries have recently coalesced in the establishment of external police oversight boards. Civilian oversight is a form of accountability and an example of democratic policing whereby police departments are directly influenced by or required to be responsive to external bodies.

As Helme (2015) has explained, Police Boards are the first layer of civilian oversight in Canada. Police Boards of civilians, typically comprising between seven and nine non-police civilians, are responsible for appointing key members of the police force (notably the Chief) and regulate the police force without interfering with daily operations. As Helme has noted, the choice of the Chief Constable is influential in deciding the overall management style and culture of an organization; for instance, whether it is a community-oriented organization or a more



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insular and defensive one (Helme 2015). Police Boards are actively involved in strategic planning and the governance of police organizations, although these two functions can be a source of tension. The attitude of the police towards Police Boards exercising their civilian oversight responsibilities are often ‘less than enthusiastic’ (Helme 2015: 16). The main complaint by the police is that Police Boards should not be involved in any matters relating to operations, and they have been known to exclude civilian governors from important police decisions. The Morden Inquiry, set up to examine the police handling of the G-20 demonstrations in Toronto in 2010, discussed the tense relationship between the police and Police Board, finding that the latter had been excluded from important planning decisions (Morden 2012; Helme 2015). Likewise, according to Helme:

Morden also concluded that the ‘timidity’ of the Police Board, due to its fear of offending the police by inquiring into what the police insisted was their exclusive ‘operational’ jurisdiction, led to a complete failure on the part of the Police Board to do what it was mandated to do, that is to conduct effective governance and civilian oversight of the police (Helme 2015: 17).

These discussions point to a cultural resistance within the police to civilian Police Boards. It is recognized that civilian oversight boards can interrupt existing norms and practices within police organizations because by embedding members of the public into the workings of police organizations, the logics of boards are inconsistent with certain characteristics of police culture.

Headley has suggested:

Civilian review boards may disrupt traditional police culture, which is characterized by distrust towards and isolation from citizens, a desire to ‘maintain the edge’ in encounters with citizens, a crime-fighting orientation, a desire to avoid supervisor scrutiny, loyalty to fellow police officers, concerns about danger and bravery, and permissiveness towards misconduct (Headley 2021: 8).

Another layer of civilian oversight relates to the handling of police misconduct. In the Canadian context, the Police Complaints Commissioner, Independent Investigations Office, and similar models have emerged largely as a response to previous systems of internal handling of complaints (Hope 2021). It has been shown that internal police investigations of public

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complaints—in other words, cases of the police investigating the police—have long been perceived as biased and contrived (Landau 1996). As a result, newer and hybrid systems of civilian oversight have emerged as a solution for enhancing the level of accountability in processing complaints and restoring public confidence in the police. As Murphy and McKenna (2014) have noted, while one model champions an entirely independent approach to the receipt, investigation, and response to public complaints of police misconduct, the other advances a ‘team’ concept that includes police investigators working with civilian counterparts to interview, interrogate, and investigate public complaints. Both models are in operation within the Canadian context, with many reported advantages and disadvantages. For instance, Murphy and McKenna (2014) have noted that a core advantage of the civilians-investigating-the-police model is that the absence of police experience—and therefore the influence of police culture—can be regarded by the public as the most independent way to respond to complaints about police misconduct. However, this lack of police experience and legitimacy (in the eyes of the police) can diminish police cooperation and participation, resulting in unsuccessful investigations.

Recent empirical research conducted by Stelkia (2020) in Canada also underlines police resistance towards external forms of civilian oversight, with complaints revolving around the perceived inability of civilians to properly comprehend the scenarios and risks that officers face and the on-the-spot decisions they have to make in the course of their duty. These kinds of grievances resonate with the proverbial ‘us’ versus ‘them’ mentality that has been found in ethnographic studies of police culture (Holdaway 1983; Loftus 2009; Reiner 2010).

The relevance of police culture in these debates relates to the idea that it has a tendency towards isolationism and defensiveness that can inhibit equitable and impartial investigations by the police when faced with civilian complaints. Murphy and McKenna (2014) have suggested

that successful external review processes must acknowledge police concerns and find ways to meaningfully involve police in the processes of review, investigation, and reform.

### **3. Technology-facilitated Interventions**

New technological capacities for citizen surveillance of everyday policing may increase police accountability and have implications for police culture. An emerging body of research demonstrates that police officers today work in pervasive ‘techno-social’ environments in which their deviant behaviour can be captured on video—notably through widespread ownership of smart phones—and shared instantaneously with global audiences via social media (Brown 2016). The graphic and widely circulated images of George Floyd’s murder in 2020 by a white Minneapolis officer most poignantly illustrates this point. Police actions that were once private and backstage are now front of stage and on public display. Goldsmith (2010) has described the increasing surveillance of police activities through public technologies such as smart phones as the ‘new visibility’ of policing. This means that the police themselves are increasingly being monitored by the public, making it even harder to control the narrative and protect themselves from public criticism and official review.

There is evidence to suggest that these new policing realities can infiltrate and profoundly reshape the thoughts and behaviour of officers in the course of their duties. Pioneering research by Brown (2016) undertaken in Ottawa and Toronto has found that the heightened visibility and increased informal oversight of police actions have impacted operational policing in two significant ways. First, it serves as a ‘disciplining influence’ in the occupational consciousness of most officers (Brown 2016). Second, police officers’ awareness of their enhanced visibility has led to substantial moderation in when and how they use coercive force (Brown 2016). Thus, the

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increased exposure to surveillance by ordinary civilians can alter police culture and the conduct of individual officers.

An allied debate concerns the expansive adoption of body-worn cameras (BWCs) by police organizations around the world (Ariel et al 2017). The motivations underpinning the move towards BWC implementation are varied, ranging from a desire to reduce illegitimate use of force and unduly malicious complaints against officers to increasing the accountability of the police and to improve evidence collection to secure convictions (Laming 2019). Study in this area focuses to a large degree on the various ways in which BWC have impacted on police use of force, while less is known on this development for other aspects of police culture. However, research emanating from Australia has shown that BWCs are routinely deployed during intimate partner and gender-based violence incidents, with officers working within specialist family violence roles acknowledging the benefits of the technology for both the police and victims (Iliadis et al 2021).

#### **4. External Pressures for Change: Concluding Thoughts**

In this section, I have discussed how key events and pressures that are external to police organizations may set in motion and potentially influence changes in police culture. There are reasons to be both optimistic and pessimistic about developments in policing. In the decades since the seminal ethnographic studies of the police, additional research has revealed and outlined a set of *central* and *marginal* features of police culture, noting newness and difference alongside old and persistent themes. Researchers from different jurisdictions have demonstrated that aspects of police culture are in transition and can respond positively to change. One sticking point, however, is the question of whether changes deliberately brought in to alter the most negative manifestations of police culture are likely to prompt change at only superficial rather

than entrenched levels. As Marks (2005) has argued, meaningful police transformation must encompass not only structural and behavioural changes but also *attitudinal* shifts. Top-down and hard-line policy reform is likely to be insufficient and resisted. However, when rank-and-file officers are centrally and democratically involved in change processes, there can be a measure of success (Marks and Sklansky 2008). Others have argued that institutional reform is likely to emerge only generationally, as new cohorts enter the occupation from societies that are also undergoing cultural change (Campeau 2015).

## VI. Conclusion and Reflections

This report set out to identify and examine key research conclusions emanating from the extensive literature on police culture, as well as the efforts implemented to encourage change in police organizations and on the ground. Part I of the report discussed the important role played by the police in society. It was noted that police are arguably the most important provider of citizen safety. However, when officers respond inadequately to calls for assistance or abuse their powers, they profoundly undermine citizen security and well-being. Part II explained the value of ethnography for unearthing, documenting, and understanding police culture. As a methodological approach, ethnography has proven unparalleled for examining the informal working rules, tacit understandings, and underlying assumptions that sustain and motivate the police. Part III of the report turned its attention to the central concept of police culture. It identified what have been characterized as core features of police culture over time and in different settings, providing a thematic discussion of the central characteristics observed within the culture. This section also discussed key critiques of the concept, drawing on research that challenges the existence of an inflexible and wholly negative police culture. Part IV and Part V identified a number of strategies—both by police services and as a result of external pressures—

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to change aspects of police culture. These discussions sought to note the possible reasons for the success and failures of these strategies, particularly with respect to family violence, gender-based violence, and the provision of equitable policing services to racialized groups.

The central suggestion in debates about police culture is that police organizations are characterized by informal principles that guide and influence day-to-day police work. However, it nevertheless seems that a misleading and perhaps unjustifiable stereotype has emerged within the literature on police culture. It is doubtful that police forces are as homogenous as has been inferred, and occupational socialization is not an overwhelming source of negative influence (Paoline 2020).

Yet there is sufficient evidence from research and inquiries to conclude that police services in different countries have been characterized by at least *some* of the qualities captured by the term, and as a result, a key implication is that changes are needed to elements of the police culture(s). Achieving comprehensive change may be particularly difficult given the prevailing influence of the task environment. The police remain in the unique position of enforcing laws in liberal democracies and are expected to police the symptoms of fractured communities. In other words, the basic challenges of police work, identified by Skolnick (1966) all those years ago, persist. Police reform may encompass a conflict between government directives, organizational policy, and structural changes on the one hand, and informal cultural factors on the other. There may also be a mismatch in values, outlooks, and priorities between frontline officers operating at the base of the organizational hierarchy and senior officers in management positions. These tensions are likely to be compounded if reform is imposed from above without the participation and consultation of the front line—a common occurrence after scandal and formal or public

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critique. Disciplinary regimes may increase a sense of aggrievement by officers, further alienating them from their superiors and possibly the public (Paoline 2020).

However, progressive and more democratic forms of leadership, changes to the expected police role, the presence of civilian oversight, and external scrutiny may all have a role to play. Encouraging police organizations that allow for learning and self-reflection, particularly with a view to learning from past experiences, offers potential to improve police processes and practices. Altering recruitment patterns cannot be the definitive answer to changing police culture, but such efforts have the potential to breakdown the relative uniformity of the traditional police force composition. Officers from socially, culturally, and educationally diverse backgrounds may be less susceptible to police acculturation processes, pursue less confrontational approaches during interactions, and buy into victim-centred and community-focused philosophies. Importantly, a combination of political commitment and external pressure is also required to overcome internal police resistance to change (Chan 1997).

Although researchers have made and continue to make significant contributions to understandings of policing and its cultures in Canada, ethnographies within specifically Canadian contexts remain uncommon. There is a particular absence of ethnographies of the RCMP. In this report, I have noted several gaps in research that could be explored to provide additional insight into the police culture debate in Canadian communities. Future research could aim to: understand the appeal amongst officers and the public of the symbols and iconography associated with police work; explore how the past lives and prior socialization of people who join the police interact with and potentially reshapes police culture; and provide empirical insights into transformative leadership within policing and the role of rank-and-file officers who are invited to be involved in reform processes. Establishing partnerships and creating

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opportunities for collaboration and knowledge-exchange between academic researchers and police practitioners to pursue lines of inquiry of mutual interest can potentially lead to new insights for the benefit of policing.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**A study contracted by the Mass  
Casualty Commission on the  
health and safety of survival sex  
workers in Halifax and Truro,  
Nova Scotia**

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September 2022

[masscasualtycommission.ca](http://masscasualtycommission.ca)

## **Executive Summary**

This report investigates the health and safety of survival sex workers in the Halifax Regional Municipality (HRM) and in rural areas of the province by examining 1) how sex workers experience community safety in Nova Scotia; 2) how they ensure their own safety; and 3) their relations with community agencies such as the police, the health care system, and other community service providers. Our investigation also looks at barriers to reporting victimization, including distrust of the provincial health care system and distrust of the police. Throughout, this report centres and addresses the experiences of sex workers who are marginalized due to Indigeneity, racialization, because they are 2SLGBTQ+ (or engage in sexual activity with 2SLGBTQ+), or for other reasons.

## **Method**

We have used a snowball method of selecting participants, starting with agencies and contacts known to us from previous research of this type. Those first contacts have given us others, to whom we gradually reached out after our initial interviews. The benefit of using this method is that it is often easier to begin with people one knows who are working within the community, especially if one has worked with them previously in some capacity. It reinforces trust of the interview process and reinforces the trajectory of the work, assisting in the reaching out to others in similar community positions or in gauging the trust of one community group with another by virtue of recommendation and referral.

The ratio of our interview inquiries to actual interviews was fairly good: in the HRM, we reached out to sixteen agencies, and eleven responded, while the rest declined or did not respond. For the rural interviews, we reached out to nine agencies, with seven responses. We interviewed a total of nineteen participants from urban and rural settings: twelve from the HRM, six in areas including and surrounding Truro, and one source from Cape Breton Island. These nineteen participants work directly with ten service agencies in the HRM community and seven in rural areas. These participants encounter sex workers and assist them in varying ways, such as with health services, clothing, food, essential supplies, shelter, and/or providing a chance to unburden.

Interview participants in direct contact with sex workers gave us the richest data, while those who work more indirectly with sex workers gave a depth of context, as they tend to compare sex

workers with other marginalized populations based on race, sexual identity, or shared precarity. The snowball method can make it easy to “go down a rabbit hole” on one narrow aspect of an issue, in a direction not intended initially. However, as is often the case with this type of research, some of the most unexpected interviews gave us valuable context and insight.

We have categorized our findings in terms of the issues conveyed to us by our participants working with sex workers in the field: stigma, precarious housing, poverty, addictions, mental health, barriers to healthcare, violence (from clients, pimps, and/or police, and including the intense specific threats to Black, Trans, and Indigenous workers), reporting hesitancy, and how sex workers attempt to ensure their own safety.

### Challenges

We encountered a number of difficulties in garnering interviews in the time frame requested, including the effects of the Omicron variant of Covid in the community as we moved into December 2021 and January 2022. Many agencies switched to emergency-only services, telephone contact, or reduced hours. Some health care services reduced laboratory testing.<sup>1</sup> In addition, the weather, a perennial Canadian problem, was especially difficult here in Nova Scotia during the same time period, often resulting in at least two storms a week and interrupted power supply. All of these challenges slowed the process of data collection, while also reminding us just how precarious our population of study truly is, particularly those who live in tents in an ocean-bordered city in winter.<sup>2</sup>

These factors precluded a deeper look into rural areas in the first round of interviews, although we considered it necessary as many of the worst stories of violence that were reported to us occurred outside of the HRM. In addition, we note that the level of service provision for women in rural areas in general is not as deep or as systemic as that which occurs in the HRM.

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<sup>1</sup> CBC reported that “STI testing in the city would resume, as it had been suspended for the months of December and January because of the effects of Omicron overload on all laboratory work in the city. STI testing would happen at the Halifax Sexual Health Clinic and other walk-in clinics as appropriate in the city” (CBC Radio One, 4 Feb 2022).

<sup>2</sup> CBC reported that “City workers were checking tent cities for hypothermia victims after last night’s storm” (CBC Radio One, 4 Feb 2022).



In the second phase of the research interviews, we focused on the rural town of Truro and its environs.<sup>3</sup> We discovered that participants in the rural areas were hesitant to talk with us, some wanted to discuss it first, others checked with their agency lawyers (one or two in the HRM did the same), and one flatly declined, citing a mistrust of the Mass Casualty Commission (MCC) and of the media, chiding us for not talking directly to sex workers for this study.<sup>4</sup>

We concluded that overall hesitancy among participants in rural areas could be a result of “mistrust” of us—two interviewers who were perceived to be from the “city” and therefore do not “know” rural issues. Another factor we noted is that domestic violence as a pattern of abuse is very public and present in the local news cycle at this time, largely as a result of the public status of the Commission inquiries and interviews. Domestic violence is similar in character to sexual/sexualized violence generally, as some of these rural participants have concluded, but the stigma around sex work makes the linkages between the two issues difficult. In addition, discretion is treated as sacrosanct by non-profit workers dealing with clients who have experienced violence, regardless of source (partner or client), so speaking about it to two “experts” they do not know can be quite difficult, particularly while the topic is seen as newsworthy. Further, Portapique is a community very physically proximate to Truro. Some residents of Truro lost family members or close friends as a result of the mass casualty event; many still feel the impact directly. The level of mistrust of the Commission by members of the victims’ families was echoed by some of interviewees, but more importantly, mistrust of the media is also quite high. In our estimation, this last factor may have been the most relevant reason for reluctance.

### **The Ideological Similarities and Differences of Interviewees**

Community non-profit workers, social service workers, and health providers that we interviewed understood the complexity of the issue of sex worker safety. They were quick to argue in defence of sex workers for both their acts of desperation and acts of ingenuity in the face of incredible

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<sup>3</sup> We included one interview with an agency in Halifax that works with both rural as well as urban women, as well as one interview with an agency in Cape Breton, in order to contrast what we found with another rural region in the province. One agency works with sexual assault survivors, the other primarily with domestic violence survivors. Both have experience with sex workers.

<sup>4</sup> The timeframe of this project precluded interviewing sex workers directly, as access is dependent on trust and community-building, and any study done in a short period of time (e.g., under six months) would jeopardize both.

odds. Interviews that focused on desperation were focused more often on the lived experience of sex workers with few resources, possible addictions, living precariously and at great risk.

We found that some interviewees claimed consistently homogenous backgrounds for sex workers, such as addiction, child-abuse, neglect/poverty—which resemble the “victim” narrative sometimes used to describe sex worker backgrounds. Other interviews mentioned survival ingenuity on behalf of sex workers and were respectful of the lengths to which sex workers would “protect” themselves. For example, some sex workers would release certain but not all information about their health status, and most guard their work status with discretion due to the stigma of sex work and/or the possibility of violence.

All of our participants were protective of sex workers/clients in their own ways but treated that protection differently; for example, some interpreted “loyalty” to sex workers/their clients by not having any relationship whatsoever with police, whereas others worked directly with the police on stopping the exploitation of sex workers. However, all interviewees conveyed a nuanced awareness of the circumstances of survival sex workers in a coastal city that borders the Atlantic Ocean in winter, with limited access to housing and a strong shame-based stigma particularly regarding Black, Indigenous, Trans or other 2SLGBTQ workers. Further, those interviewees who worked in rural Nova Scotia were particularly conscious of rural inaccessibility to services, which exacerbated not only the usual ramifications of sex work stigma but also the precarity of living in a rural and potentially isolated area when violence is experienced.

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## Introduction

We define survival sex workers as persons who work the streets for clients or, in rural areas, gain clients cautiously through contacts. Some survival sex workers are addicted to illicit substances. Indoor sex workers and those who are not facing addictions have far safer working conditions than survival sex workers.<sup>5</sup> One health care worker we interviewed insisted that sex workers themselves do not describe what they do as “work” and asserted that they operate on primary-needs motivation, as opposed to what the word “work” infers.

More than “higher-end” sex workers who may conduct their work with cameras or via internet sites that they own, survival sex workers are at the most marginalized edges of sex work due to the precarity of their housing, possible substance abuse, and poverty. They are much more likely to incur violence while working due to many factors, such as in-person contact with clients and with potential clients, the lack of protection street work offers, risk of exposure to the elements, and the risk of exposure to the police. Further, the Covid pandemic has increased the precarity of survival sex workers in many ways since its onset. The health care system has been overwhelmed; routine lab tests and the ability to access ER services have been compromised; housing has become even more precarious due to the poverty of survival sex worker and the housing crisis in Halifax has intensified for the working poor and the unhoused. We found the housing crisis even more significant for rural areas, because the lack of public transportation exacerbates all of these problems. For these reasons, the current situation of survival sex workers in Nova Scotia is dire, as illustrated repeatedly by our interview findings.<sup>6</sup>

*Sex worker safety is nonexistent, there is no safety measures for sex workers. It's been “grandfathered down” not to trust the police. [Our agency] also recently did a survey, and it showed that there was more violence from a police officer than of a perpetrator. (5)*

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<sup>5</sup> Two separate non-profit health agencies we interviewed indicated that such “higher-end” sex workers are not in need of repeated STI testing or other routine visits to health care as their work is far safer than the street sex workers.

<sup>6</sup> All of our respondents are identified by number rather than specifically identified, even by occupation, for anonymity purposes. In order to get interviews, we had to guarantee absolute anonymity for some (others weren't as concerned). However, to name some is to limit the pool and encourage ‘guessing’ for the others. To remedy this, we decided upon numbering. If from a rural area, the designation Rural will accompany the number. All audio tapes will be erased once this report is finalized. The occupation of many of these interviewees ranges from EDs of nonprofits, to community health, housing, addiction, violence or mental health outreach workers.

This report aims to shed light on this severe lack of safety for survival sex workers, which was a recurring theme in the responses of our interviewees. Specifically, we look at housing and poverty for survival sex workers, addictions and mental health as contributory factors in the lived reality for the most marginalized of sex workers, that is, those who work on the street. We examine barriers to healthcare in the formal health care system (specifically the emergency departments of hospitals) as a direct impact of stigma. We then report on violence against sex workers specifically.

Our findings point to two factors that contribute to violence: stigma and the fact that sex workers are still considered to be criminalized, as most of the abuse we document herein is directed at them, not at their clients, for whom participation IS criminalized, i.e., in Canada, it is illegal to buy sex, not to sell sex. There appear to be connections between these key factors and reporting hesitancy—that is, the reluctance or refusal to report violence, especially formally to the police and health care systems. This report looks at how sex workers, in the face of strong stigma and criminalization, instead attempt to ensure their own safety. We conclude by noting some positive trends in HRM and by proposing eight Recommendations, which have come from a synthesis of interviews and the literature we reviewed.

## II. Stigma

*There's such a long history of sex workers being on the margins and being treated like whores and sluts and with no value whatsoever. And that long, long history still pervades people's perceptions of who sex workers are and what sex work is, and I think that those common perceptions run throughout all our systems, not only just our personal kind of feelings about it, but I think they run through the justice system, the police services (6).*

Stigma is exhibited at just about every level of encounter for a sex worker. The repercussions of stigma range from a complete misunderstanding of the life of a sex worker at best to abusive treatment at worst. While it is too simplistic to assert that stigma is the driving force behind the poor treatment of sex workers by larger systems, stigma is undoubtedly real in its consequences (Armstrong 2019; Benoit et al 2018; McCausland et al 2022; Treaolar 2021; Ralston 2021).

*What does stigma do? I mean it keeps people in the shadows, it keeps people from coming forward and asking for help.... We don't respect sex work as legitimate work, we know that people use their bodies in all kinds of ways that we don't respect.... People judge sex a lot, and the more you can dehumanize someone, and the more you can deny them basic services, you can deny their social status and respect and rights and a whole bunch of*

*other stuff. ... It's rooted in capitalism and colonialism and misogyny and all of those big, big things. (11)*

*I think every one of our institutions [stigmatize], our schools do, our top protection agencies do, our courts and our criminal justice system... it's not just the police. They're not the first people to treat them this way. This is how they experienced school, how they experienced the grocery stores, their whole life, you know, with their families. It's how they've experienced, you know, every institution they've ever been involved with. (3)*

Stigma, as evident in the negative treatment of the stigmatized by others (Link and Phelan 2001), in the self-perception of those who are stigmatized (Benoit et al 2020), and in the level of violence perpetrated against survival sex workers (McBride et al 2021), reveals an underlying belief that the objects of stigma are disposable as people.

*I think a lot of people still don't understand what somebody engaged in sex work (goes through), what that means or what it could mean or what a trafficked woman is or what they could be like (afterwards), how somebody could be. So, I find that the real safety issue is that people are just extremely unaware. (Rural 5)*

*There's still sort of a reluctance to talk about [sex work] [because of] the legal aspect and also shame, like a lot of shame tied up in that. ... You know it's interesting when I heard the word(s) "sex worker". Most of the patients that I have, I don't think anyone would really identify themselves as a sex worker. I think oftentimes people engage in sex work as a means to an end, but I don't think anyone you know at least in the context of visits with me, people are really identifying themselves as sex workers so much as people who have needs that need to be met and sex work is certainly a way to get some of those needs met. (10)*

*I do live in a small community in rural Nova Scotia, and everybody knows everybody. So for me to access supports specific to something that is stigmatized, whether it's sex work or whether it's you know, having experienced abuse or having experienced addictions or having experienced mental health, challenges, all of those come with a lack of anonymity that you would get in the city. ... If I'm walking into the one agency in rural Nova Scotia, small town X that supports folks with this experience, everybody knows why I'm going there. (Rural 4)*

The stigma, shame, and discrimination that criminalized activity (Bruckhert & Hannem 2013) brings perpetuates stereotypes about those who are sex workers (Benoit et al 2018). Even though federal law now criminalizes procurement and client access, it remains the case that it is the sex workers who experience the preponderance of shame and stigma (Raguparan 2018). Moreover, stigma is also uneven (Tyler and Slater 2018), with Black (Brooks 2021; Comte 2014; Durisin & van der Meulen 2021), Indigenous (Raguparan 2017), Trans (Baumann et al 2018; Eddo-Lodge 2018; Comte 2014) and/or poor survival sex workers encountering the greater weight of the burden.

*So, for individuals who grow up on reservation land, in this the growing urban population of First Nations people (this is what happens). So they go (to the city) for economic opportunities, they may end up in the trade and then would have a difficult time coming back home to a rural community where they can't live the same life without everyone knowing and that's the small town way. You can't walk the streets because you're going to get recognized, you can't sit in cars cause somebody's gonna see you and you can't go too much online cause people will see that too. So, with a rural community, everybody likes to run the gossip mill. ... Maybe [you're] just not feeling like you can go back home or just that everyone in the community is going to know because they are quite tight knit and usually [...] everyone has a connection with somebody. (Rural 2)*

*So number one, they're a woman... If a Trans woman, there's number two, because you're identifying as a woman who is already discriminated against just for being a woman, but now you're a Trans woman so you're adding not only the Trans but woman and then if you're Indigenous, then you're adding something else. So the discrimination level keeps getting higher and higher and higher every time you add something to that. Then if you are a (Trans) woman who's in the sex trade, like that adds another level. If you are even not in the sex trade, but maybe you are someone who's on social assistance, there's another level. (Rural 7)*

### III. Housing, Poverty, Addictions, and Mental Health

#### 1. Housing and Poverty

The housing shortage is at a crisis level in Halifax (Nourpanah 2021), mainly due to an influx of people from other parts of Canada and elsewhere who knew of the initially favourable statistics in Covid spread in Nova Scotia. Real estate agents saw this market as a good one to make money, making even more money as housing prices climbed. In a parallel fashion, rental housing has been converted to Airbnb and condo prices have soared. Demand is still high for homes throughout the province, but most especially in the HRM.<sup>7</sup> Further, the population of the HRM has increased dramatically during the Covid pandemic (Mason 2021). CBC indicated that Halifax is the fastest growing city in Canada (Berman 2021; Thomson 2021), which has led to increased housing shortages for those at the bottom of the financial scale, which is where survival sex workers exist:

*I'm using one example. After this individual pays all their bills from their income assistance, they're left with \$60.00 a month, so they're like, what do I do [for] food or anything? This amount for rent has just gone up, but before that I think it was like \$535 whatever it was, for a long time. (1)*

<sup>7</sup> In a CBC interview with the Minister of Housing regarding the building of units, it was estimated that over 300 hotel stays worth about \$3 million have occurred since the pandemic began for the precariously housed (Cooke 2021). There are also reports that the housing crisis not only affects people of lower income but the economic middle-class as well (Woodbury 2021).

*I had more than one tell me that during Covid they've gone back to escorting or sex trade work because they lost their job that they were trying to [do]. I have one patient who had taken aesthetics and was trying to have an aesthetics business and then everything shut down, and she had no money, and she was like "I have to go back to escorting." (2)*

*I've talked to sex workers who maybe in the summertime they'll be homeless or maybe they'll be sleeping outside or walking around, but the in wintertime they'll just stay with their Johns or the people who are paying them that night. I think that's a big issue that is hard to [assess]. It's like hidden homelessness because you can't go out and say oh there's a tent, that means one person's there ... because these people are ... invisible. (9)*

Poverty, of course, is one of the main reasons for people ending up on the streets:

*So many people on the streets that I talk to come from just terrible situations. ... So many of them grew up in care, or if they didn't, they grew up in public housing or with a single family household, [implied crowding] and then their parents kicked them out and [they] got pregnant young. If we could just stop this intergenerational poverty of ... people growing up so, so poor... And the streets are just like "one down" for them: they barely grew up off the streets. (9)*

*I handed out a tent last week and we ran out of blankets, and I had to call a cab for her to go to .... the middle of the woods. This is where we're at in society, passing a tent to somebody to go pitch a tent in the middle of winter. And the only blanket I had was a \$2 [one]. It was my own because the office was cool. The only blanket we had in the office was a little fleece Ikea blanket and that's what we had to send her (with). That's all we had to give her. (12)*

One source from a housing organization indicated that the number of Indigenous homeless people they serve is highly disproportionate to the Indigenous population of the province. Similar stories were told of Black sex workers.

*Every six months or so we do a survey of people that we know are sleeping outside, and it's always like 20% of people outside identify as Indigenous. I feel like it's not so grossly overrepresented when it comes to the African Nova Scotian population. I think there's probably more people who are homeless that identify as African Nova Scotian, compared to the overall population, but it's not ridiculous. [But in] the case of Indigenous people, it's like 4% of Nova Scotia is Indigenous, but like 20 or 25% of the people who are homeless are Indigenous. (9)*

*I unfortunately would have to say the Indigenous community and I would have to say the Black community... I just noticed that there's a lot more Black and Indigenous women on the strolls... so it could be a poverty thing. In society we know that [within] the Indigenous communities and the African Nova Scotians (many) do fall below the poverty line. (12)*

*It's very hard to get an apartment, and so the housing issue is definitely there, and a lot of landlords won't rent to somebody who's on income assistance. So people go around looking for apartments, and they won't [be permitted to rent it]. Quite a few hotels here do like a month to month, but they ask you to go down [for a viewing] in person. I know a lot of people that were just turned away because ... they didn't like how they looked. So there's a lot of judgement when it comes to housing for sure. (Rural 5)*



*We have a housing crisis, obviously it's everywhere. It's literally across the country, but here in our small little towns, some are still very racist here in Nova Scotia and will not rent to Indigenous people. We've talked to people over the phone, and they're like, yes, come... They're very friendly, [but then] you walk in the door, they see you as an Indigenous person, and then they're like, "well, yeah, you can still look around, but we actually just rented it." (Rural 7)*

Further, Trans sex workers face a much more difficult time getting safe and secure housing, as reported by many of our study's participants.

*Our Trans population often are a bit transient sometimes because (maybe) they aren't in safe living environments, and when they start to transition in those environments which aren't safe to begin with [it] can become more unsafe. That's one of our standard questions when we screen people for Trans care—their living arrangements. It's not a standard question for all patients, but [for] Trans patients, [we ask] what their living arrangements are, do you feel safe? Probably half of them would say they weren't in safe places and now they are because they made some changes ... or they're not. Transitioning is the hardest time for them really, because they're in between... [They are] coming out and having a lot of people that don't understand, especially family members that are just not comfortable with it [and] don't believe in being Trans. (2)*

## 2. Addictions and Mental Health

Addiction and mental health issues are very much intertwined (Puri et al. 2017). Poverty, lack of housing, and barriers to health care all contribute overwhelmingly to stress and thus to poor mental health outcomes. Many of our participants lamented the shortage of mental health care in Nova Scotia:

*There is no adequate mental health or addiction services in Nova Scotia, not even for people who are privileged and white and well off or who have family doctors and know how to navigate the system—not even for those people, so you can only imagine what people who are living on the margins have access to. It is so deplorable. The majority of people who are criminalized, the majority of people that I know in this community who are doing sex work, have a mental illness that is not treated, that there is no real attention paid to. There's nothing there, nothing available. (4)*

We did repeatedly hear from agencies that worked 8-4/9-5 that they wished they could afford services as some agencies do, in the evenings and on the weekends for their clients, as this could potentially decrease visits to emergency services for the stigmatized.

*Crack is really [a] big [problem] and the opiates [too]. It's getting worse, and I didn't think that that was possible. The detox centres ... most of them are daytime treatments. Once [clients] leave detox, there's not much for them to do to work on the addiction. So they spend that certain amount of time in detox and then they are left on their own. Private rehabs like the one I used to work at was \$9k for 28 days. And that's the cheaper side—it's considered a non-profit. So the ones that don't cost that much or that our government funded [such as] the Marguerite Centre [for women], they're always full. I don't feel that*

*our addictions programme is good at all. And mental health is even worse. If you don't have insurance to get a counsellor, forget it, or you're waiting a year. And crises don't happen [only between] 9–5. (12)*

*So they access emergency room services when they need help, and these two people I'm thinking of in particular are street-involved; they have mental health issues. In my experience with these two people, the hospital systems put up huge barriers; for example, when it's found out ... by hospital staff... that they are sex workers, there's a further stigmatization around using emergency services for health care. I've seen these people actually being refused services at the hospital; they can't help them anymore. They just will not provide them with services, and escort them off the premises. (6)*

#### **IV. Barriers to Health Care**

For survival sex workers, survival is the main objective, wherein the most basic needs such as food, warmth, and shelter take precedence over things such as treatment for chronic disease, especially if the latter requires ongoing attention, such as a series of appointments to get appropriate medications and refills. Interpreted another way, sex workers do not ignore their health (Overall 2016); instead, as described by Maslow's hierarchy of needs, their most basic priorities are to be able to breathe clean air, have access to water, food, shelter, sleep, and clothing (www.verywellmind.com). The needs of survival sex workers are even more acute than for other types of sex workers because of the immediacy of questions such as where you will sleep the next night, when the next meal might be, and (for those with addictions) how you will get your fix. These questions tend to preoccupy the daily lives and hour-to-hour actions of survival sex workers, and as a result, there is little to no time for them to think about their health beyond being cold, wet, hungry, in physical pain, or coping with severe physical or emotional trauma, disease, or overdose withdrawal. Living in the moment is the definition of survival.

Our findings show that living on the margins includes a variety of definitions of health (Platt et al. 2018). For example, we found that health and safety in an overall sense was much more broadly defined. Health for survival sex workers could be interpreted as physical or mental wellness or its absence but could also be construed as physical safety from abuse. Safety is a complex issue in the study of street survivors, but for the marginalized themselves, it can be a constant, overriding concern. Sex workers' lack of trust in police (Stardust, et al. 2021) and the effects of the perceived links between police and health institutions re reporting is another potential problem for sex workers. It is also assumed by most who worked directly with sex workers that sex workers would only trust doctors or nurse practitioners if they can easily access

their services and then only if they can build a relationship based on confidence with them. This is in stark contrast to the lack of trust with Emergency Services in hospitals or with the police, reported by our interviewees. A few kind and caring nurses/doctors and police notwithstanding, the overall health system is considered by marginalized people as too unwelcoming, too judgemental, and too overburdened to take care of any but the most urgent needs (a bleeding wound, a clear need for surgery and/or suspicion of an internal injury) of survival sex workers.

*The stories that we hear from the clients we serve are usually painted by violence, by aggression, by judgement and stigma ... and therefore people just get to a point where they just no longer go to hospitals. They no longer ask for help. They no longer seek health care. Then you have people who are dying because their health needs go unattended—that's people living in community, people living in jail, [who] of course are largely denied healthcare. A woman who we have worked with refused to go to the hospital because she knew that they were going to judge her because of her addiction, and she ended up with sepsis and almost died because she wouldn't go before it got to a point where she was going to die. So these are the types of experiences that our clients are navigating. (4)*

Lack of trust in the health care system and a reluctance to access it can be explained through incidents like this:

*One of the individuals [had] her perineum cut, and when she went to the hospital, they didn't ask one question and released her. Once it was fixed, they just sent her basically on her way. I asked, did anybody ask what happened, or why it happened? They're like, no. I said, so you went in [to the emergency room with a severe cut], and not one person asked what happened? (12)*

Part of the difficulty of access to health services is accessibility to services not considered part of health care or that are not properly understood by other agencies. There is evidence that some women who have been confined and abused sexually sought out help from intimate partner violence agencies, but these support agencies did not understand the specific needs of sex workers. The following example from a rural non-profit illustrates this issue:

*I worked with a woman who had been branded with quite a few tattoos, and I was working with another agency that professed experience working with women who had been trafficked... I said, "... in your victim services plan, " where are things [about] tattoos?" And they're like, "What do you mean?" And I said, "Well, is there money there for makeup to cover them? Are there plans to have the tattoos redone?" And [they said], "Oh no, that never really... we never really thought about that." And I said, "Those tattoos [show that] she's very clearly branded. Those are brands. They are not her choice." (Rural 5)*

The shortage of medical doctors is a known and pressing issue throughout the province of Nova Scotia, but in the HRM, the influx of new populations into the city core means that the issue is particularly serious. These populations are a mixture of, on the one hand, privileged and socially mobile people from other provinces who often buy new homes at inflated prices and, on the other hand, formally rural or semi-rural Nova Scotians living on meagre means. In fact, our interviewees believed that sex workers and others are moving away from the city core due to the increased prices of housing, further negatively influencing their access to healthcare. During Covid, reduced opening hours at community health clinics and the redeployment of medical staff to labs and testing facilities became common as the pandemic dragged on, and the subsequent pressures were especially poignant during the surge resulting from the Omicron variant, as exhausted hospital staff were barely able to manage Covid patients, let alone any others.

*So, a lot of people passed away this year [from] a lot of overdoses, a lot of undiagnosed illnesses. I think that they fell through the cracks during Covid. It was kind of like if [a person] didn't have Covid, then they didn't top the charts at the hospital. I think Covid did play a factor, [even though] that was not why people passed away. I think it was the lack of care that people were receiving. They're just falling through the cracks. None of them have a family doctor. A lot of them haven't received the best treatment at the hospital or [from] the medical field. (12)*

Failures within the emergency medical system can clearly have dire consequences, especially for vulnerable and marginalized persons, for whom it may be their only point of contact with doctors and other health care providers. But emergency departments are only part of a wider health care system, and problems there are often products and symptoms of breakdowns elsewhere, as highlighted by the following interviewee.

*If we do not provide properly for people who are marginalized, they will show up in the systems that do exist as "problems." So, if you get a kid who's poorly housed,<sup>8</sup> who has very poor income assistance, who uses too many substances, and they show up as a social case in an emergency department and that [department] has no place to send them, then that kid represents a problem at the Emergency Department. Even the best nurses are limited in what they can do. (8)*

In addition to the complex problems discussed above, many of our participants also pointed out that rurality can add another dimension to the issues of health and health care for the marginalized:

*I think in a lot of emergency rooms, sometimes when people come in there's just this assumption that "oh, you're just looking for drugs." And that [assumption] actually is*

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<sup>8</sup> There is only one housing shelter (Phoenix House) that aims specifically to support youth in the HRM.

*really detrimental to folks' health and safety in general. When we did our survey last year, we asked about best and worst services that people had received and what made them good and bad and particularly [their experience with] rural hospitals. I do think it's worth making the distinction between services and supports and understanding and awareness of the issues in urban versus rural locations. Everything that may be a challenge in and present in our work in an urban context is worse by about 20 times in a rural context. (5)*

*If you have that internalized belief about yourself, that you're disposable and the person pimp who has been controlling the source of your survival [and your] basic needs is telling you that if you get help—if you go get your medical needs met, if you go here to try to get safety [they falsely threaten you with] “I have inside connections.” When you're talking about safety for sex workers, where does that put them? A person needs enough resources and [to] not be isolated often for that to happen. (Rural 6)*

*Rural towns are getting better, but it's not a welcoming place to be out. So you would try and get out of your small town as soon as possible for those who can, and then you're just subject to a lot of scrutiny [and] off-colour comments and microaggressions ... not feeling a sense of belonging, not having the support systems. (Rural 2)*

## V. Violence

All of the interviewees spoke about the violence they had heard about or witnessed in their interactions with sex workers, especially towards more marginalized populations. They spoke to the overrepresentation of Black Nova Scotians, Indigenous peoples, and Trans women in the populations they serve. The most disturbing stories we recorded for this report were abuses committed against Indigenous, Black, and Trans sex workers, a trend that has been well documented (Baumann et al 2018). One health care provider recalled:

*I definitely had a patient that was covered in bruises from head to toe. She said she woke up in the woods and was just covered in bruises and she came into us. We were the first people that saw her because another option is to go to Emergency, and you can imagine how intimidating that is for a lot of people. This person was Aboriginal, and I don't know if she was a sex trade worker, but there were some concerns. ... We did end up sending her, I think to Emergency because we need to make sure she didn't have anything broken or, you know, a head injury. (2)*

Indigenous sex workers have a dual burden in trying either to live within their usually small communities or leaving community with all of the attendant difficulties of extracting themselves from family and linkages to their heritage in order to do so. Leaving was not easy for those from designated communities. Relations between band councils, lack of housing on reserve and routine violence as part of Indigenous heritage and life were all complicating factors:

*I think [there is a risk of] a lot of shame [in Indigenous communities]. I think because there's a lot of, you know, maybe relations happening between family members, and so there's a lot more shame that comes with that too. People don't talk about it as much*

*maybe [but] people don't have an opportunity to reinvent themselves, you know ... like once you're sort of painted with a certain brush, that's where you stay, and it's really devastating for a lot of people, especially people who are trying to commit to recovery and who are really trying to turn things around. It's really tough. (10)*

One contact we interviewed indicated that “many” of the sex workers, in fact “nearly all” she was working with are Black or Indigenous women. Despite this overrepresentation, which was corroborated by other respondents, we were able to locate only one staff member of a non-profit who was Black<sup>9</sup> and one Indigenous worker to interview for this study. We believe the lack of non-profit workers from marginalized groups is an indication of the ingrained racism of our system despite the best efforts of individuals in non-profits and community work to assist sex workers.

We heard several references by respondents to violence that we would call sex trafficking (use of force, fraud or coercion, control, grooming, and other tactics). Most of the violence noted by the interviewees came from pimps, family members, and others who controlled the sex workers. We heard two accounts of women being kept in what were referred to as “trap houses,” where it was claimed they were kept addicted and forced to work as sex workers.<sup>10</sup>

*We had a woman who came from someplace else, and she was in a lesbian relationship. She got here, and they had a fight, and her partner abandoned her here. And you know, she had no money, she was just kind of like left on the side [after a] very abusive relationship. [She was] just kind of left on the side of the road, and unfortunately the people that found her and took her in were involved with one of these trap houses where she was held and confined for quite some time. So as soon as she got out of there, she went into a drug recovery program because she'd been kept drugged the whole time she was there. (Rural 5)*

We also heard three accounts of the “branding” of sex workers and the negative consequences of the branding for the women involved.

*But there are a lot of other pimps [who] would tattoo their names on their women. ... I would say a lot of people [have] branding. I don't know if they are part of the gang, whether they get their name tattooed or get their tattoo done “for them,” but I would say [this is the case for] 20% of the 350 programme users. (1)*

*Then for anybody who's in the know, they see you [with the branding] and they know that you're kind of a “throwaway” person—that's in their mind, that's where they put you.*

<sup>9</sup> During the course of the interview, this source referred to their own marginalization as a community worker. Another participant was Black but was not working for a non-profit

<sup>10</sup> Verifying these accusations of branding and of trap houses was beyond the scope of this study.

*[And then] you're [more likely] to be revictimized if people know what that brand means, as they already know that you've been victimized. You're going to be revictimized. It's like walking around with a bullseye on your forehead. It also makes you extremely obvious in a small community, right? People can pick you out pretty easily, you know, as the person that has such and such tattoo on their neck, people know that. (Rural 5)*

Trans women sex workers experience especially egregious violence (Baumann et al 2018) and were specifically referenced/singled out by many of our respondents as having particular needs. Trans workers are often grouped with other 2SLGBTQ, as they suffer the same abuse within certain systems, but we single out Trans workers here because their experiences were so consistently described as being dramatically different (Lyons et al. 2017).

*Some of the research that we've done is looking at the experiences of 2SLGBTQ folks who are navigating or involved [with] or interacting [with] the criminal justice system in Nova Scotia. And that research itself has revealed that it is incredibly traumatizing, that they experience gender violence, that they experience homophobia and transphobia by police officers, by lawyers, by corrections officers. So pretty much at every single interaction within the system, [2SLGBTQ] people are experiencing oppression based on their identities. (4)*

*[Trans sex workers] are very vulnerable, and it's hidden. The folks that I know often first became exploited while still identifying in their male form as gay men, gay boys generally, and came out as Trans women through a process and often even while being exploited. So, the person I was just telling you about was sold ... as a fourteen-year-old boy to a man in his 60's, and the grooming began. Then through that process [she] identified then as a woman and then ended up getting trafficked and sold into the sex trade. She was an adult [but] when it happened, she was horribly exploited. Some of this is next-level awful... This particular woman spent a few years living in a cage ... that's how bad it was. And not allowed to do anything for herself. She was caged when she was not working. There's some really horrific things that are going on in the real underground world ... really, really horrible. I mean, she's had all her fingernails ripped off as punishment and her teeth pulled out. (3)*

*[Trans] experiences are even more egregious, even more violent, and based on their interactions with the justice system, they're even less likely to report any victimization or crimes to the police ... for a host of reasons that I already suggested but also just because, in my experience of working with particular Trans folks, they are the last people to be believed for anything. There is in our community a very underground violent human trafficking ring of Trans individuals ... that has gone completely unnoticed. There are victims who have experienced unbelievable violence who are Trans individuals and who are living in the shelter system in our communities. I have personally worked with two individuals who identify as Trans who have been involved in this and who have experienced being locked up, beat, burned, cut... (4)*

*We see more violence towards this group, Trans women. We are getting more calls from Trans folks who are in sex work, and you know, they get judged. It's even ... another layer of violence from community members, violence from male[s.] from people, from*

*everywhere. So, I think for them, they need even an extra layer of support in terms of their gender identity. (7)*

*I think there's an increased barrier for men or trans men, trans women to come forward to share their stories because even if they are believed, they're going to be ridiculed, they're at risk of further violence, because there are people who will kill you for how you identify, and in a small community, there might be more of those than you might find in an urban area. (Rural 2)*

There is a level of vulnerability for all who transition, but it seems to be a serious level of concern for younger folk coming out as Trans, who are isolated from family (some because they have come out as Trans, others because of violence in the home, still others who simply want more freedom) who end up living precariously. Sofa surfing and bunking casually with others can become a way of life but can also be highly dangerous.

*It's predicated on an understanding that there are queer young Trans folk, queer and Trans and young folks in this city who live in marginal situations in collective houses or sofa surfing among friends who are disconnected from family, who use sex work to make ends meet, who are regularly subjected to the most horrendous forms of violence ... and accept [those] forms of violence as the price you pay to be in that world. (8)*

*In the case of the chained and detained situation [I described earlier], remember that [the perpetrators] used him for 10 days. They had a man from Bridgewater come and have sex with the boy while he was with them, and they were trying to see if they could sell him online. ... We need to talk about this because this is the scary underbelly of what is happening in terms of sexual violence to young men in this city. And this had a queer element because the two men who were involved were a couple who were well known as a couple who regularly pick up young men and take them home and ply them with drugs and alcohol in exchange for their sexual services. ... So that level of violence is an accepted or acknowledged part of the lifestyle of individuals who are engaged in this sex working space. (8)*

## VI. Reporting Hesitancy and Relations with Police/Health Care Systems

Sex workers suffer violence from clients, pimps, and often the police themselves, and because of negative experiences with police (McBride et al. 2020; Goldenberg et al. 2020), many sex workers do not see police as allies.

*If [the police] put them in the car, [...] they'll handcuff them, put them in the [back] seat, won't put the seat belt on, and then speed up [and] slow down so [the detainee] would hit the back of the plastic... So this one specific case that I'm thinking of, they picked her up. They did [the thing with hitting] the plexiglass, the stop and go. And then when she got to the hospital (because she was attacked with a box cutter [and] needed to get surgery stitches) ... she had to go pee, and they wouldn't let her go. Like, the police stood there and wouldn't let her go to the bathroom. So just stuff like that. (1)*



*There was a woman recently who was arrested because she was in breach of her court conditions, and she said that the officer was hitting on her. And so it's just like, they just have these wildly inappropriate experiences that range from hitting on someone to beating someone over the back of the head with a baton. And so when someone experiences a crime themselves, they have no interest in bringing that forward. And that's one of the first questions we will ask women when they're victimized ... we will ask them, of course, are you interested in reporting? And the answer is always "no." (4)*

If a client has unpleasant encounters with the police in the past, they are unlikely to report any further abuse, regardless of severity.

*I think it is like the rules or the policies in the laws against sex workers. They don't feel they are protected. They don't feel like they can go to the police. They had such bad experiences, maybe in the past when they went to the police and it just got thrown out, so it's kind of like ... why would I go and put myself through that again? (1)*

Sex workers were highly resistant to reporting to the police (McBride et al. 2020; Goldenberg et al. 2020) even if they had been quite severely abused.

*Why don't people report? They do, they report to us. People come back here after a bad day ... why? Well, they've had previous experiences, they feel that they've not been heard, they haven't been believed, they're discredited, their complaints are minimized, they've had their own experience with policing. (11)*

*The fact that it [is] criminalized, the fact that there's usually overlap with drug use, or you know, in those spheres, even if you know the selling of sex isn't illegal, the substances that might be used would be, so you can't [report]. You're opening up a can of worms if you report anything, because then there's an investigation, and how would I say this? The police would rather bust you with two grams of cocaine in your pocket, open and shut the case than investigate a John who's being abusive—because that takes investigation hours, it takes manpower. [Whereas if] you see drugs, it's there, [a] done deal. So it puts so much weight on drug cases instead of violence cases, and that's something that really needs to change. (Rural 2)*

Some of the reasons sex workers often won't report violence include having a criminal record, having prior infractions revealed, and/or fear of becoming criminalized (McBride et al. 2020)

Below are examples of why this might happen, why sex workers believe that the health care system and the police are “linked” and why they avoid both:

*If a client [has] experienced violence in the community, if they go to the hospital, then the hospital has to flag that with police [to report], but they don't want to go through the process because there's so many judgments going on even within the healthcare system. (7)*

*... Last Friday, somebody was assaulted, and she doesn't know what happened when she was not conscious. She overdosed, and you know she doesn't know what happened when she was not awake. She has bruises, and ...she won't press charges, she won't call police*

*because there is a warrant [out] for her, and so you know when you are criminalized and victimized—which goes hand in hand all of the time, you know—there is no justice. (10)*

*We work a lot here with stabilization, working with individuals, getting to a place of being able to do trauma processing work. Like you need these basic things before we can get to this. So let's build this safety, [let's address their] hierarchy of needs. Building that before you can get to this place of working on these long-term impacts of relational childhood trauma ... because of the history ... of how individuals have been impacted by police, how they don't trust police, it's a further barrier, a further piece that isolates them from being able to get the supports they need... (Rural 6)*

Not all reporting hesitancy was due to fear of police (Krüsi et al. 2016); some was due to fear of perpetrators. Some of our interviewees acknowledged the continued existence of “pimping gangs.”

*I also think that there's a lot of fear. Like, in Halifax, we have the North Preston's finest, [and] there's a lot of fear. The women taught me “snitches get stitches” so they don't bring the information forward because of fear. (1)*

The word “safety” was used by interviewees in a variety of ways: to refer to shelter from dramatic weather or extreme temperatures, or to maintain a sense of personhood—especially with regard to the most marginalized clients and patients. But “safety” most often referred to physical and emotional safety from the threat of violence, whether at the hand of “bad dates,” pimps or the police.

*Our clients aren't stupid. They know exactly how they're seen by police. You know they live their lives; you know exactly how they're treated [due to] their race, [due to] sexual orientation, [due to] their identities, due to being poor. Because they've lived in this world, and they're not going to be as likely to be believed, they're going to be going to be harmed. The cops abuse, so how are you going to go to this ... misogynistic institution to report that you've been harmed, when you are already known or seen as “less than” and found not really worthy of safety anyway? (3)*

Survival sex workers are complex in their presenting needs, and if they are addicted, they can be (re)criminalized upon reporting any violence. Hesitancy, under these circumstances, is understandable:

*It's very rare that we have someone that we work with who's been sexually assaulted [who] then wants to file a report. You know, our clients generally have ... that intersection with addictions and sex work. So they may be doing sex work and then purchasing drugs or some combination of both. So because of that, there's a tremendous vulnerability because they're afraid of being criminals. (3)*

*So, if somebody gets assaulted while they're turning a trick, it's not viewed as an assault by some responding patrol officers in particular. And then if people do come forward, they are met with that non-belief or victim-blaming in that very vulnerable time. If that's their*

*first response, then they're never going to come forward again. If they try to come forward, and it's met with either blame or shame, the likelihood that they would come forward again [is] reduced. (5)*

*People say, "Why wouldn't they come forward?" I'm like, "Why would they?" Absolutely, why would they? You know, I couldn't think of too many reasons why you would unless there were witnesses, unless there was like video recording. ... I don't know what there would have to be for somebody, especially an Indigenous person, to truly have confidence from the legal system ... to give them justice. (Rural 2)*

*It's a small-town police force, and so, you know, sometimes people will come in, and they're like, "Oh, it's Laura again." So it doesn't matter if Laura was sexually assaulted. It doesn't matter if Laura is like, well, Laura's the one who's done X, Y, and Z and, and... you know. So, I think people are categorized. I think in rural communities, people are categorized early and often. I mean, there are people, ... whole families that are categorized as being problematic. (Rural 5)*

But not reporting crimes to police has negative consequences for sex workers as police reports trigger access to other important services:

*The other thing that they'll tell us is that they're so often told, you know, well, what did you do? Did you try and rob him? Did you try and beat him? Is it your fault, hey, hey? We hear that, you know: "What do you expect ... it's a risky business, right?" So it's really hard for someone to speak up. And if they can't make a police report, [intervention and support from] victim services don't happen, health services may not happen. (11)*

*One of the reasons I believe that women won't seek help for the victimization that they get doing the sex work is because women aren't believed overall. Women outside of that industry are marginally believed when police are brought in, and so women who put themselves out there to be vulnerable almost get ... zero [indication of] belief when dealing with the policing industry. (Rural 3)*

*Their experiences [dealing with the police] weren't good. We'll just put it that way. Her having the experience with being sexually assaulted by this cab driver, but because she was also known [to the police] as a sex trade worker, she was treated differently. The first thing [she was asked by police was] "Well, is he a John?" She was asked all those other questions that normally wouldn't be asked. (Rural 7)*

*I don't know how to make our clients and vulnerable folks call the police. I really don't. I don't know what the shift is. Continuing to have the conversation, continuing to keep the lines of communication open, and safe, you know, I would say the onus is on the party in power to make accommodations, to make it safe for the folks who do not feel safe, and the onus is on the parties in power for them to figure out how to make it safer for everyone, because they are there to protect and serve everyone [and this obligation includes] the healthcare system, the justice system, and community services. (Rural 4)*

## VII. How Survival Sex Workers Provide for Their Own Safety

Safety is defined in a number of ways by those who deal primarily with survival sex workers. Safety in an absolute sense can be an absence of violence or freedom from abuse; this sense of safety is rare for street sex workers. Safety can also mean a feeling of trust. Both types of safety were referenced in the interview responses. We identified seven key strategies employed by sex workers to try to maintain their own safety:

1. Sex workers seek help from a trusted practitioner (such as an outreach nurse or doctor) or other service provider (shelter, housing, clothing, food, or other services). Trust is essential to getting consistent health care services, trust is essential in reporting abuse and trust is essential for getting help on a day-to-day experience. Trust is hard won, for sex workers.

*Sex work safety is for ... the folks that we work with ... entirely related to community. And so having a supportive community—generally of women or other trans, non-binary folks who also do the work [can help] provide safety, through the community. [This community tries to] identify individuals who have caused harm ... so that you can stay away from those individuals, or [others in this community help by] creating a variety of different kinds of methods to stay safe. Safety doesn't come from our state—that is not where safety resides. (3)*

2. Sex workers are selective about sharing information with some community health care outreach or non-profit workers so that their personal information is protected.<sup>11</sup> This is a double-edged sword, however, because there is a potential to miss the “larger picture” in terms of ongoing care, even for treatable conditions such as Hepatitis C or diabetes. Furthermore, if someone is unhoused or precariously housed and is looking for shelter or food, the next fix, or the next client to get money for bus fare, for example, there is little incentive or practical scope to schedule appointments several days or weeks in advance, though that is normal practice for the rest of the population and indeed the way that much of the health care and state administration system is structured.
3. Sex workers also try to manage their safety by having cell phones and checking in with trusted others.

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<sup>11</sup> One participant told us that sexworkers do not trust “anything that can be written down or recorded” for fear of arrest or harassment or the possibility of being denied a needed service. This includes health care data, as there is a great distrust of with whom that might be shared.

*We also need to make sure they have a phone and that it's working and that it has a plan, and they may want to set up that they're going to call once or twice when they're out on a "date" ... just to say "I'm checking in." We don't need to say much more than that. They may make an agreement with us [such as] "if you don't hear from me by a certain time, then please raise the alarm." (11)*

4. Survival sex workers share information on "bad dates." A bad date is someone who is violent, who becomes a stalker, or who doesn't pay or even steals from a sex worker. At least one agency maintains a regular list of such dates, which is available to all who need it. Also shared is information about "bad cops" and "bad deals" (often involving tainted drugs).

*I think we know some things that make it safer from our context: obviously, you know, a phone and a phone plan to communicate a bad John's list... Like, don't use [drugs] alone; have a buddy or a friend or a shelter or a family member or someone who knows who you're going with or how to reach you or what the window is that's considered to be ok. Sharing information with others, if someone is known as a bad date. (11)*

5. Another strategy for enhanced safety is to work only with trusted regulars.

*One thing I do notice is some of the patients that I've seen tell me that they have regular clientele, and they try to keep that number down. Like, they try to keep it to 10 or so people that they like in regards to safety, 10 or so people that they feel comfortable with, that they trust, you know? And that's one way that they are, I think, keeping safety. But a lot of them are using online. (2)*

6. Two health care providers in very different settings reported that some sex workers take the initiative to document injuries from a violent encounter "in case they need it later on." This is definitely a strategic move (Law and Menaka 2020) but runs counter to the usual practice encountered by other health care workers. As noted, there is a perception by sex workers that personal information is widely shared between emergency services, community health services, and the police, even though, as attested by many of the community services we interviewed, in reality they simply do not have the means or will to do so. Nonetheless, this perception of a network of shared data seems to prevent sex workers from reporting their experiences, either for future use or immediate need. Further, stigmatizing events from police officer encounters are shared among sex workers. Distrust of police and health care workers is further deepened by the experiences of racism and transphobia also encountered by Black, Trans or Indigenous sex workers.
7. A less safe but still strategic option for sex workers looking to remain safe is to take refuge with a john for a night so that they don't end up sleeping in the rough. This is highly

precarious, however, and works only with trusted “regulars.” But it shows ingenuity in attempting to get basic needs met (Lam 2020).

*People who do sex work ... how we gauge the kind of vulnerability and dangerousness I think is overlooked sometimes. I do think it's a pretty common[ly] held belief that the people sleeping in tents or people sleeping outside right now are the most vulnerable. In some ways they are, but like I said [some] don't see that just sleeping with a john for a warm place to stay... they don't know that guy, maybe he could be a mass murderer, he could be a serial killer, and you just don't know [but] at least that gamble is better than sleeping outside in -15 temperature. (9)*

## VIII. Recommendations

The Covid-19 pandemic has prompted a worldwide public health crisis, and the circumstances of those who were already vulnerable have, in many cases, been severely exacerbated. The crisis in Nova Scotia has made community support services more crucial than ever. As public health and movement restrictions increased, agency capacity often decreased based on threats of illness, overwhelming need coupled with fewer supplies (created by both increased need and supply chain shortages), a reduced ability to test for common diseases and the beginnings of health care workers and agency workers themselves getting Omicron, the more infectious variant in this latest wave. However, there is no dispute in our interviews that already marginalized survival sex workers, the unhoused, and those who are routinely discriminated against because of being Trans, Indigenous, and Black were the most negatively affected by the rapid and disruptive shifts brought on by the pandemic.

We offer the following eight recommendations to increase survival sex worker safety in the HRM and in the rural areas we studied in Nova Scotia:

### 1. Decriminalization and/or Regulation of Sex Work

The most important recommendation that emerges from the research is the complete decriminalization or regulation of sex work in order to avoid the criminalization of clients who are not abusive, to prevent survival sex workers from being under constant surveillance by police, to reduce stigma, and to normalize commercial sex transactions (Armstrong 2019; Belak 2018; Benoit et al 2021; Benoit et al 2017; Bettio, Giusta, & di Tommaso 2017; Butterfly 2021; Deshalit, van der Meulen, & Guta 2021; Fudge et al 2021; Jeffrey and MacDonald, 2006; Magnan-Tremblay, Lactot & Corvette 2020; McCausland et al 2022; Ralston 2021).

Decriminalization would entitle sex workers to more rights as workers (as a profession under the Canada Revenue Agency, for example), would enable those who commit acts of violence to be charged, without the risk of victims also being charged alongside, and would help to ensure the safety of the most vulnerable in our study—Trans, Indigenous, Black and survival sex workers, by eventually destigmatizing sex work and allowing sex workers to report violence against them.

*We need to decriminalize sex work, and to decriminalize sex work means we have to decriminalize procuring sex workers. So I'm saying it should not be illegal to pay for sex. If it's not illegal to sell it, it can't be illegal to pay for it. What is illegal then is to abuse your sex worker, and I think that if we decriminalize that whole exchange, then [what] we would see happen with the violence against sex workers [is] the same thing that we saw happen to female partners in domestic violence situations: there became greater capacity for people who are victimized in their intimate partnerships to come forward and seek service and redress and to leave those circumstances. (8)*

*There's still a lot of stigma around sex work, and of course that comes from the criminalization that sex workers still experience, even though the law was changed. The laws in the sections of the criminal code were changed, purportedly to not victimize sex workers. I think they still do victimize sex workers... which further drives the transaction of sex work underground, and when something is underground and when it is so heavily stigmatized still and not accepted as legitimate work either and not supported under the labour code, under human rights protections ... [then] you're almost invisible and you don't count when it comes to the safety and security of the person. (6)*

## 2. Coordination of Existing Services Both in HRM and in Rural Areas

There is a need to coordinate the various services available for sex workers in the region. For example, there is a Metro Interagency on Family Violence in Halifax. As stated in the interviews, something similar needs to be established for sex workers, especially on health, safety, and housing services to enable consistency and shared information with agencies and clients on a more consistent basis. It should be noted that some agencies are already well linked; others are not, due to their distance from central agencies or their location on the boundaries of the city. A strong communication network could help all agencies.

*Ideally if you could have a one-stop shop, stop at the doctor, stop at Stepping Stone, stuff like [that] all in the same building ... because, you know, if they have an appointment, they might forget to go there. Many of them don't even know what day it is sometimes. So if you could just get them when they're [already] there, I think you would catch people instead of losing them during the transition. (12)*

*In BC, they implemented kind of like a provincial bad date reporting system that I would love to see in Nova Scotia [and] that wouldn't necessarily involve police.... We have to come up with solutions that don't involve police, as well as some more community-based solutions and responses because most of the folks we're engaged [with] are already marginalized and oppressed and don't view the police as safe people. (5)*

*These things that you would think would be so simple, like systems that don't communicate with each other... They're just so many things that could be done to improve on this, and then the more you dig, the more you realize, it's not the issue so much, that's complex—it's more like just, you know, the way we've always done things is archaic and doesn't make any sense.... You know, you just need some energy and you just need to be a bit of a hustler to kinda make some changes happen. (10)*

### **3. More Funding for Organizations Working Directly with Sex Workers to Create Community and More Resources in the Rural Areas**

Many of the interviewees spoke of the need for community and redirecting resources from the criminal justice system to community organizations. They spoke of the need for compassion and empathy and “treating people with dignity and keeping them safe because they’re human.” To that end, they wanted to re-think where resources go and how they are distributed. Those who work directly with sex workers feel as if they are simply patching the holes in the system that deals with the marginalized and end up doing the same repetitive activities with their clients. It is little wonder most of the interviewees are frustrated, tired, or even angry. The anger of the respondents is directed to police, primarily, and governments for their lack of funding. But all detail frustrations with the way systems work (or don’t work) for the most marginalized. All need more resources (both money and more people) to assist with what they see as the needless overload on service providers, exasperated by the additional weight a pandemic brings. This is particularly pronounced in rural areas.

*There's Elizabeth Fry, there's Coverdale, there are many more resources [in Halifax] for women who can help advocate for them or offer them some advocacy, offer them some, you know, support and navigating the systems or encouraging them to report. Where[as] up here ... we're kind of it. When we had a female in here that identified as being sex trafficked, the closest organization was the Y in Halifax to help her. (Rural 3)*

*Throughout rural Nova Scotia, it's a disconnected community, so it's not quite like it is in Metro, where there are specific services for folks engaging in sex work. [Here] it's a much more isolated event. And because it's a small town in Nova Scotia, there's a lot of secrecy around it. Folks aren't open about engaging in sex work. And I guess even if they are, their communities aren't, if that makes sense. So there's a lot of value judgements placed on sex work still. And that goes throughout the province, including Metro, but specifically in rural Nova Scotia, which has that lovely 1953 feel to it...which is charming for tourists and can be quite problematic for folks essentially facing poverty. (Rural 4)*

*I would recommend that they really think about the funding structures, the peanuts they throw at organizations like us and the mass amounts of money that go into policing... When [they] talk about safety [they mean] crime prevention, and ... we sort of heavily resource police and courts and jails even, but we don't resource our community organizations or our communities in the same way. So I've always said we should be flipping the way we resource. (3)*



*What people need is love and community and care and someone to call when they're stressed because they're in the grocery store and they don't know what to do. Or a person to text when they have something they're proud of—that's what people need. I can't find that properly because our systems aren't designed to allow me to do that... It isn't just a roof over their head or the cheque at the end of their week or ... even the groceries on their table. It's the people that they eat the groceries with and the people to be proud of them within the community and the care and the ... feeling of pride and sense of self and empowerment that you get from being part of something, you know? That's what will create more safety for folks. (3)*

*Because unless there's that safe landing space for you to move forward to, then it doesn't matter what you're trying to leave behind because you're just gonna continue to get sucked back because there's nothing drawing you ahead ... and so that's why, for example, E Fry, I think their work is so meaningful and important because they do create a community ... It's not just a community of recovery—it's like a community, it's basically just ... a new community. (10)*

#### **4. Education to Eliminate Stigmatization and Dehumanization and to Assist with Anti-racist Practices**

The level of discrimination and outright violence towards Trans, Indigenous, and Black sex workers is at a far greater level than their proportion of the sex working population. Anti-racist action and education has long been the call of communities to police.<sup>12</sup> Education and training should also seek to increase the knowledge and cultural understanding of professionals in mental health with regard to communities of Trans peoples, the racism and inter-generational violence experienced by Indigenous peoples, and what it means to be African-Canadian living in either the HRM or elsewhere in the province of Nova Scotia. Understanding the broader histories and the specific needs of these groups should be a priority for the highest level of government services but must also be communicated clearly to the small but powerful contrary publics who perpetrate violence, who earn money from and off the vulnerable, and who routinely discriminate against the marginalized through and around the HRM, and in the rural areas.

*I think you need to build trust. You need to have your face out there, and I don't know if that's whether the cops come and make themselves present or have that connection with the clients. I think [there should be] a lot of education around sex work, the stigma, even addictions and mental health. I think the police need to have training, but actually listen to the training, not just check off a box. I think there needs to be more education and actually listening to what's being taught. (12)*

*I think that the police services [and the] justice system ... need to actually work together with sex workers and the organizations that support sex workers to come up with solutions*

<sup>12</sup> <https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/220117bopec1021.pdf>

*on building trust... We have all sorts of organizations that work on behalf of sex workers, but we need to hear from sex workers. It can't just be the people who work there, right? Those people have a role to play, but sex workers have to be front and center in the collaboration. I really dislike [when only professionals are interviewed]... I think that it further stigmatizes and marginalizes people who are the people who are experiencing the violence and the marginalization and the stigma. (6)*

### **5. Decriminalization of the Personal Use of Illegal Substances as Harm Reduction Strategy**

Decriminalizing the use of illicit drugs would have a similar harm reduction effect as the decriminalization of sex work (McBride et al 2021). Harm Reduction is simply that, adopting policies which reduce harm (such as needle exchanges) as opposed to criminalization (arresting for possession). The first tactic helps keep people safe from toxic substances in the drug of choice, the second does nothing but further stigmatize the individual. Addictions should be seen as a health issue, not a criminal justice issue. By adopting these strategies, the decriminalization or the regulation of illicit drugs could also contribute to a Harm Reduction approach to sex work by police, social workers, and health workers (Doctors for Decriminalization 2020; Munroe and Scoular 2013). Harm Reduction has been used successfully with addictions, with AIDS organizations and with sex workers. By contrast, many interviewees noted the problems with the criminalization of drugs and illegal drug-seeking behaviour.

*I actually think we need access to a legal regulated supply of drugs where nobody is making money off of it... I really do think we need access to a regulated supply of drugs that, you know, because you know, like you can decriminalize drugs, but people still have to access this toxic poison drug supply that's really, you know, that's funding organized crime. (10)*

Harm reduction is one of the only approaches to criminalized activities that actually works (Canadian Drug Policy Coalition; MacDonald et al 2013). Harm reduction is about ameliorating the damage caused by a lack of housing, addictions, chronic disease, and sex work, and creating safe spaces for people to live. It is a focus on people rather than their criminalization. AIDS organizations and community nurses and doctors have recognized the benefits of harm reduction for years and have operated needle exchanges in communities. Even some churches are now giving out free needles to their drug using clients and parishioners (Mehrabian 2021). Organizations in Halifax are opening a shelter soon that will allow their tenants to use drugs and sell sex as a harm reduction strategy.

*The Overlook is opening in the next three to five months... at the old Travel Lodge, and that's a really exciting development because the intention is ... that it will be a home for people who are using substances and involved in sex work. So that's exciting because*

*people are going to have to figure out ways for people to safely work there... It is harm reduction in its broadest definition, which includes allowing people to continue to work in ways that are safe... Without safe regulated supply of substances ... people are going to engage in sex work in order to buy drugs. So if we had safe supply so that people didn't have to work in order to earn money so that they wouldn't be drug sick, that would be really great, right? (11)*

## 6. Safe and Affordable Housing

Safe and affordable housing is a human right. The Canadian Charter of Rights and Freedoms does not guarantee the right to housing, but Section 7 has been used to argue for the protection of housing. The UN also states this right. Canada is a signatory to international instruments that provide for the right to housing (Canada without Poverty 2015; Art 25(1) of the UDHR and/or Art 11 of the International Convention on Economic, Social, and Cultural Rights; UN OHCHR, 2009.) Our interviewees drew a direct line between sex work and the need for housing.

*If you are a mom with two children in Halifax, you probably get close to \$1000 from income assistance, and from that, you have to pay your rent and your food. Yes, you get your child tax benefit, but that's meant to raise the children. It's not meant to be the rent, right? So where are you going to live? You're going to live in a neighbourhood that you're really trying to escape or that isn't it safe, or you're living in either low-income housing that you want to get out of, or there's not a whole lot of it.... We keep people poor, so we keep people augmenting their income with sex work. (11)*

*I got a call from the property manager, and they said, "Well, you know what, we're not accepting her application. We're not gonna move forward with the lease agreement." And I asked them why, and they said, "Well, we talked to some of the people who we know." They didn't mention any names, they didn't give me any details. ... "We don't want someone like her renting an apartment from us." And I said, "What do you mean, someone like her?" And they said, "we've heard that she's a quote unquote prostitute." And I said, "You have no proof of that, and even if she was, why [does] that [have] any impact on her suitability ... to get this apartment?" And they basically just said, "We're not renting to her. We don't have to rent to her, and we're not going to." And they just hung up the phone. And it was very ... it was that blatant. Like, they just said, she's a prostitute [and] we found out. (6)*

## 7. Cultural Shift around Sex Work and Sexualized Violence

There is a need to change perceptions around sexualized violence and sex work, both to end stigma and to rectify the ongoing issues in the legal system where the purchase of sex is criminalized but the selling of sex is not. The need to change perceptions around violent crimes against women, as well as an increased awareness of the need to end victim-blaming, has led to some key insights around the actual problems around prosecution, especially those cases with a "he said, she said" dynamic (Craig 2018). Further, the parallel between intimate partner violence

and sexual violence against sex workers and the resulting needs are underscored by participants' understanding of sex work (Nourpanah 2021).

*We really need a cultural shift around violence against sex workers and people who are trafficked ... because [...] we know even with intimate partner violence, [victims] are still blamed. Why didn't she leave? Why didn't [she do] this? Why didn't [she do] that? What did she do? Think about that in [the context of] sex work now. What would you expect? What do you really think? Are you the most important priority around here right now? [If] you get involved in this, what is going to happen...? (11)*

*That's the other thing: we don't ask people to prove that certain things happen to them. If you tell me you had a bad date and someone ripped off your money and didn't pay you and slapped you around, I believe you. I don't ask you to prove it. ... We're listening, but we're not taking notes, and we're not asking you to write it all down or to record it. ... The bar is so high for people to have to prove things. (11)*

With decriminalization comes the need to see sex work differently and to end the stigma around sex itself (Benoit et al 2021; Ralston 2021).

*I think it goes back to really basic things that people are very uncomfortable talking about sex. People are very uncomfortable with their own sexuality. Even though it's everywhere, even though sex sells everything pretty much right, but fundamentally people think that sex is wrong. I mean, I'm generalizing, but I think that there's a real current of that sex is still wrong, it's still shameful. (6)*

## 8. Poverty Reduction and Guaranteed Annual Income

Finally, all our interviewees spoke about the need to end poverty and to ensure that everyone has a living wage and the ability to support themselves. Resources that are currently put into the criminal justice system could be better utilized to provide a way out of poverty for the most marginalized.

*It's not about putting more resources into the justice system so that they can ensure that they're properly trained. Instead, they need to properly invest in communities so poverty [will] not exist, so kids are not growing up in really traumatic situations, so kids are not ending up in youth detention, so adults are not being criminalized and incarcerated. You know—proper addiction support and harm reduction services in our community. (4)*

We give the last word to someone who has been working for years with people at risk:

*We need to have a society that says: no matter who you are and what you do, you're not going to fall below this level. There will be housing; there will be economic supports; there will be health and human services; there will be education opportunities; and there will be pathways into sustainable lifestyles that involve civic engagement. And I say "sustainable lifestyle that involves civic engagement" because I don't want to say that employment is the answer. A sustainable lifestyle [...] gives you opportunities for civic engagement, whether or not your income comes from [employment]. So, if we said we're going to establish that as the foundation of our society and nobody is going to fall below it, we'd eliminate 90% of this problem. (8)*

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Rigorous Forensic Psychological  
Assessment Practices  
Part I**

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June 2022

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REPORT TO MASS  
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## Glossary

The following terms appear in ***bold italicized*** text in the body of the report and are defined here:

***Accuracy*** – How often a method or subjective reasoning process results in a correct opinion or conclusion.

***Behavioural analysis*** – See *Behavioural profiling*.

***Behavioural profiling*** – An investigative technique used by law enforcement, psychologists, consultants, and academics to predict or approximate the personality patterns, behaviours, and demographic characteristics of undetected offenders from characteristics of offenses and victims.

***Best practice*** – An aspirational and optimal, but non-enforceable level of practice that exceeds the minimum *Standards of practice*.

***Bias*** – Any systematic factor that determines judgment other than the truth.

***Commission*** – Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty, also referred to as the Mass Casualty Commission.

***Dynamic risk factors*** – Changeable features of an individual and their environments that inform *Risk assessment* (such as age, mental health symptoms, and substance use).

***End-to-end evaluation*** – A technique that evaluates an entire process or method from beginning to end to ensure that it performs as expected or required.

***Field validity*** – Whether a tool or method is *Accurate*, *Repeatable*, and *Reproducible* under routine practice conditions typical of real-world work. Field validity should be empirically demonstrated rather than assumed.

***Foundational validity*** – Whether a tool or method is, in principle, *Accurate*, *Repeatable*, and *Reproducible*. Foundational validity should be empirically demonstrated rather than assumed.

***Forensic psychology*** – A subfield of psychology in which basic and applied psychological science or practice is applied to the law to help resolve legal, contractual, or administrative matters (including *Psychological assessments*, *Risk assessments*, *Psychological autopsies*, and *Behavioural profiling* when conducted to help resolve legally relevant matters).

***Forensic psychological assessment*** – A form of *Psychological assessment* undertaken in a legal context to address legal, contractual, or administrative matters.

***Forensic science*** – A transdisciplinary field that involves the generation of scientific knowledge and the application of science to assist matters of law.

**Framework evidence** – Evidence offered by an expert witness to inform courts about general scientific knowledge that bears on a legal dispute in the abstract, rather than individualized expert opinion evidence regarding the case or person of interest.

**Generalizability** - The extent to which results or findings obtained from one group of people or situations are applicable more broadly.

**Interrater reliability** – see *Reproducibility*.

**Intrarater reliability** – see *Repeatability*.

**Linear sequential unmasking** – A generic protocol that imposes order on the processing of evidence and shields analysts from potentially contaminating information.

**Norming sample** – The group of people tested to establish the measurement properties of a *Psychometric tool* and against whom future test-takers will be compared.

**Offender profiling** – see *Behavioural profiling*.

**Precision** – see *Accuracy*.

**Proficiency** – A practitioner’s ability to apply a *Foundationally valid* tool or method to come to the expected outcome for the tool or method itself (and ultimately, an accurate opinion).

**Psychological assessment** – An evaluation conducted to assess a person’s prior, current, or future emotional, behavioural, or cognitive functioning.

**Psychological autopsy** – A method used to clarify mode of death in equivocal cases by investigating psychological factors surrounding the death and the deceased.

**Psychometric tools** –An approach to measuring people’s emotional, behavioural, or cognitive functioning employing varying degrees of structure and standardization.

**Quality assurance** – A management method involving administrative and procedural standards to prevent mistakes and avoid problems in service or product delivery.

**Reliability** – see *Accuracy*.

**Repeatability** –Probability that a method or practitioner consistently produces the same results when used to analyze the same materials on subsequent occasions.

**Reproducibility** – Probability that a method consistently produces the same results when used by different practitioners to analyze the same materials.

**Risk assessment** – An evaluation conducted to identify, analyze, and mitigate the effects of potential future events; used in psychology to evaluate a person’s propensity to engage in a future behaviour of interest and strategies for managing those risks.



**Standards of practice** – The minimum level of practice required in a field, such as laid out in legal or administrative rules and ethics codes, and which may be enforceable.

**Static risk factors** – Historical or unchanging features of an individual and their environments (such as age at time of first offence, gender) that inform *Risk assessment*.

**Structured actuarial assessment** – A form of psychological evaluation based on information derived from formalized psychometric tool(s) with statistically-determined rules for what particular values or scores mean on the measure(s) and how those values should be interpreted.

**Structured clinical judgment** – A form of psychological assessment that combines formalized decision-aids such as checklists with subjective reasoning.

**Unstructured clinical judgment** – A form of psychological assessment that tends to be subjective, flexible, and intuitive and is based on the practitioner’s clinical reasoning rather than psychometric tools.

**Validity** – see *Field validity*, *Foundational validity*, and *Validity as applied*.

**Validity as Applied** – Whether a *Foundationally valid* tool or method is, in practice, *Accurate*, *Repeatable*, and *Reproducible*. This can be established via *Field validity* and *Proficiency*.

## I. Representations to the Commission

1. The undersigned **Kristy Martire** and **Tess Neal** make the following representations to the Commission, as required per the Nova Scotia Civil Procedures Rule 55.04 1 a-e:
  - a) The expert is providing an objective opinion for the assistance of the Commission, even if the expert is retained by a party;
  - b) The witness is prepared to testify at the trial or hearing, comply with the directions of the Commission, and apply independent judgment when assisting the Commission;
  - c) The report includes everything the expert regards as relevant to the expressed opinion, and it draws attention to anything that could reasonably lead to a different conclusion;
  - d) The expert will answer written questions put by parties as soon as possible after the questions are delivered to the expert;
  - e) The expert will notify each party in writing of a change in the opinion, or of a material fact that was not considered when the report was prepared and could reasonably affect the opinion, as soon as possible after arriving at the changed opinion or becoming aware of the material fact.

X 

Kristy Martire  
Associate Professor

X 

Tess M.S. Neal  
Associate Professor

## II. Our Opinion

2. In broad terms, **forensic psychological assessments**<sup>1</sup> seek to measure, predict, or describe an individual's mental state and/or associated behaviours in a legal context. We regard **Psychological autopsies** and **behavioural profiling** as used by law enforcement agencies as types of forensic psychological assessment.
3. Psychological autopsies meet the definition of forensic psychological assessment because they aim to retrospectively assess the role of psychological factors in the equivocal death of an individual that is of legal interest. Behavioural profiling can also be considered a form of forensic psychological assessment because behavioural profiles use crime scene analysis to approximate the psychological and behavioural characteristics of an unknown offender.
4. Therefore, given that both psychological autopsies and behavioural profiling can be considered forms of forensic psychological assessment, it is our opinion that the norms, values, and expectations for **best practice** in forensic psychological assessment should apply to these techniques. Of note, other mental health professionals such as psychiatrists also provide forensic assessments; the best practices we outline in this report generally also apply to evaluating the quality of psychiatric assessments, although the specific ethical requirements, practice standards, and proficiencies may differ.

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<sup>1</sup> Terms in **bold italics** are defined in the Glossary.

5. In forming this opinion we also note that psychological autopsy and behavioural profiling depart somewhat from typical forensic psychological practice. Specifically, while we generally expect qualified licenced/registered psychologists (and other mental health professionals) to complete psychological assessments, non-psychologists routinely provide psychological autopsies and behavioural profiles.<sup>2</sup> This caused some difficulty for us in mapping best practices from **forensic psychology** and psychological assessment onto psychological autopsies and behavioural profiling.
6. However, in writing this report, we have taken the view that when providing a psychological assessment in a legal context that relies on the norms, esteem, and values of science, then the best practices for forensic psychological science should apply. We acknowledge there may be differing views about the acceptability of this approach, particularly among practitioners from outside the field of psychology. Ultimately, we leave it to the **Commission** to determine whether and the extent to which the best practices described here apply to the specific psychological assessments they wish to evaluate.
7. With this in mind, we draw upon the best practices for forensic psychology assessments as defined by decades of research and scholarship from and about fundamental basic science and forensic science, as well as clinical and forensic psychology.

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<sup>2</sup> Kocsis, R. N., & Palermo, G. B. (2020). Clothes don't maketh the man nor a criminal profiler an expert witness. *International Journal of Offender Therapy and Comparative Criminology*, 64(12), 1317-40. <https://doi.org/10.1177/0306624X20909218>

8. Based on our engagement with these literatures, it is our opinion that the following factors should be used by the Commission to evaluate the rigour and value of a psychological autopsy or behavioural profile:

- 1) The foundational validity of the assessment
- 2) Validity of the assessment as applied
- 3) Management and mitigation of bias in the assessment
- 4) Attention to quality assurance
- 5) The method used to communicate the results of the assessment
- 6) Limitations and assumptions of the assessment
- 7) Alternative views or disagreement regarding the assessment
- 8) Adherence with ethical obligations and codes of conduct.

These best practice considerations are explored in detail in the subsequent sections of this report.

9. Finally, we also relied on these best practices in preparing this report for the Commission. We offer an assessment of our efforts at the end of this report. As part of our process, we created a page on the [Open Science Framework](#) to make available any documents that should be publicly accessible, as well as our report itself, when it is released through the Commission process.

### III. Basis for Our Opinion

#### The Theoretical and Practical Context for Our Opinion

##### *Legal Assessment of Expert Evidence Quality*

10. Our opinion about best practices for forensic psychological assessments – including **risk assessments**, psychological autopsies, and behavioural profiling – is informed by considerations the law uses for evaluating the quality of expert evidence. While it is not our intent or within our area of expertise to provide an analysis of expert admissibility

law, we engage with admissibility at a basic level because it provides relevant context for our report.

11. Legal systems struggle to design expert evidence admissibility rules that effectively screen out “junk” science while still allowing sound evidence to inform legal proceedings, in part because different expert domains have different standards and norms for what constitutes acceptable practice. These challenges have led the legal systems of different countries to establish evidence admissibility rules, which aim to help judges and courts discern the quality of evidence proffered by experts. In most common law countries, increasingly rigorous evidence reliability rules have been introduced to regulate complex expert opinion evidence,<sup>3</sup> and revisions to these rules continue to be considered to address myriad problems with expert evidence.<sup>4</sup>
12. In the 1990s, the United States introduced new expert evidence admissibility standards in a trilogy of Supreme Court cases,<sup>5</sup> which were codified in a revision of Rule 7.02 of the Federal Rules of Evidence.<sup>6</sup> The Supreme Court of Canada adopted and expanded similar standards.<sup>7</sup> Generally speaking, in North America, judges are

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<sup>3</sup> Edmond, G. (2011). The admissibility of incriminating expert opinion evidence in the US, England, and Canada. *Judicial Officers Bulletin*, 23(8), 67–70.

<sup>4</sup> See, e.g., Judicial Conference of the United States. (2021). Proposed amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedures, and the Federal Rules of Evidence, [https://www.uscourts.gov/sites/default/files/preliminary\\_draft\\_of\\_proposed\\_amendments\\_2021\\_0.pdf](https://www.uscourts.gov/sites/default/files/preliminary_draft_of_proposed_amendments_2021_0.pdf). See also Lander, E.S. (2018). Fixing Rule 702: The PCAST report and steps to ensure the reliability of forensic feature-comparison methods in the criminal courts. *Fordham Law Review*, 86, 1661–79, <https://ir.lawnet.fordham.edu/flr/vol86/iss4/8>.

<sup>5</sup> *Daubert v. Merrell Dow Pharmaceuticals, Inc.* (1993), 509 U.S. 579; *General Electric Co. v. Joiner*, 522 U.S. 136 (1997); *Kumho Tire Co. v. Carmichael*, 526 U.S. 137, 147–49 (1999).

<sup>6</sup> Federal Rules of Evidence 702. (2022). Testimony by expert witnesses. <https://www.rulesofevidence.org/articleiv/rule-702/>

<sup>7</sup> See Beech, C. (2015). The admissibility of expert opinions in Canada courts. *Law and Business Review of the Americas*, 21(3), 361–68, <https://scholar.smu.edu/lbra/vol21/iss3/7/>; *R. v. J.-L.J.* (2000), 261 N.R. 111 (SCC); *White Burgess Langille Inman v. Abbott and Haliburton Co.*, 2015 SCC 23.

expected to consider the reliability of expert evidence before allowing it into court. Some factors judges can consider in deciding whether to admit the evidence include whether the method used by the expert has ever been tested, whether it has been subjected to peer review, its error rate, and whether it is generally accepted by other experts in the field. Notably, similar factors have been identified to aid legislators in considering the integrity of science, as well as other factors relevant to best practice in science, such as accountability to ethical principles, the appropriateness of an expert's qualifications, and considering the potential for bias.<sup>8</sup> As such, particular questions can be asked to assess the quality of experts and their methods.<sup>9</sup> In this report, we address these issues and pose questions inspired by these guidelines to aid the Commission in considering the quality of the psychological assessment evidence in this case.

#### *What Is Forensic Science & How Is It Relevant to Psychological Assessments?*

13. Our opinion about best practices for forensic psychological assessments is also informed by authoritative discourse about principles and standards of practice for the

<sup>8</sup> Nelson, A. & Lubchenco, J. (2022). Strengthening scientific integrity. *Science*, 375(6576), 247, <https://doi.org/10.1126/science.abo0036>; Scientific Integrity Fast-Track Action Committee of the National Science and Technology Council. (2022). Protecting the integrity of government science. Office of Science and Technology Policy, Executive Office of the President of the United States, <https://www.whitehouse.gov/wp-content/uploads/2022/01/01-22-Protecting-the-Integrity-of-Government-Science.pdf>.

<sup>9</sup> Cunliffe, E. & Edmond, G. (2021). Justice without science? Judging the reliability of forensic science in Canada. *Canadian Bar Review*, 99(1), 65–112, <https://cbr.cba.org/index.php/cbr/article/view/4659>; Edmond, G., Cunliffe, E., Martire, K., & San Roque, M. (2019). Forensic science evidence and the limits of cross-examination. *Melbourne University Law Review*, 42(3), 858–920, [https://commons.allard.ubc.ca/fac\\_pubs/496/](https://commons.allard.ubc.ca/fac_pubs/496/); Edmond, G., Martire, K., Kemp, R., Hamer, D., Hibbert, B., Ligertwood, A., Porter, G., San Roque, M., Searston, R., Tangen, J., Thompson, M., & White, D. (2014). How to cross-examine forensic scientists: A guide for lawyers. *Australian Bar Review*, 39(2), 174–79, [https://nswbar.asn.au/docs/professional/prof\\_dev/BPC/course\\_files/Cross-exam\\_For\\_Sci.pdf](https://nswbar.asn.au/docs/professional/prof_dev/BPC/course_files/Cross-exam_For_Sci.pdf); Ziskin, J. (1970). *Coping with psychiatric and psychological testimony*. Law and Psychology Press.

forensic sciences. The US National Research Council (NRC)<sup>10</sup> and President's Council of Advisors and Science and Technology (PCAST)<sup>11</sup> conceptualize **forensic science** as a transdisciplinary field that involves the generation of scientific knowledge and the application of science to assist matters of law. This definition encompasses forensic psychological assessments because, in general, psychology trades off the norms, values, and esteem of science,<sup>12</sup> and there is strong agreement that practitioners completing forensic psychological assessments should apply scientific methods and knowledge in their work.<sup>13</sup>

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- <sup>10</sup> National Research Council (NRC). (2009). Strengthening forensic science in the United States: A path forward. The National Academies Press. <https://doi.org/10.17226/12589>
- <sup>11</sup> President's Council of Advisors on Science and Technology. (2016). Forensic science in criminal courts: Ensuring scientific validity of feature-comparison methods. [https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/PCAST/pcast\\_forensic\\_science\\_report\\_final.pdf](https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/PCAST/pcast_forensic_science_report_final.pdf)
- <sup>12</sup> In the United States, the National Science Foundation (NSF) classifies psychology as a science, technology, engineering, mathematics (STEM) discipline, but other federal agencies such as the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) use a narrower definition that excludes psychology. Canada's federal funding agencies classify psychology with other social sciences and humanities, distinct from the natural sciences and engineering. For a critical perspective on the public's perception of psychology as a science, see Lilienfeld, S.O. (2012). Public skepticism of psychology: Why many people perceive the study of human behaviour as unscientific. *American Psychologist*, 67(2), 111–29, <https://doi.org/10.1037/a0023963>. See also American Psychological Association Presidential Task Force on the Future of Psychology as a STEM Discipline. (2010). Psychology as a core science, technology, engineering, and mathematics (STEM) discipline. American Psychological Association, <https://www.apa.org/pubs/reports/stem-report.pdf>; Koch, S. & Leary, D.E. (eds.). (1992). A century of psychology as science. American Psychological Association. <https://doi.org/10.1037/10117-000>.
- <sup>13</sup> Heilbrun, K. & Brooks, S. (2010). Forensic psychology and forensic science: A proposed agenda for the next decade. *Psychology, Public Policy, and Law*, 16(3), 219–53, <https://doi.org/10.1037/a0019138>; Milchman, M.S. (2015). The complementary roles of scientific and clinical thinking in child custody evaluations. *Journal of Child Custody: Research, Issues, and Practices*, 12(2), 97–128, <https://doi.org/10.1080/15379418.2015.1062453>; Washburn, J.J., Lilienfeld, S.O., Rosen, G.M., Gaudiano, B.A., Davison, G.C., Hollon, S.D., Otto, M.W., Penberthy, J.K., Sher, K.J., Teachman, B.A., Peris, T., & Weinand, J. (2019). Reaffirming the scientific foundations of psychological practice: Recommendations of the Emory meeting on continuing education. *Professional Psychology: Research and Practice*, 50(2), 77–86, <https://doi.org/10.1037/pro0000235>.



14. There are well-documented concerns about many aspects of standard and accepted practices in the forensic sciences.<sup>14</sup> This attention has resulted in detailed consideration of best practices and reforms in forensic science that we draw upon. Although to our knowledge no government or international science institutes have expressed the same concerns about forensic psychological assessments in general, or psychological autopsies and behavioural profiling in particular, the authoritative reports that do exist are readily generalizable to these areas of practice. In fact, forensic psychology practitioners and scholars have also drawn direct parallels between these authoritative sources in forensic science and forensic psychological assessment practices.<sup>15</sup>

- <sup>14</sup> See, e.g., Campbell, A. (2011). *The fingerprint inquiry report*. APS Group Scotland; Edmond, G., Hamer, D., & Cunliffe, E. (2016). A little ignorance is a dangerous thing: Engaging with exogenous knowledge not adduced by the parties. *Griffith Law Review*, 25(3), 383–413, <https://doi.org/10.1080/10383441.2016.1238029>; Goudge, S.T. (2008). *Inquiry into pediatric forensic pathology in Ontario: Report, 4 vols.* Ontario Ministry of Attorney-General, [www.goudgeinquiry.ca/](http://www.goudgeinquiry.ca/); Lang, S.E. (2015) *Report of the Motherisk hair analysis independent review*. Ontario Ministry of the Attorney General, <http://m-hair.ca/>; National Research Council, 2009; President's Council of Advisors on Science and Technology, 2016; Science and Technology Select Committee. (2019). *Forensic science and the criminal justice system: A blueprint for change*. (HL 2017-19 333). London: House of Lords, <https://publications.parliament.uk/pa/ld201719/ldselect/ldscitech/333/333.pdf>; Taylor, M., Bird, C., Bishop, B., Burkes, T., Caligiuri, M., Found, B., Grose, W., Logan, L., Melson, K., Merlino, M., Miller, L., Mohammed, L., Morris, J., Osborn, J., Osborne, N., Ostrum, B., Saunders, C., Shappell, S., Sheets, D., . . . Will, E. (2020). *Forensic handwriting examination and human factors: Improving the practice through a systems approach*. NIST Interagency/Internal Report (NISTIR), National Institute of Standards and Technology [online], <https://doi.org/10.6028/NIST.IR.8282>; Taylor, M., Kaye, D., Busey, T., Gische, M., LaPorte, G., Aitken, C., Ballou, S. Butt, L., Champod, C., Charlton, D., Dror, I., Epstein, J., Garrett, R., Houck, M., Imwinkelried, E., Keaton, R., Langenburg, G., Leben, D., Maceo, A., . . . Wertheim, K. (2012). *Latent print examination and human factors: Improving the practice through a systems approach*. NIST Interagency/Internal Report (NISTIR), National Institute of Standards and Technology [online], <https://doi.org/10.6028/NIST.IR.7842>.
- <sup>15</sup> Acklin, M.W., Fuger, K., & Gowensmith, W. (2015). Examiner agreement and judicial consensus in forensic mental health evaluations. *Journal of Forensic Psychology Practice*, 15(4), 318–43, <https://doi.org/10.1080/15228932.2015.1051447>; Dror, I.E. & Murrie, D.C. (2018). A hierarchy of expert performance applied to forensic psychological assessments. *Psychology, Public Policy, and Law*, 24(1), 11–23, <https://doi.org/10.1037/law0000140>; Guarnera, L.A., Murrie, D.C., & Boccaccini, M.T. (2017). Why do forensic experts disagree? Sources of unreliability and bias in forensic psychology evaluations. *Translational Issues in Psychological Science*, 3(2), 143–52, <https://doi.org/10.1037/tps0000114>; Heilbrun & Brooks, 2010; Martire, K.A. & Edmond, G. (2017).

15. Consequently, we use the framework provided by the NRC and the PCAST to describe and provide a benchmark for best-practice forensic psychological assessments. This framework includes the core components of **validity** identified by PCAST: **foundational validity (accuracy, repeatability and reproducibility)** and **validity as applied (proficiency and field validity)**.<sup>16</sup> We also consider additional issues identified by the NRC<sup>17</sup> and others commenting on best practices in the forensic sciences and forensic psychological assessment, including **bias, quality assurance**, opinion expression, limitations and assumptions, alternative views or disagreements, and ethical obligations and codes of conduct. We consider each of these issues in detail in subsequent sections of this report.

#### *What Is Psychological Assessment?*

16. Since its founding in the 1800s, the field of psychology has focused on indexing people's mental, psychophysical, and psychological abilities using psychometrics, or "the art of imposing measurement and number upon operations of the mind."<sup>18</sup> From these roots, modern psychometric theories evolved into a set of scientific rules for establishing and evaluating the usefulness of psychological measurements. These rules form a widely accepted and standardized approach to assessing psychological

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Rethinking expert opinion evidence. *Melbourne University Law Review*, 40(3), 967–98; Murrie, D.C., Boccaccini, M.T., Guarnera, L.A., & Rufino, K.A. (2013). Are forensic experts biased by the side that retained them? *Psychological Science*, 24(10), 1889–97, <https://doi.org/10.1177/0956797613481812>; Zapf, P.A. & Dror, I.E. (2017). Understanding and mitigating bias in forensic evaluation: Lessons from forensic science. *International Journal of Forensic Mental Health*, 16(3), 227–38, <https://doi.org/10.1080/14999013.2017.1317302>.

<sup>16</sup> Presidents' Council of Advisors on Science and Technology, 2016.

<sup>17</sup> National Research Council, 2009.

<sup>18</sup> Galton, F. (1879). Psychometric experiments. *Brain* 2(2), 149–62. Quote from p. 149. The word "psychometric" comes from the Greek *psyche* (soul) and *metro* (measure).

characteristics.<sup>19</sup> Today there are tens of thousands of **psychometric tools** claiming to measure psychological attributes like personality, general intelligence, risk for future violence, and much more.<sup>20</sup> These tools vary in structure and play different roles depending on the clinical approach adopted by a practitioner.

17. Broadly speaking, there are three types of clinical approaches that practitioners (usually psychologists) use to assess the current, prior, or future mental state of a person under examination: 1) **structured actuarial assessments**, 2) **unstructured clinical judgments**, and 3) **structured clinical judgments**.<sup>21</sup> These three approaches are based on distinct rationales, and each has its strengths and weaknesses. Each is fallible and has important limitations that the Commission may wish to consider.
18. Structured actuarial assessments are closely based on information obtained from formalized psychometric tools developed for a particular purpose. These tools can define the scope of inquiry (i.e., what information is sought), the classification and categorization of relevant information (e.g., what is or is not classified as a “previous violent offence”), and the manner of weighing, combining, and interpreting that information (e.g., how is a total “score” calculated, or what a score between “x” and “y”

<sup>19</sup> Wasserman, J.D. & Bracken, B.A. (2013). Fundamental psychometric considerations in assessment. In J.R. Graham, J.A. Naglieri, & I.B. Weiner (eds.), *Handbook of psychology: Assessment psychology* (2nd ed., pp. 50–80). John Wiley & Sons, <https://doi.org/10.1002/9781118133880.hop210003>.

<sup>20</sup> See, for example, Carlson, J.F., Geisinger, K.F., & Jonson, J.L. (eds.). (2021). *The twenty-first mental measurements yearbook*. Buros Center for Testing, <https://buros.org/mental-measurements-yearbook>.

<sup>21</sup> Douglas, K.S., Ogloff, J.R.P., Nicholls, T.L., & Grant, I. (1999). Assessing risk for violence among psychiatric patients: The HCR-20 violence risk assessment scheme and the Psychopathy Checklist: Screening Version. *Journal of Consulting and Clinical Psychology*, 67(6), 917–30, <https://doi.org/10.1037/0022-006X.67.6.917>; Faust, D. & Ziskin, J. (1988). The expert witness in psychology and psychiatry. *Science*, 241(4861), 31–35, <https://doi.org/10.1126/science.3291114>; Skeem, J.L. & Monahan, J. (2011). Current directions in violence risk assessment. *Current Directions in Psychological Science*, 20(1), 38–42, <https://doi.org/10.1177/0963721410397271>.

on this test means).<sup>22</sup> Although these structured actuarial approaches cannot eliminate all subjectivity in a practitioner's assessment, the information used and the manner for combining it are determined based on statistical analysis in much the same way that actuarial tables are used to determine insurance premiums. Studies show that this structured actuarial approach generally leads to more accurate and less biased opinions than unstructured judgments.<sup>23</sup>

19. Unstructured clinical judgments are based entirely on the intuition of the practitioner as guided by their training, study, and/or experience, and do not include psychometric tools as part of the assessment approach. The practitioner considers the facts at hand, their knowledge in the area, and combines these to form their clinical opinion. This process is subjective, adaptable, and often implicit. It relies on an individual practitioners' knowledge, beliefs, and memory, as well as their analytical approach and skill. Although training in psychology will provide guidance regarding what should be considered and how it should be used to address some forensic psychological questions, ultimately unstructured opinion formation is highly variable and is

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<sup>22</sup> Although there are some psychometric tools that align directly with the types of referral questions psychologists might be asked to address, often there is an inferential gap between what a tool can measure (e.g., intelligence, severity of mood disorder) and what the referral asks for (e.g., whether a person competently waived a legal right, the risk a person poses to public safety). Additionally, practitioners often combine multiple psychometric tools in one assessment that then requires inferential integration. These inferences reduce the strengths of the actuarial approach.

<sup>23</sup> Ægisdóttir, S., White, M.J., Spengler, P.M., Maugherman, A.S., Anderson, L.A., Cook, R.S., Nichols, C.N., Lampropoulos, G.K., Walker, B.S., Cohen, G., & Rush, J.D. (2006). The meta-analysis of clinical judgment project: fifty-six years of accumulated research on clinical versus statistical prediction. *Counseling Psychologist*, 34(3), 341–82. <https://doi.org/10.1177/0011000005285875>; Grove, W.M., Zald, D.H., Lebow, B.S., Snitz, B.E., & Nelson, C. (2000). Clinical versus mechanical prediction: A meta-analysis. *Psychological Assessment*, 12(1), 19–30. <https://doi.org/10.1037/1040-3590.12.1.19>; Murrie et al., 2013; Viljoen, J.L., Vargen, L.M., Cochrane, D.M., Jonnson, M.R., Goossens, I., & Monjazeb, S. (2021). Do structured risk assessments predict violent, any, and sexual offending better than unstructured judgment? An umbrella review. *Psychology, Public Policy, and Law*, 27(1), 79–97. <https://doi.org/10.1037/law0000299>.

notoriously difficult to accurately describe.<sup>24</sup> Furthermore, these unstructured approaches do not lend themselves easily to outside evaluation or like-for-like comparisons between or within practitioners.<sup>25</sup> Without this information, it is difficult to estimate the foundational or applied validity of a practitioner’s opinion or technique.<sup>26</sup>

20. Structured clinical judgments are an in-between approach, involving some elements of subjective reasoning like unstructured clinical approaches, but these subjective elements are combined with information derived from more structured decision aids, checklists, and/or psychometric tools. The key to distinguishing a structured actuarial approach from a structured clinical approach is whether the decision aids or psychometric tools used in the assessment have formalized rules for determining what particular values or scores mean. In the actuarial approach, these rules are formalized through mathematical and statistical development. However, a structured clinical approach intentionally resists formal data integration, purposefully requiring clinical judgment and intuition to integrate and interpret the available data.<sup>27</sup> A structured clinical judgment approach is described by proponents as “discretionary in essence” while also “rely[ing] on evidence-based guidelines to systematize the exercise of discretion.”<sup>28</sup> Structured clinical judgments are generally more accurate and objective

<sup>24</sup> Ægisdóttir et al., 2006; Dawes, R.M., Faust, D., & Meehl, P.E. (1989). Clinical versus actuarial judgment. *Science*, 243(4899), 1668–74, <https://doi.org/10.1126/science.2648573>.

<sup>25</sup> Dror & Murrie, 2018.

<sup>26</sup> Neal, T.M.S., Slobogin, C., Saks, M.J., Faigman, D.L., & Geisinger, K.F. (2019). Psychological assessments in legal contexts: Are courts keeping “junk science” out of the courtroom? *Psychological Science in the Public Interest*, 20(3), 135–64, <https://doi.org/10.1177/1529100619888860>.

<sup>27</sup> Douglas et al., 1999.

<sup>28</sup> Hart, S.D., Douglas, K.S., & Guy, L.S. (2017). The structured professional judgement approach to violence risk assessment: Origins, nature, and advances. In D.P. Boer, A.R. Beech, T. Ward, L.A. Craig, M. Rettenberger, L.E. Marshall, & W.L. Marshall (eds.), *The Wiley handbook on the theories, assessment, and treatment of sexual offending* (pp. 643–66). Wiley Blackwell, 643.

than unstructured clinical judgments but are less accurate and objective than structured actuarial methods;<sup>29</sup> however, this is an active area of debate in the scholarly literature.<sup>30</sup>

#### *What Is Forensic Psychological Assessment?*

21. Psychologists began offering assessment services to courts in the early 1900s to help decide cases when there was some question at issue regarding a person's psychological capacities, prior or current functioning, or future behavioural likelihood.<sup>31</sup> Today, forensic psychology has become a full-fledged subfield of psychology in which psychological science and/or practice is applied to the law to help resolve legal, contractual, or administrative matters.<sup>32</sup> Often, legal investigations and cases rest at least partially on a psychological feature or question, and psychologists are asked to provide psychological assessments as a source of evidence.
22. Dozens of different types of psycho-legal questions are referred to psychologists, and the frequency of these assessments vary widely.<sup>33</sup> Referrals come from many sources, including in civil, criminal, juvenile, and family law cases; from institutional legal bodies

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<sup>29</sup> Hanson, R.K. & Morton-Bourgon, K.E. (2009). The accuracy of recidivism risk assessments for sexual offenders: A meta-analysis of 118 prediction studies. *Psychological Assessment*, 21(1), 1–21, <https://doi.org/10.1037/a0014421>.

<sup>30</sup> Neal, T.M.S., Sellbom, M., & de Ruiter, C. (2022). Personality assessment in legal contexts: Introduction to the special issue. *Journal of Personality Assessment*. Advance Online Publication, <https://doi.org/10.1080/00223891.2022.2033248>.

<sup>31</sup> Neal, T.M.S. (2018). Forensic psychology and correctional psychology: Distinct but related subfields of psychological science and practice. *American Psychologist*, 73(5), 651–62, <https://doi.org/10.1037/amp0000227>.

<sup>32</sup> American Psychological Association. (2013a). Specialty guidelines for forensic psychology. *American Psychologist*, 68(1), 7–19, <https://doi.org/10.1037/a0029889>; Neal, 2018.

<sup>33</sup> Melton, G.B., Petrlia, J., Poythress, N.G., Slobogin, C., Otto, R.K., Mossman, D., & Condie, L.O. (2017). *Psychological evaluations for the courts: A handbook for mental health professionals and lawyers* (4th ed.). Guilford Press; Neal, T.M.S. & Grisso, T. (2014a). Assessment practices and expert judgment methods in forensic psychology and psychiatry: An international snapshot. *Criminal Justice and Behaviour*, 41(12), 1406–21, <https://doi.org/10.1177/0093854814548449>.

that operate outside of typical courtroom structures, such as administrative bodies, regulatory boards, and quasi-legal scenarios like arbitration; and from police and investigative agencies, among others.<sup>34</sup> They also vary with regard to the time period of interest, with some referrals focused on the likelihood of future behaviours and mental states, others asking about current functional deficits, and still others inquiring about previous mental states, motivations, and behaviours.<sup>35</sup> Most forensic psychologists use structured actuarial or structured clinical tools in their assessments, though about 25% rely on unstructured clinical judgments.<sup>36</sup>

23. We note that psychologists are not the only type of practitioner that might offer services like these to the courts. Forensic psychologists and forensic psychiatrists “labor in the same vineyard” and “play the same part in the sociology of the legal process.”<sup>37</sup> They both offer assessment services to the law;<sup>38</sup> however, there are substantive disciplinary differences with relevance to this report and our opinion.
24. Psychiatry is a branch of medicine, the historical purpose of which was to diagnose, treat, and prevent illness. Psychology’s historical purpose, in contrast, was to use scientific principles to understand and describe human development, cognitive and intellectual abilities, and the adaptive and maladaptive elements of personality and social-emotional functioning.<sup>39</sup> These historical underpinnings influence the

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<sup>34</sup> American Psychological Association, 2013a.

<sup>35</sup> Heilbrun, K., Grisso, T., & Goldstein, A.M. (2009). *Best practices in forensic mental health assessment: Foundations of forensic mental health assessment*. Oxford University Press.

<sup>36</sup> Neal & Grisso, 2014a.

<sup>37</sup> Grisso, T. (1993). The differences between forensic psychiatry and forensic psychology. *Bulletin of the American Academy of Psychiatry & the Law*, 21(2), 133–45, 137.

<sup>38</sup> Neal & Grisso, 2014a.

<sup>39</sup> Grisso, 1993.

methodology the fields use today: psychiatrists, in the tradition of medicine, tend to use unstandardized interviews and observations in their forensic assessments, while psychologists, in the tradition of psychology, tend to use more standardized and quantitative tests and instruments to measure traits, abilities, and functioning in their forensic assessments.<sup>40</sup>

25. We also note that in Canada, psychiatrists are retained more often than psychologists as experts in pretrial forensic assessments,<sup>41</sup> because the Criminal Code of Canada limits forensic assessments to those with a medical degree.<sup>42</sup> Although the Code allows for these evaluations to be completed by “any other person who has been designated by the Attorney General,”<sup>43</sup> in practice, psychologists are less often involved in Canadian forensic assessments as compared to other countries like the United States.<sup>44</sup>
26. Our Opinion specifies that the best practices we describe in this report should apply when an assessment is offered by a practitioner in a legal context that relies on the norms, esteem, and values of science.<sup>45</sup> However, even when a practitioner does not closely adhere to scientific conventions (such as psychiatrists and law enforcement

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<sup>40</sup> Grisso, 1993; Neal & Grisso, 2014a.

<sup>41</sup> Roesch, R., Kayfritz, J.H., Watt, M.C., Cooper, B.S., Guy, L.S., Hill, D., Haag, A.M., Pomichalek, M., & Kolton, D.J.C. (2019). Fitness to stand trial and criminal responsibility assessments: Advocating for changes to the Canadian criminal code. *Canadian Psychology/Psychologie canadienne*, 60(3), 148–54. <https://doi.org/10.1037/cap0000173>.

<sup>42</sup> Criminal Code (R.S.C., 1985, c. C-46).

<sup>43</sup> Criminal Code (R.S.C., 1985, c. C-46), 672.1(1).

<sup>44</sup> *Jenkins v. United States*, 307 F. 2d 637. Court of Appeals, Dist. of Columbia Circuit 1962.

<sup>45</sup> Brook, C., Lynøe, N., Eriksson, A., & Balding, D. (2021). Retraction of a peer reviewed article suggests ongoing problems with Australian forensic science. *Forensic Science International: Synergy*, 3, 100208. <https://doi.org/10.1016/j.fsisy.2021.100208>; Mnookin, J.L., Cole, S.A., Dror, I.E., & Fisher, B.A. (2011). The need for a research culture in the forensic sciences. *UCLA Law Review*, 58(3), 725–78.



officers relying on methods traditional to their disciplines), we argue these best practices are still relevant.<sup>46</sup>

#### *What Are Risk Assessments?*

27. Risk assessments are used in many domains to identify, analyze, and mitigate the effects of potential events in the future that may have a negative impact on people, assets, and/or the environment.<sup>47</sup> From a psychological perspective, risk assessments are frequently used to evaluate, mitigate, or manage the likelihood that a person will engage in a future behaviour of interest.<sup>48</sup> Forensic practitioners are commonly asked to provide risk assessments relating to violence risk, suicide risk, and sexual offending risk as part of civil commitment proceedings,<sup>49</sup> pre-trial risk management decisions,<sup>50</sup>

<sup>46</sup> “Hauling down the science flag and hoisting the non-science flag does not exempt expert evidence from Daubert scrutiny.” Saks, M.J. (2000). Banishing *ipse dixit*: The impact of Kumho Tire on forensic identification science. *Washington and Lee Law Review*, 57(3), 879-900, 880. See also *Kumho Tire Co. v. Carmichael*, (1999): “The initial question before us is whether [Daubert’s] basic gatekeeping obligation applies only to ‘scientific’ testimony or to all expert testimony. We, like the parties, believe that it applies to all expert testimony. Finally, it would prove difficult, if not impossible, for judges to administer evidentiary rules under which a gatekeeping obligation depended upon a distinction between ‘scientific’ knowledge and ‘technical’ or ‘other specialized’ knowledge. There is no clear line that divides the one from the others... We conclude that Daubert’s general principles apply to the expert matters described in Rule 702. The Rule, in respect to all such matters, ‘establishes a standard of evidentiary reliability.’ It ‘requires a valid ... connection to the pertinent inquiry as a precondition to admissibility’” (pp. 147 – 49).

<sup>47</sup> Rausand, M. (2013). *Risk assessment: Theory, methods, and applications*. John Wiley & Sons.

<sup>48</sup> Guy, L.S., Douglas, K.S., & Hart, S.D. (2015). Risk assessment and communication. In B.L. Cutler & P.A. Zapf (eds.), *APA handbook of forensic psychology, Vol. 1. Individual and situational influences in criminal and civil contexts* (pp. 35 – 86). American Psychological Association, <https://doi.org/10.1037/14461-003>; Neal & Grisso, 2014a.

<sup>49</sup> Pinals, D.A., & Mossman, D. (2011). *Best practices in forensic mental health assessment series: Evaluation for civil commitment*. Oxford University Press.

<sup>50</sup> VanNostrand, M. & Keebler, G. (2009). Pretrial risk assessment in the federal court. *Federal Probation Journal*, 73(2), 1 – 26, [https://www.uscourts.gov/sites/default/files/73\\_2\\_1\\_0.pdf](https://www.uscourts.gov/sites/default/files/73_2_1_0.pdf).

criminal sentencing determinations,<sup>51</sup> correctional institution management,<sup>52</sup> parole decisions,<sup>53</sup> and with regard to other issues such as firearm ownership.<sup>54</sup>

28. A robust body of literature exists on prospective (forward-looking) risk assessments in forensic psychological contexts; however, comparatively limited work has examined retrospective (backward-looking) risk assessments, as would be needed for a valid psychological autopsy. One research team counted over 400 different psychometric tools for prospective risk assessment worldwide.<sup>55</sup> The tools vary in their content and approach, with some consisting of a handful of variables and others claiming to consider hundreds or more.<sup>56</sup> Some of the tools are based entirely on **static risk factors** that are historical in nature and thus do not change over time (such as age at time of first offence) or are based on demographic characteristics such as gender.<sup>57</sup> Other tools also include **dynamic risk factors** that are variable and can change over time, such as age, mental health symptoms, and substance use.<sup>58</sup> Some risk

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- <sup>51</sup> Monahan, J. & Skeem, J.L. (2016). Risk assessment in criminal sentencing. *Annual Review of Clinical Psychology*, 12, 489–513, <https://doi.org/10.1146/annurev-clinpsy-021815-092945>.
- <sup>52</sup> Bonta, J. & Andrews, D.A. (2007). *Risk-need-responsivity model for offender assessment and treatment*. Public Safety Canada, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctrs/rsk-nd-rspnsvty/index-en.aspx>.
- <sup>53</sup> Slobogin, C. (2021). *Just algorithms: Using science to reduce incarceration and inform a jurisprudence of risk*. Cambridge University Press.
- <sup>54</sup> Pirelli, G., Wechsler, H., & Cramer, R.J. (2015). Psychological evaluations for firearm ownership: Legal foundations, practice considerations, and a conceptual framework. *Professional Psychology: Research and Practice*, 46(4), 250–57, <https://doi.org/10.1037/pro0000023>.
- <sup>55</sup> Singh, J.P., Desmarais, S.L., Hurducas, C., Arbach-Lucioni, K., Condemarin, C., Dean, K., Doyle, M., Folino, J.O., Godoy-Cervera, V., Grann, M., Ho, R.M.Y., Large, M.M., Nielsen, L.H., Pham, T.H., Rebocho, M.F., Reeves, K.A., Rettenberger, M., de Ruiter, C., Seewald, K., & Otto, R.K. (2014). International perspectives on the practical application of violence risk assessment: A global survey of 44 countries. *International Journal of Forensic Mental Health*, 13(3), 193–206, <https://doi.org/10.1080/14999013.2014.922141>
- <sup>56</sup> Slobogin, 2021.
- <sup>57</sup> Douglas, K.S. & Skeem, J.L. (2005). Violence risk assessment: Getting specific about being dynamic. *Psychology, Public Policy, and Law*, 11(3), 347–83, <https://doi.org/10.1037/1076-8971.11.3.347>.
- <sup>58</sup> Douglas & Skeem, 2005.

assessment tools are fully structured actuarial measures, while others use a structured clinical judgment approach.

#### *What Is a Psychological Autopsy?*

29. Psychological autopsy was developed as a method to clarify mode of death in equivocal cases by investigating factors surrounding the death and the deceased.<sup>59</sup> Psychological autopsies evolved from group-level public health and epidemiological examinations exploring risk factors for suicide. Although there is limited empirical work that extends this original scholarship to the retrospective analysis of an individual's equivocal death, psychological autopsies are used to examine the relationship between particular antecedents and suicide, with the "aim to produce as full and accurate a picture of the deceased as possible with a view to understanding why they killed themselves."<sup>60</sup>
30. Psychological autopsies rely on a set of postmortem investigative procedures to evaluate the role that psychological factors played in the death of an individual, and they have been used in many retrospective and equivocal deaths.<sup>61</sup> Psychological autopsies have become "the prime approach in studying risk factors for [completed] suicide."<sup>62</sup> Despite their frequent use, recent work demonstrates that no particular

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<sup>59</sup> Schneidman, E.S. (1981). The psychological autopsy. *Suicide and Life-Threatening Behaviour*, 11(4), 325–40, <https://doi.org/10.1111/j.1943-278X.1981.tb01009.x>.

<sup>60</sup> Cavanagh, J.T., Carson, A.J., Sharpe, M., & Lawrie, S.M. (2003). Psychological autopsy studies of suicide: A systematic review. *Psychological Medicine*, 33(3), 395–405, <https://doi.org/10.1017/S0033291702006943>, 395.

<sup>61</sup> Snider, J.E., Hane, S., & Berman, A.L. (2006). Standardizing the psychological autopsy: Addressing the Daubert standard. *Suicide and Life-Threatening Behaviour*, 36(5), 511–18, <https://doi.org/10.1521/suli.2006.36.5.511>.

<sup>62</sup> Hjelmeland, H., Dieserud, G., Dyregrov, K., Knizek, B.L., & Leenaars, A.A. (2012). Psychological autopsy studies as diagnostic tools: Are they methodologically flawed? *Death Studies*, 36(7), 605–26, <https://doi.org/10.1080/07481187.2011.584015>, 606.

structure or system guides the psychological autopsy process, and until very recently, no psychometric tools or structured methods directly addressed this issue.<sup>63</sup>

31. A critical review of psychological autopsies noted that they are often used to make causal inferences between mental disorder and suicide based on data that nearly all (90% or more) of those who die by suicide suffer from one or more mental disorders.<sup>64</sup> However, the review argued that psychological autopsies should be “abandoned” as a diagnostic tool for suicide because “there has been little reflection on the reliability and validity of this method,” and “they cannot constitute a valid evidence base for a strong relationship between mental disorder and suicide.”<sup>65</sup> Others have echoed this perspective.<sup>66</sup> Because psychological autopsy methods require the evaluation and diagnosis of mental disorders in the deceased by proxy (e.g., through relatives and/or friends) and often many years after the event, some scholars assert that most of the questions asked are “impossible” to answer reliably, and thus, “one cannot make valid conclusions.”<sup>67</sup>

#### *What Is Behavioural Profiling?*

32. Behavioural profiling is an investigative technique used by law enforcement, psychologists, consultants, and academics to predict the personality patterns, behaviours, and demographic characteristics of undetected offenders from

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<sup>63</sup> Conner, K.R., Chapman, B.P., Beautrais, A.L., Brent, D.A., Bridge, J.A., Conwell, Y., Falter, T., Holbrook, A. & Schneider, B. (2021). Introducing the psychological autopsy methodology checklist. *Suicide Life Threat Behaviour*, 51, 673–83, <https://doi.org/10.1111/sltb.12738>.

<sup>64</sup> Hjelmeland et al., 2012.

<sup>65</sup> Hjelmeland et al., 2012, 605.

<sup>66</sup> García-Haro, J., García-Pascual, H., González, M.G., Barrio-Martínez, S., & García-Pascual, R. (2020). Suicide and mental disorder: A necessary critique. *Papeles del Psicólogo*, 41(1), 35–42, <https://doi.org/10.23923/pap.psico12020.2919>

<sup>67</sup> Hjelmeland et al., 2012, 605–6.

characteristics of offenses and victims.<sup>68</sup> It is used by law enforcement to generate or narrow down the range of possible suspects to a crime.<sup>69</sup> It is sometimes referred to by various other names, including “offender profiling,” “psychological profiling,” “criminal profiling,” “personality profiling,” “behavioural consistency analysis,” “behavioural analysis,” “criminal investigative analysis,” “crime scene analysis,” “crime action profiling,” and “case linkage analysis.”<sup>70</sup> Notably, these terms and concepts are “used in the field based solely on author preference and background, not substantive differences in terminology or meaning.”<sup>71</sup>

33. Behavioural profiling largely originated from law enforcement investigations, though there has been a shift toward academic and scientific study in the field. A recent analysis of the history, evolution, and state of the field of profiling found that considerable improvements have occurred in the scientific rigour of the field, but also that

the lack of scientific evidence on the validity and impact of profiling, despite the technique’s widespread use, seriously questions its efficacy in real world investigations, as it currently stands.<sup>72</sup>

<sup>68</sup> Fox, B. & Farrington, D.P. (2018). What have we learned from offender profiling? A systematic review and meta-analysis of 40 years of research. *Psychological Bulletin*, 144(12), 1247–74, <https://doi.org/10.1037/bul0000170>; Ribeiro, R.A.B. & de Matos Soeiro, C.B.B. (2021). Analysing criminal profiling validity: Underlying problems and future directions. *International Journal of Law and Psychiatry*, 74, 101670, <https://doi.org/10.1016/j.ijlp.2020.101670>.

<sup>69</sup> Douglas, J.E., Ressler, R.K., Burgess, A.W., & Hartman, C.R. (1986). Criminal profiling from crime scene analysis. *Behavioural Sciences & the Law*, 4(4), 401–21, <https://doi.org/10.1002/bsl.2370040405>; Fox & Farrington, 2018; Ribeiro & de Matos Soeiro, 2021.

<sup>70</sup> Fox & Farrington, 2018.

<sup>71</sup> Fox & Farrington, 2018, 1247.

<sup>72</sup> Fox & Farrington, 2018, 1247.

34. Although behavioural profiling is often applied in active police investigations and is a popular topic for books, chapters, reports, and journal articles,<sup>73</sup> few evaluations of the profiles' accuracy or effectiveness have taken place.<sup>74</sup> Some have expressed concerns about the validity of the technique, finding that self-labeled profilers and experienced investigators are generally no better than comparison groups in predicting various characteristics of offenders.<sup>75</sup> This has led to strong critiques of behavioural profiling and "caused a dark cloud over the reputation and results being produced by the field."<sup>76</sup>
35. Some practitioners use an unstructured clinical judgment approach to behavioural profiling (see also [What Is Psychological Assessment?](#)<sup>77</sup>), whereby profiles are developed on a case-by-case basis by a trained and experienced profiler but without any particular methodology or process.<sup>78</sup> Others use more scientific approaches to

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<sup>73</sup> Dowden, C., Bennell, C. & Bloomfield, S. (2007). Advances in offender profiling: A systematic review of the profiling literature published over the past three decades. *Journal of Police and Criminal Psychology*, 22(1), 44–56, <https://doi.org/10.1007/s11896-007-9000-9>.

<sup>74</sup> Fox & Farrington, 2018.

<sup>75</sup> Snook, B., Eastwood, J., Gendreau, P., Goggin, C., & Cullen, R.M. (2007). Taking stock of criminal profiling: A narrative review and meta-analysis. *Criminal Justice and Behaviour*, 34(4), 437–53, <https://doi.org/10.1177/0093854806296925>.

<sup>76</sup> Fox & Farrington, 2018, 1263. See also Bennell, C., Jones, N.J., Taylor, P.J., & Snook, B. (2006). Validities and abilities in criminal profiling: A critique of the studies conducted by Richard Kocsis and his colleagues. *International Journal of Offender Therapy and Comparative Criminology*, 50(3), 344–60, <https://doi.org/10.1177/0306624X05277660>.

<sup>77</sup> Text appearing in underlined italics indicates a linked cross-reference to another part of this report. Ctrl+click on the underlined text to follow.

<sup>78</sup> Holmes, R.M. & Holmes, S.T. (2009). *Profiling violent crimes: An investigative tool* (4th ed.). Sage; Snook, B., Cullen, R.M., Bennell, C., Taylor, P.J., & Gendreau, P. (2008). The criminal profiling illusion: What's behind the smoke and mirrors? *Criminal Justice and Behaviour*, 35(10), 1257–76, <https://doi.org/10.1177/0093854808321528>.

profiling, such as the subfields of case linkage analysis,<sup>79</sup> evidence-based profiling,<sup>80</sup> investigative psychology,<sup>81</sup> criminal investigative analysis,<sup>82</sup> and crime action profiling.<sup>83</sup> There is evidence that these more scientific approaches have some validity, with studies showing moderate to strong accuracy, for example, in case linkage analysis when used to link crimes to a single offender.<sup>84</sup>

36. Questions remain about the training, skills, and certifications demonstrably associated with accurate behavioural profiling performance.<sup>85</sup> There are diverse career pathways among those providing behavioural profiles. Specifically, analysis of the professional affiliations of those publishing in the field shows involvement from psychologists (most commonly), criminologists, law enforcement or government officials, FBI Special Agents and the FBI Behavioural Science Unit, and occasionally mathematicians, statisticians, epidemiologists, and journalists.<sup>86</sup> However, studies suggest that empirically demonstrated proficiency in behavioural profiling “predominantly derives from the disciplinary acumen inherent to clinical forensic psychiatry and psychology (i.e., forensic mental health sciences).”<sup>87</sup> However, the authors making this comment

<sup>79</sup> Bennell, C., Snook, B., MacDonald, S., House, J.C., & Taylor, P.J. (2012). Computerized crime linkage systems: A critical review and research agenda. *Criminal Justice and Behaviour*, 39(5), 620–34, <https://doi.org/10.1177/0093854811435210>.

<sup>80</sup> Fox, B.H. & Farrington, D.P. (2012). Creating burglary profiles using latent class analysis: A new approach to offender profiling. *Criminal Justice and Behaviour*, 39(12), 1582–611, <https://doi.org/10.1177/0093854812457921>.

<sup>81</sup> Canter, D.V. (2011). Resolving the offender “profiling equations” and the emergence of an investigative psychology. *Current Directions in Psychological Science*, 20(1), 5–10, <https://doi.org/10.1177/0963721410396825>.

<sup>82</sup> Douglas et al., 1986.

<sup>83</sup> Kocsis, R.N. (2006). Criminal profiling: Principles and practice. *Journal of Police and Criminal Psychology*, 22(1), 57–58.

<sup>84</sup> Fox & Farrington, 2018.

<sup>85</sup> Fox & Farrington, 2018.

<sup>86</sup> Fox & Farrington, 2018.

<sup>87</sup> Kocsis & Palermo, 2020, 1330.

were careful to point out that the relevant acumen was not necessarily limited to psychiatrists and psychologists and could also be found among “law enforcement personnel who have spent a large proportion of their careers specifically involved with the development, learning, and application of profiling methodologies.”<sup>88</sup>

37. While some scholars have suggested that the use of behavioural profiling as an investigative tool should cease, given the lack of scientific foundations and valid empirical support,<sup>89</sup> others have suggested further scientific development is necessary even while it continues to be used by law enforcement.<sup>90</sup> And although behavioural profiling is used regularly in police investigations, some scholars assert “the field currently does not rise to the level of scientific credibility according to the 1993 *Daubert* standard.”<sup>91</sup> These commentators further suggest that although the field has advanced, the answer to the legendary question “are we [*behavioural profilers*] better at this than a bartender” remains largely unknown.<sup>92</sup>

### Best Practices for Psychological Assessments

38. Psychological assessors must follow the legal rules guiding practice in their jurisdiction, and they need to meet at least the minimum **standards of practice** in the field, which are laid out in and may be enforceable under ethics codes.<sup>93</sup> Beyond those

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<sup>88</sup> Kocsis & Palermo, 2020, 1328.

<sup>89</sup> Ribeiro & de Matos Soeiro, 2021; Snook et al., 2008.

<sup>90</sup> Fox & Farrington, 2018.

<sup>91</sup> Fox & Farrington, 2018, 1248. See also Bosco, D., Zappalà, A., & Santtila, P. (2010). The admissibility of offender profiling in courtroom: A review of legal issues and court opinions. *International Journal of Law and Psychiatry*, 33(3), 184–91, <https://doi.org/10.1016/j.ijlp.2010.03.009>.

<sup>92</sup> Fox & Farrington, 2018, 1263.

<sup>93</sup> For example, American Psychological Association. (2017). Ethical principles of psychologists and code of conduct, <https://www.apa.org/ethics/code>; Australian Psychological Society. (2007). Code of ethics, <https://psychology.org.au/getmedia/d873e0db-7490-46de-bb57-c31bb1553025/aps-code-of->



minimums, psychologists strive toward aspirational best practices, such as those laid out by the Canadian Psychological Association and others,<sup>94</sup> with various best practice standards guiding legally-relevant forensic work in general,<sup>95</sup> as well as in specific referral contexts.<sup>96</sup> In addition, a twenty-volume series published by Oxford University Press called *Best Practices in Forensic Mental Health Assessment* offers a foundation for best practices in the field,<sup>97</sup> with eight titles focused on criminal issues,<sup>98</sup> six on civil issues,<sup>99</sup> and five on juvenile and family issues.<sup>100</sup> The series was curated with

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[ethics.pdf](#); Canadian Psychological Association. (2017). Canadian code of ethics for psychologists, [https://cpa.ca/docs/File/Ethics/CPA\\_Code\\_2017\\_4thEd.pdf](https://cpa.ca/docs/File/Ethics/CPA_Code_2017_4thEd.pdf); Heilbrun et al., 2009.

- <sup>94</sup> Canadian Psychological Association. (2021). Canadian Psychological Association publications, <https://cpa.ca/theccpastore/purchasecpapublications/>; American Psychological Association. (2021). APA professional practice guidelines, <https://www.apa.org/practice/guidelines>; American Psychological Association (2020). APA guidelines for psychological assessment and evaluation, <https://www.apa.org/about/policy/guidelines-psychological-assessment-evaluation.pdf>.
- <sup>95</sup> American Psychological Association, 2013a; Australian Psychological Society. (2014). Ethical guidelines for psychological practice in forensic contexts. Accessible via Open Science Framework, [https://osf.io/brz2c/?view\\_only=7ffe2fa7325144fd8cf40e6f23b35302](https://osf.io/brz2c/?view_only=7ffe2fa7325144fd8cf40e6f23b35302).
- <sup>96</sup> See, for example, American Psychological Association. (2009). *Guidelines for child custody evaluations in family law proceedings*, <http://www.apa.org/practice/guidelines/child-custody>; American Psychological Association. (2013b). *Guidelines for psychological evaluations in child protection matters*. *American Psychologist*, 68(1), 20–31, <https://doi.org/10.1037/a0029891>; Canadian Psychological Association. (2013). *The pre-employment clinical assessment of police candidates: Principles and guidelines for Canadian psychologists*, <https://cpa.ca/docs/File/News/2013-07/Police%20assess%20guidelines%20April2013final.pdf>.
- <sup>97</sup> Heilbrun et al. (2009) have proposed the following as a best practice standard for mental health experts proffering opinion evidence: “Opinions should be data based, including thorough consideration given to all sources of information: comprehensive notes of litigant’s interview responses; results of all psychological tests and instruments; information provided by third parties; and a review of records. Relevant studies, published in peer review journals on issues related to the specific case, should be considered as well. Findings should be examined for consistency within and between data sources; major inconsistencies may preclude forming an opinion. Whenever possible, opinions should incorporate sources with established reliability, and with validity for purposes consistent with the present evaluation. Alternative opinions conflicting with the opinions reached, should be considered, and rejected when they are less consistent with all of the information available to the expert” (p. 55). See also Packer, I.K. & Grisso, T. (2011). *Specialty competencies in forensic psychology*. Oxford University Press.
- <sup>98</sup> For example, Heilbrun, K. (2009). *Best practices in forensic mental health assessment: Evaluation of risk of violence in adults*. Oxford University Press.
- <sup>99</sup> For example, Pinals & Mossman, 2011.
- <sup>100</sup> For example, Hoge, R.D. & Andrews, D.A. (2010). *Best practices in forensic mental health assessment: Evaluation for risk of violence in juveniles*. Oxford University Press.

attention to ethics, law, science, and practice. But as with any consensus-derived standards, these are only as good as consensus in a field.

39. Some scholars have pointed to the limits of current practice guidelines,<sup>101</sup> lamenting the fact that there are no enforceable practice guidelines in forensic psychology.<sup>102</sup> These scholars suggest that for practice guidelines to substantially impact the field, they must be incorporated into a document with regulatory authority, adopted by an organization with the authority to enforce violations, or sufficiently representative of the field's standard of practice to inform legal determinations of standard of care in malpractice litigation.<sup>103</sup> However, this has not happened for most types of forensic psychological assessment.
40. Notwithstanding this concern, in the following sections of our report we discuss issues that attentive psychologists, forensic scientists, and mainstream natural scientists<sup>104</sup> regard as important for understanding the quality and value of scientific opinions,<sup>105</sup> including psychological assessments, risk assessments, psychological autopsy, and behavioural profiling.
41. Below, we define and discuss the core components as Best Practice Considerations (numbered 1 to 8) before providing some specific questions that the Commission may

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<sup>101</sup> Heilbrun & Brooks, 2010.

<sup>102</sup> There are some exceptions. For example, some state licensing boards have adopted practice guidelines (e.g., 2010 American Psychological Association Guidelines for Child Custody Evaluations in Family Law Proceedings) as a formal part of their regulatory scheme.

<sup>103</sup> Heilbrun et al., 2009.

<sup>104</sup> Natural sciences include the physical and life sciences.

<sup>105</sup> Acklin et al., 2015; Dror & Murrie, 2018; Faust & Ziskin, 1988; Guarnera et al., 2017; Heilbrun & Brooks, 2010; Murrie et al., 2013; National Research Council, 2009; Neal et al., 2019; Presidents' Council of Advisors on Science and Technology, 2016; Zapf & Dror, 2017.

wish to consider when evaluating these best practices for a psychological autopsy or a behavioural profile. Although there are dissenting views about some of the considerations we identify (for discussions see [Alternative Views and Disagreements](#)), many of the questions we ask and issues we raise have been posed by others in articles and manuals over decades of critical scholarship relating to psychological opinions in forensic contexts.<sup>106</sup> Similar questions have also been raised to help interrogate the quality of traditional forensic science opinions.<sup>107</sup> Accordingly, we believe our views represent a well-established perspective on the evaluation of forensic and psychological assessments.

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- <sup>106</sup> See, e.g., Faust & Ziskin, 1988; Grisso, T. (1987). The economic and scientific future of forensic psychological assessment. *American Psychologist*, 42(9), 831–39, <https://doi.org/10.1037/0003-066X.42.9.831>; Heilbrun, K. (1992). The role of psychological testing in forensic assessment. *Law and Human Behaviour*, 16(3), 257–72, <https://doi.org/10.1007/BF01044769>; McCann, J.T., Lynn, S.J., Lilienfeld, S.O., Shindler, K.L., & Hammond Natof, T.R. (2015). The science and pseudoscience of expert testimony. In S.O. Lilienfeld, S.J. Lynn, & J.M. Lohr (eds.), *Science and pseudoscience in clinical psychology* (pp. 83–112). Guilford Press; Ziskin, 1970.
- <sup>107</sup> Edmond et al., 2019; Edmond et al., 2016b; Edmond et al., 2014; Edmond, G., Found, B., Martire, K., Ballantyne, K., Hamer, D., Searston, R., Thompson, M., Cunliffe, E., Kemp, R., San Roque, M., & Tangen, J. (2016a). Model forensic science. *Australian Journal of Forensic Sciences*, 48(5), 496–537, <https://doi.org/10.1080/00450618.2015.1128969>.

### 1. Foundational Validity

42. According to the Presidents' Council of Advisors on Science & Technology, the foundational validity of a method or process requires:

...that it be shown, based on empirical studies, to be repeatable, reproducible, and accurate, at levels that have been measured and are appropriate to the intended application. Foundational validity, then, means that a method can, in principle, be reliable.<sup>108</sup>

This definition suggests we consider the repeatability, reproducibility, and accuracy of the method used by the practitioner when forming their opinion. Other scholars have offered similar suggestions.<sup>109</sup>

43. When considering psychological assessments including risk assessments, psychological autopsy, and behavioural profiling, it is important to understand that there is no generally accepted standardized method used by psychologists or other practitioners who undertake these tasks.<sup>110</sup> Professional bodies, scholars, and practitioners have proposed a number of guidance documents for practitioners undertaking forensic psychological assessments,<sup>111</sup> for example when conducting assessments,<sup>112</sup> writing forensic reports,<sup>113</sup> completing capital sentencing

<sup>108</sup> President's Council of Advisors on Science and Technology, 2016, 4.

<sup>109</sup> For example, Borsboom, D., Mellenbergh, G.J., & van Heerden, J. (2004). The concept of validity. *Psychological Review*, 111(4), 1061–71. <https://doi.org/10.1037/0033-295X.111.4.1061>; Clark, L.A. & Watson, D. (2019). Constructing validity: New developments in creating objective measuring instruments. *Psychological Assessment*, 31(12), 1412–27. <https://doi.org/10.1037/pas0000626>; Cronbach, L.J. & Meehl, P.E. (1955). Construct validity in psychological tests. *Psychological Bulletin* 52(4), 281–302. <https://doi.org/10.1037/h0040957>.

<sup>110</sup> Fox & Farrington, 2018; Neal & Grisso, 2014a; Snider et al., 2006.

<sup>111</sup> American Psychological Association, 2013a; Australian Psychological Society, 2014.

<sup>112</sup> Heilbrun et al., 2009; Melton et al., 2017; Packer & Grisso, 2011.

<sup>113</sup> Otto, R.K., DeMier, R.L., & Boccaccini, M.T. (2014). *Forensic reports and testimony: A guide to effective communication for psychologists and psychiatrists*. John Wiley & Sons; Young, G. (2016). Psychiatric/psychological forensic report writing. *International Journal of Law and Psychiatry*, 49, 214–20. <https://doi.org/10.1016/j.ijlp.2016.10.008>.

evaluations,<sup>114</sup> disability evaluations,<sup>115</sup> child custody disputes,<sup>116</sup> and choosing and reporting assessment tools.<sup>117</sup> However, these guides tend to be non-specific and aspirational, are often not endorsed by professional organizations, and are intentionally not exhaustive, mandatory, or enforceable.<sup>118</sup>

44. Instead, each practitioner is left to use their own preferred method to define, analyze, synthesize, and combine information, to make inferences, and ultimately to form their conclusions so long as they are adhering to minimum standards of practice.<sup>119</sup> Psychologists' choices of psychometric tools, which combination of them to use, and what collateral information to gather have been shown to vary widely between and within the types of opinions being provided.<sup>120</sup> Indeed, an American Psychological Association work group recommended clinicians use a multimethod assessment battery with multiple tools;<sup>121</sup> however, the tremendous diversity of approaches is a

- <sup>114</sup> Cunningham, M. (2010). *Best practices in forensic mental health assessment: Evaluation for capital sentencing*. Oxford University Press; DeMatteo, D., Murrie, D.C., Anumba, N.M., & Keesler, M.E. (2011). *Forensic mental health assessments in death penalty cases*. Oxford University Press.
- <sup>115</sup> Davis, K.M. & Lister, M.B. (2019). Conducting disability evaluations with a forensic perspective: The application of criminal responsibility evaluation guidelines. *Psychological Injury and Law*, 12(1), 52–63, <https://doi.org/10.1007/s12207-019-09343-z>; Lovett, B.J. & Harrison, A.G. (2019). Forensic thinking in disability assessment: An introduction to a special issue. *Psychological Injury and Law*, 12(1), 1–6, <https://doi.org/10.1007/s12207-019-09347-9>; Piechowski, L.D. (2011). *Best practices in forensic mental health assessment: Evaluation of workplace disability*. Oxford University Press.
- <sup>116</sup> Ackerman, M.J., Bow, J.N., & Mathy, N. (2021). Child custody evaluation practices: Where we were, where we are, and where we are going. *Professional Psychology: Research and Practice*, 52(4), 406–17, <https://doi.org/10.1037/pro0000380>; American Psychological Association, 2009; Fuhrmann, G.S.W. & Zibbell, R.A. (2011). *Best practices in forensic mental health assessment: Evaluation for child custody*. Oxford University Press; Milchman, 2015.
- <sup>117</sup> Heilbrun, 1992; Slaney, K.L., Storey, J.E., & Barnes, J. (2011). Is my test valid? Guidelines for the practicing psychologist for evaluating the psychometric properties of measures. *International Journal of Forensic Mental Health*, 10(4), 261–83, <https://doi.org/10.1080/14999013.2011.627086>.
- <sup>118</sup> American Psychological Association, 2013a; Heilbrun & Brooks, 2010.
- <sup>119</sup> Faust & Ziskin, 1988.
- <sup>120</sup> Neal & Grisso, 2014a.
- <sup>121</sup> Meyer, G.J., Finn, S.E., Eyde, L.D., Kay, G.G., Moreland, K.L., Dies, R.R., Eisman, E.J., Kubiszyn, T.W., & Reed, G.M. (2001). Psychological testing and psychological assessment: A review of evidence and issues. *American Psychologist*, 56(2), 128–65, <https://doi.org/10.1037/0003-066X.56.2.128>.

problem for establishing foundational validity.<sup>122</sup> What is more, very few of these approaches or best practice guidelines for forming opinions have been subjected to **end-to-end evaluation**.<sup>123</sup> Thus, their accuracy, repeatability, and reproducibility are largely unknown.

45. The picture is somewhat different when it comes to the foundational validity of specific psychometric tools that practitioners might use to inform their professional judgment. Many but not all psychometric or structured assessment tools have been tested to establish some aspect/s of their foundational validity.<sup>124</sup> Since 1954, the Standards for Educational and Psychological Testing<sup>125</sup> has provided psychologists authoritative guidance on test development and evaluation in terms of reliability and validity.<sup>126</sup> For example, the validity standards require “clear articulation of each intended test score interpretation for a specific use ... and appropriate validity evidence in support of each intended interpretation,” with 25 additional guidelines unpacking this requirement.<sup>127</sup>

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<sup>122</sup> American Educational Research Association (AERA), American Psychological Association (APA), and National Council on Measurement in Education (NCME). (2014). *Standards for educational and psychological testing*. American Educational Research Association Press. As the Standards indicate (p. 155), “It is understood that little, if any, literature exists that describes the validity of interpretations of scores from highly customized or flexible batteries of tests... If the literature is incomplete, the resulting inferences may be presented with the qualification that they are hypotheses for future verification rather than probabilistic statements regarding the likelihood of some behaviour that imply some known validity evidence.”

<sup>123</sup> AERA, APA, & NCME, 2014; Neal et al., 2019.

<sup>124</sup> 90% of psychological assessment tools used by psychologists in legal settings have been tested, per Neal et al., 2019.

<sup>125</sup> AERA, APA, & NCME, 2014.

<sup>126</sup> The Canadian Psychological Association explicitly recommends the use of these Standards. From the Canadian Psychological Association (2021) publications website, “Guidelines for the Use of Educational and Psychological Tests: CPA does not have guidelines but recommends the use of the Standards for Educational and Psychological Testing approved by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.”

<sup>127</sup> AERA, APA, & NCME, 2014, 23.

46. These psychometric (and technical) properties are often reported in specific test manuals, in the primary research literature, and in secondary aggregated compendiums and reviews such as the Mental Measurement Yearbook<sup>128</sup> and the Compendium of Neuropsychological Tests.<sup>129</sup> This means there is a wealth of available knowledge about aspects of the foundational validity of a number of tools in routine use. But it is important to note that the performance of many tools is either unknown or inadequate. Indeed, Neal and colleagues found that only about 40% of the tools that psychologists reported using in legal cases have generally favorable measurement properties.<sup>130</sup>
47. Like calls for forensic science to become more scientific,<sup>131</sup> there have been calls for forensic psychology to transition to more evidence-based<sup>132</sup> and science-based practices.<sup>133</sup> One such recommendation is “for a clinical psychologist writing a report to put nothing in it that cannot be supported by research or professional literature.”<sup>134</sup> Another recommendation is that psychological tools should be used only where published scientific peer-reviewed articles substantiate the validity of the tool for the

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<sup>128</sup> Carlson et al., 2021.

<sup>129</sup> Strauss, E., Sherman, E.M.S., & Spreen, O. (2006). *A compendium of neuropsychological tests: Administration, norms, and commentary* (3rd ed.). Oxford University Press. See also Grisso, T. (2003). *Evaluating competencies: Forensic assessments and instruments* (2nd ed.). Kluwer Academic.

<sup>130</sup> Generally favorable measurement properties in terms of favorable reviews of psychometric and technical underpinnings in authorities such as the Mental Measurements Yearbook. Neal et al., 2019.

<sup>131</sup> Bell, S., Sah, S., Albright, T.D., Gates, S.J., Denton, M.B., & Casadevall, A. (2018). A call for more science in forensic science. *Proceedings of the National Academy of Sciences*, *115*(18), 4541–44, <https://doi.org/10.1073/pnas.1712161115>; Mnookin et al., 2011.

<sup>132</sup> Archer, R.P., Wheeler, E.M.A., & Vauter, R.A. (2016). Empirically supported forensic assessment. *Clinical Psychology: Science and Practice*, *23*(4), 348–64, <https://doi.org/10.1111/cpsp.12171>; Heilbrun & Brooks, 2010.

<sup>133</sup> Washburn et al., 2019.

<sup>134</sup> Ackerman, M.J. (2006). Forensic report writing. *Journal of Clinical Psychology*, *62*(1), 59–72, <https://doi.org/10.1002/jclp.20200>.

specific intended use.<sup>135</sup> A third is that the field should move toward scientifically-informed standardized batteries for specific referral questions.<sup>136</sup> Until these recommendations are enforced, it is important to assess the foundational validity of a psychological opinion.

#### ACCURACY

48. All subjective or judgment-based procedures are susceptible to error.<sup>137</sup> In simple terms, accuracy is how often a method or subjective reasoning process results in a correct opinion or outcome. It can also be thought of as the inverse, or opposite, of the error rate associated with the technique. Within psychology, the terms “accuracy,” “**reliability**,” and “**precision**” are sometimes used interchangeably. In the context of psychological assessments, accuracy can be understood as how often methods like the ones the practitioner used result in correct opinions of the type the practitioner provided. As described in the section [What Is Psychological Assessment?](#), structured actuarial methods with explicit decision rules, statistical integration of data, and little room for discretion consistently outperform unstructured clinical judgment methods in terms of accuracy.<sup>138</sup>
49. When it comes to assessing the accuracy of a forensic psychological assessment, it is possible to look at whether legal factfinders agree with the practitioners’ opinion. But this approach involves “soft” criteria, meaning that the accuracy of the outcome is inferred from agreement rather than in reference to “hard” criteria such as known or

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<sup>135</sup> Neal et al., 2019.

<sup>136</sup> Neal et al., 2019.

<sup>137</sup> Edmond et al., 2018.

<sup>138</sup> Ægisdóttir et al., 2006; Dawes et al., 1989; Hanson & Morton-Bourgon, 2009.



knowable objective ground-truth. Such an approach is therefore suboptimal. There is presently no accepted objective ground-truth for most forensic psychological assessments, meaning there is no real way to know whether or how accurate they are.<sup>139</sup> However, in general, the accuracy of a psychological assessment is likely to be higher when examining a current state (e.g., current suicidal ideation), as compared to past states (e.g., mental state at time of offence or suicide) or future states (e.g., future violence or suicide risk).<sup>140</sup>

50. When it comes to the accuracy of psychometric tools, the Standards for Educational and Psychological Testing note that there must be appropriate evidence to show the reliability/precision of the interpretations that follow from each possible score on a test. They also provide twenty detailed guidelines relating to test reliability.<sup>141</sup> Manuals for specific structured assessment tools generally include some information to establish the accuracy of a particular test when administered under ideal or controlled conditions (e.g., how often a risk assessment tool correctly classifies an individual as low/moderate/high risk of reoffending). However, this information about accuracy needs to be interpreted in light of the tool's design.
51. Most psychometric tools are either criterion-referenced or norm-referenced.<sup>142</sup> Criterion-referenced tools adopt predetermined standards of performance, such as how well someone can perform a particular skill or perform activities of daily living.

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<sup>139</sup> But see Mossman, D., Bowen, M.D., Vanness, D.J., Bienenfeld, D., Correll, T., Kay, J., Klykylo, W.M., & Lehrer, D.S. (2010). Quantifying the accuracy of forensic examiners in the absence of a "gold standard." *Law and Human Behaviour*, 34(5), 402–17, <https://doi.org/10.1007/s10979-009-9197-5>.

<sup>140</sup> Acklin et al., 2015; Melton et al., 2017.

<sup>141</sup> AERA, APA, & NCME, 2014.

<sup>142</sup> Wasserman & Bracken, 2013.

Norm-referenced tools examine how people compare to a specific subset of the population referred to as a **norming sample**. When psychometric tools are developed, they often attempt to make information about a given person's performance on the tool meaningful compared to other people, and because it is not feasible to measure everyone in a relevant population, tests are usually developed by extrapolating from samples of test-takers. The sample of people tested during the development of a psychometric tool and against which future test-takers are compared is called the norming sample. Thus, the quality of a particular test is established in the context of the particular norming group. Importantly, there is no guarantee that the adequacy of a psychometric tool will generalize from the norming sample or context to another sample or context.

52. This issue of **generalizability** (and others)<sup>143</sup> was recently considered by the Supreme Court of Canada in *Ewert v. Canada*.<sup>144</sup> Such concerns also apply when a particular test or method is used to answer a forensic question for which the test was not explicitly designed or validated. As an example, concerns have been raised about using a tool designed to measure personality features associated with psychopathy – the Psychopathy Checklist-Revised – to make life or death recommendations in capital sentencing proceedings based on an individual's propensity for violence in custody.<sup>145</sup> Modifications to testing procedures (e.g., administration with/out rest breaks, or in

<sup>143</sup> Hart, S.D. (2016). Culture and violence risk assessment: The case of *Ewert v. Canada*. *Journal of Threat Assessment and Management*, 3(2), 76–96. <https://doi.org/10.1037/tam0000068>.

<sup>144</sup> *Ewert v. Canada*, 2018 SCC 30. Similar issues have been raised in influential courts in Australia. See, e.g., *Director of Public Prosecutions for Western Australia v. Mangolamara* (2007) WASC 71.

<sup>145</sup> DeMatteo, D. & Olver, M.E. (2021). Use of the Psychopathy Checklist-Revised in legal contexts: Validity, reliability, admissibility, and evidentiary issues. *Journal of Personality Assessment*, <https://doi.org/10.1080/00223891.2021.1955693>.

group/individual testing sessions) can also affect the generalizability of a test. As a result, the accuracy of a psychological opinion or of a psychometric score cannot be assumed.

#### REPEATABILITY

53. Repeatability refers to the extent to which a method consistently produces the same results when used by the same person under the same circumstances. Within psychology this is commonly referred to as *intrarater reliability*.<sup>146</sup> This within-person consistency is a “basic and essential” component of a foundationally valid method.<sup>147</sup> If a practitioner’s tools or approach do not consistently lead to the same conclusion from the same information, then this suggests low foundational validity. All else being equal, the more subjective, adaptable, and intuitive the method used by the practitioner, the lower the chance that it will produce the same result when repeated on another occasion. However, in practice, data about repeatability is difficult to obtain because it is unlikely a practitioner will be able to completely forget an earlier case so they can approach it independently a second time – and even if they could, the circumstances and some mental states of the evaluatee also can change over time. Thus, to date there is little if any empirical evidence about the repeatability of psychologists’ opinions.<sup>148</sup>

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<sup>146</sup> AERA, APA, & NCME, 2014.

<sup>147</sup> Dror & Murrie, 2018.

<sup>148</sup> Dror & Murrie, 2018.

REPRODUCIBILITY

54. Reproducibility is about whether an approach consistently produces the same results when used by different people under the same circumstances. Psychologists commonly refer to this as *interrater reliability*.<sup>149</sup> If a psychometric tool or psychological assessment method does not lead to consistent conclusions when it is used by different practitioners, this undermines the foundational validity of the opinion.<sup>150</sup> Again, the more subjective, adaptable, and intuitive the method used by a practitioner, the less likely it is that two practitioners will be able to faithfully produce the same method to reach the same result. This concern is reinforced by clear evidence that different practitioners use different thresholds for diagnosing and determining a range of forensically relevant outcomes.<sup>151</sup> Task difficulty, limited training and certification, unstandardized methods, individual practitioner differences, and bias have all been identified as factors that may contribute to disagreement and inconsistency between practitioners.<sup>152</sup>

*2. Validity as Applied*

55. Validity as applied is the accuracy, repeatability, and reproducibility of a method in practice.<sup>153</sup> In particular, “the forensic examiner must ... be capable of reliably applying

<sup>149</sup> AERA, APA, & NCME, 2014.

<sup>150</sup> Faust & Ziskin, 1988.

<sup>151</sup> Boccaccini, M.T., Turner, D.B., & Murrie, D.C. (2008). Do some evaluators report consistently higher or lower PCL-R scores than others? Findings from a statewide sample of sexually violent predator evaluations. *Psychology, Public Policy, and Law*, 14(4), 262–83, <https://doi.org/10.1037/a0014523>; Murrie, D.C., Boccaccini, M.T., Zapf, P.A., Warren, J.I., & Henderson, C.E. (2008). Clinician variation in findings of competence to stand trial. *Psychology, Public Policy, and Law*, 14(3), 177–93, <https://doi.org/10.1037/a0013578>; Murrie, D.C. & Warren, J.I. (2005). Clinician variation in rates of legal sanity opinions: Implications for self-monitoring. *Professional Psychology: Research and Practice*, 36(5), 519–24, <https://doi.org/10.1037/0735-7028.36.5.519>.

<sup>152</sup> Guarnera et al., 2017; Murrie et al., 2013; Zapf & Dror, 2017.

<sup>153</sup> National Research Council, 2009; Presidents’ Council of Advisors on Science and Technology, 2016.

the method and must actually have done so.”<sup>154</sup> Validity as applied can be approached in two ways: via the practitioner’s proficiency and/or the field validity of their tools and approach.

#### PROFICIENCY

56. Proficiency refers to a practitioner’s ability to apply a foundationally valid tool or method to achieve the expected outcome (e.g., an accurate opinion). If a practitioner is not able to do so, then they are not proficient in the method, and the method is not valid when applied by that practitioner. Furthermore, if a practitioner’s performance is not exemplary or materially better than a layperson’s (e.g., their opinions are not more accurate than that of novices), then it may be a mistake to give weight to their opinions.<sup>155</sup> Indeed, their opinions may not satisfy expert admissibility rules in many jurisdictions.<sup>156</sup>
57. Proficiency is often assumed by virtue of certifications, qualifications, memberships, and continuing professional development.<sup>157</sup> However, the relationship between proficiency and these credentials is imperfect. Some credentials require demonstrations of relevant proficiencies (e.g., objectively correct administration of particular psychometric tools), but many others do not. For example, the mere fact of completing a continuing education training course is not clearly associated with

<sup>154</sup> Presidents’ Council of Advisors on Science and Technology, 2016, 6.

<sup>155</sup> Fox & Farrington, 2018; Martire & Edmond, 2017; Towler, A., White, D., Ballantyne, K., Searston, R.A., Martire, K.A., & Kemp, R.I. (2018). Are forensic scientists experts? *Journal of Applied Research in Memory and Cognition*, 7(2), 199–208, <https://doi.org/10.1016/j.jarmac.2018.03.010>.

<sup>156</sup> E.g., for Australia, see Martire & Edmond, 2017. For Canada, see R. v. J.-L.J. (2000). For the United States, see Neal et al., 2019.

<sup>157</sup> Martire & Edmond, 2017; Presidents’ Council of Advisors on Science and Technology, 2016.

competent, proficient, or improved psychological practice.<sup>158</sup> Among psychologists, there is also a lack of and noted ambivalence towards the objective assessment of gains resulting from continuing professional education courses,<sup>159</sup> so it is unclear how closely ongoing education and proficiency are linked.

58. Just as it is difficult to establish foundational accuracy (see also [1. Foundational Validity](#)), it is difficult to establish the proficiency of practitioners completing forensic psychological assessments.<sup>160</sup> This is because psychologists often make predictions about future events and tend not to track or have access to information about relevant outcomes. Nevertheless, it is possible with careful planning to assess the accuracy of many (but not all) predictions.<sup>161</sup> Failing that, information about consistency and bias<sup>162</sup> or performance on tasks replicating case work<sup>163</sup> may be used to estimate whether performance is likely to be proficient. However, direct demonstrations of individual proficiency are preferable to indirect estimates obtained from these proxy measures.
59. In general, it may also be worthwhile for the Commission to be aware that feedback about the accuracy of judgments is a vital component of the corrective mechanisms

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<sup>158</sup> Miller, S.D., Hubble, M.A., & Chow, D. (2017). Professional development: From oxymoron to reality. In T. Rousmaniere, R.K. Goodyear, S.D. Miller, & B.E. Wampold (eds.), *The cycle of excellence: Using deliberate practice to improve supervision and training* (pp. 23 – 47). Wiley-Blackwell, <https://doi.org/10.1002/9781119165590.ch2>; Neimeyer, G.J., Taylor, J.M., & Wear, D.M. (2009).

Continuing education in psychology: Outcomes, evaluations, and mandates. *Professional Psychology: Research and Practice*, 40(6), 617–24, <https://doi.org/10.1037/a0016655>; Washburn et al., 2019.

<sup>159</sup> Neimeyer et al., 2009; Washburn et al., 2019.

<sup>160</sup> Dror & Murrie, 2018.

<sup>161</sup> For a detailed discussion of the issues relating to prediction accuracy in a political context, see Tetlock, P.E. (2009). *Expert political judgment: How good is it? How can we know?* Princeton University Press.

<sup>162</sup> Dror & Murrie, 2018.

<sup>163</sup> Guarnera et al., 2017.

necessary to develop proficiency.<sup>164</sup> Therefore, performance that occurs in environments without routine, systematic, and objective feedback is less likely to be accurate than performance in environments where high-quality feedback is readily available.<sup>165</sup> There is also an extensive body of research that suggests experience alone is not sufficient assurance that a practitioner will be highly proficient. The relationship between years of experience and quality of performance is notably weaker than generally assumed.<sup>166</sup> Therefore, the Commission may wish to exercise caution in relying on a practitioner's statements about years of experience where that experience does not routinely include the feedback necessary to facilitate effective correction.

#### FIELD VALIDITY

60. Field validity relates to the performance of a tool or method outside the laboratory “under routine practice conditions typical of real-world work,”<sup>167</sup> where information may be inaccurate or incomplete, testing conditions may be suboptimal, cases may be more complex<sup>168</sup> or confronting, and time or financial resources may be limited.
61. Overall, there is little empirical evidence available regarding the field validity of the methods used by practitioners to produce forensic psychological opinions, but what

<sup>164</sup> Faust & Ziskin, 1988; Shanteau, J. (1992). Competence in experts: The role of task characteristics. *Organizational Behaviour and Human Decision Processes*, 53(2), 252–66, [https://doi.org/10.1016/0749-5978\(92\)90064-E](https://doi.org/10.1016/0749-5978(92)90064-E).

<sup>165</sup> Kahneman, D. & Klein, G. (2009). Conditions for intuitive expertise: A failure to disagree. *American Psychologist*, 64(6), 515–26, <https://doi.org/10.1037/a0016755>; Shanteau, 1992.

<sup>166</sup> Cassidy, M.F. & Buede, D. (2009). Does the accuracy of expert judgment comply with common sense: Caveat emptor. *Management Decision*, 47(3), 454–69, <https://doi.org/10.1108/00251740910946714>; Edmond, G., Towler, A., Gowns, B., Ribeiro, G., Found, B., White, D., Ballantyne, K., Searston, R.A., Thompson, M.B., Tanger, J.M., Kemp, R.I., & Martire, K. (2017). Thinking forensics: Cognitive science for forensic practitioners. *Science & Justice*, 57(2), 144–54, <https://doi.org/10.1016/j.scijus.2016.11.005>; Presidents' Council of Advisors on Science and Technology, 2016; Tetlock, 2009.

<sup>167</sup> Guarnera et al., 2017, 144.

<sup>168</sup> Acklin et al., 2015.

there is suggests it is likely to be modest.<sup>169</sup> There is also little evidence that the available information about the foundational validity of psychometric tools generalizes to the field. For example, studies examining the reproducibility of real-world forensic psychological opinions typically find that the agreement between examiners is lower than desirable and frequently lower than the agreement reported in validation studies and test manuals.<sup>170</sup>

62. Beyond the field validity issues associated with individual psychometric tools is the issue of tool combination. Relatively robust psychometric tools are routinely combined with other assessment tools in countless unstudied ways to form assessment batteries.<sup>171</sup> These batteries are highly individualized and generally require significant inferential leaps to bridge the gap between what the psychometric tool was designed to measure and the referral question asked.<sup>172</sup> (See also [What Is Psychological Assessment?](#) and [1. Foundational Validity](#).) As the Standards for Educational and Psychological Testing indicate:

It is understood that little, if any, literature exists that describes the validity of interpretations of scores from highly customized or flexible batteries of tests...<sup>173</sup>

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- <sup>169</sup> Edens, J.F. & Boccaccini, M.T. (2017). Taking forensic mental health assessment “out of the lab” and into “the real world”: Introduction to the special issue on the field utility of forensic assessment instruments and procedures. *Psychological Assessment*, 29(6), 599–610, <https://doi.org/10.1037/pas0000475>.
- <sup>170</sup> Acklin et al., 2015; Dror & Murrie, 2018; Edens, J. F., Cox, J., Smith, S.T., DeMatteo, D., & Sörman, K. (2015). How reliable are Psychopathy Checklist–Revised scores in Canadian criminal trials? A case law review. *Psychological Assessment*, 27(2), 447–56, <https://doi.org/10.1037/pas0000048>; Gowensmith, W.N., Murrie, D.C., Boccaccini, M.T., & McNichols, B.J. (2017). Field reliability influences field validity: Risk assessments of individuals found not guilty by reason of insanity. *Psychological Assessment*, 29(6), 786–94, <https://doi.org/10.1037/pas0000376>; Guarnera, L.A. & Murrie, D.C. (2017). Field reliability of competency and sanity opinions: A systematic review and meta-analysis. *Psychological Assessment*, 29(6), 795–818, <https://doi.org/10.1037/pas0000388>.
- <sup>171</sup> Neal & Grisso, 2014a.
- <sup>172</sup> Neal et al., 2019.
- <sup>173</sup> AERA, APA, & NCME, 2014, 155.



Therefore, the extent to which these inferential leaps result in accurate, repeatable, and reproducible answers to forensic questions is largely unknown.

63. Although there are calls for the field to move toward scientifically-informed standardized batteries for specific referral questions,<sup>174</sup> it has also been noted that:

For a field so rooted in the study of human behaviour, cognition and psychology, there has been surprisingly little attention to the role of human experts and human decision-making in forensic psychological assessment. Put bluntly, the field tends to value reliability and objectivity but tends to consider them more as qualities to be studied and maximized in instruments, with less attention to studying and maximizing these among the human experts rendering forensic opinions.<sup>175</sup>

64. Thus, the Commission may need to exercise caution in generalizing any empirical evidence supporting the foundational validity of a psychological assessment to the validity of the assessments completed in an individual case. Both psychometric tools and practitioner judgments can be negatively affected by the complex challenges of routine practice.

### 3. Bias

65. When integrating information to make judgments and decisions, people – including forensic experts reaching professional judgments – arguably rely on two types of thinking processes. These two thinking processes are proposed to be at the core of human cognition.<sup>176</sup> Type-1 processes are automatic: they are quick, happen without our awareness or intention, and generally help people function in a world full of information. Type-2 processes are deliberate: they are effortful, require attention, and

<sup>174</sup> Archer et al., 2016; Neal et al., 2019.

<sup>175</sup> Dror & Murrie, 2018, 18.

<sup>176</sup> Evans, J.S.B. & Stanovich, K.E. (2013). Dual-process theories of higher cognition: Advancing the debate. *Perspectives on Psychological Science*, 8(3), 223-41, <https://doi.org/10.1177/1745691612460685>.

take more time. These two types of cognition are believed to work in tandem to help humans make sense of and integrate information to reach conclusions and decisions.<sup>177</sup> Bias – any systematic factor other than the truth that affects a judgment<sup>178</sup> – can enter into human judgments either through type-1 or type-2 thinking processes.<sup>179</sup>

66. Bias is traditionally conceptualized in law as an intentional behaviour, such as a person aiming for a particular decision because they have an interest in or will obtain benefit from a specific outcome.<sup>180</sup> Similarly, ethics codes for psychologists urge practitioners to “avoid partisan presentation of unrepresentative, incomplete, or inaccurate evidence that might mislead finders of fact.”<sup>181</sup> Although these explicit, purposeful type-2 thinking-related biases can and do emerge among forensic experts on occasion, the more common and insidious way bias enters forensic evaluations is through type-1 thinking processes.<sup>182</sup> These type-1 automatic, unconscious mental reflexes and thinking styles unintentionally shape perceptions, problem-solving, and

<sup>177</sup> McKinstry, C., Dale, R., & Spivey, M.J. (2008). Action dynamics reveal parallel competition in decision making. *Psychological Science*, 19(1), 22–24, <https://doi.org/10.1111/j.1467-9280.2008.02041.x>.

<sup>178</sup> West, T.V. & Kenny, D.A. (2011). The truth and bias model of judgment. *Psychological Review*, 118(2), 357–78, <https://doi.org/10.1037/a0022936>. West and Kenny offer a standardized definition of bias, measurable parameters for use across disciplines and decision contexts, and mathematically defined variables that should be measured and considered when studying bias, toward the aim of building a more comprehensive and generalizable understanding of how bias affects human judgment.

<sup>179</sup> Neal, T.M.S., Lienert, P., Denne, E., & Singh, J.P. (in press). A general model of cognitive bias in human judgment and systematic review specific to forensic mental health. *Law and Human Behaviour*.

<sup>180</sup> Edmond, G. & Martire, K.A. (2019). Just cognition: Scientific research on bias and some implications for legal procedure and decision-making. *Modern Law Review*, 82(4), 633–64,

<https://doi.org/10.1111/1468-2230.12424>. In *White Burgess Langille Inman v. Abbott and Haliburton Co.* (2015) SCC 23, Canada’s courts explicitly addressed the issue of an expert’s impartiality, requiring that in order to be admitted as an expert and allowed to provide testimony, the expert must provide an impartial, independent, unbiased opinion.

<sup>181</sup> American Psychological Association, 2013a, 8.

<sup>182</sup> Neal et al., in press; Neal, T.M.S. & Grisso, T. (2014b). The cognitive underpinnings of bias in forensic mental health evaluations. *Psychology, Public Policy, and Law*, 20(2), 200–11, <https://doi.org/10.1037/a0035824>.

decision-making.<sup>183</sup> These forces are subtle, powerful, and pervasive<sup>184</sup> but are not the result of dishonesty or inadequate training.<sup>185</sup>

67. While entirely unbiased and impartial evaluations are an aspirational goal for all practitioners completing psychological assessments,<sup>186</sup> bias has been identified as a particular concern with forensic opinions.<sup>187</sup> There is no evidence that the forensic opinions provided by psychologists are exempt from the influences of bias.<sup>188</sup> Indeed, where there are no sound operational procedures and performance guidelines<sup>189</sup> and where information is ambiguous, incomplete, and complex,<sup>190</sup> the potential for bias is likely to increase.<sup>191</sup> Furthermore, given that forensic psychology practitioners collect and incorporate extensive collateral and contextual information,<sup>192</sup> and there are few standardized procedures to guide the field,<sup>193</sup> forensic psychology opinions are perhaps particularly vulnerable to biasing effects.<sup>194</sup>
68. There are a number of empirical studies that reinforce concerns about bias in forensic psychological assessments. For example, a recent systematic review of research on

<sup>183</sup> Cooper, G.S. & Meterko, V. (2019). Cognitive bias research in forensic science: A systematic review. *Forensic Science International*, 297, 35–46. <https://doi.org/10.1016/j.forsciint.2019.01.016>.

<sup>184</sup> Cooper & Meterko, 2019; Featherston, R., Downie, L.E., Vogel, A.P., & Galvin, K.L. (2020). Decision-making biases in the allied health professions: A systematic scoping review. *PLoS One*, 15(10), e0240716. <https://doi.org/10.1371/journal.pone.0240716>.

<sup>185</sup> Edmond et al., 2019; Neal & Grisso, 2014b.

<sup>186</sup> Zapf & Dror, 2017.

<sup>187</sup> National Research Council, 2009; Presidents' Council of Advisors on Science and Technology, 2016.

<sup>188</sup> Dror & Murrie, 2018.

<sup>189</sup> Heilbrun & Brooks, 2010.

<sup>190</sup> Acklin et al., 2015.

<sup>191</sup> Neal & Grisso, 2014b; Zapf & Dror, 2017.

<sup>192</sup> Ackerman, 2006.

<sup>193</sup> Neal & Grisso, 2014a.

<sup>194</sup> Zapf, P.A., Kukucka, J., Kassir, S.M., & Dror, I.E. (2018). Cognitive bias in forensic mental health assessment: Evaluator beliefs about its nature and scope. *Psychology, Public Policy, and Law*, 24(1), 1–10. <https://doi.org/10.1037/law0000153>.

forensic psychological assessments found evidence of adversarial allegiance,<sup>195</sup> hindsight bias,<sup>196</sup> and confirmation bias,<sup>197</sup> among other issues.<sup>198</sup> These three examples of type-1 biasing influences are but a small portion of the hundreds of different types of biases that can affect human judgment.<sup>199</sup>

69. There is also no clear evidence that practitioners routinely take the quality assurance steps necessary to manage the potential impacts of unconscious bias in their work, even though many practitioners strive for objective and unbiased practice,<sup>200</sup> and some acknowledge the existence of bias risk.<sup>201</sup> Practitioners could employ a range of strategies to insulate their decisions from possible biasing contamination, such as embracing conditions that introduce structure and reduce discretion in their decision process (e.g., using actuarial or structured clinical judgment methods rather than unstructured methods)<sup>202</sup> and seeking to limit access to biasing information, such as

<sup>195</sup> Adversarial allegiance is the unintentional tendency for forensic experts to draw conclusions that support the view of their adversarial retaining party. See, for example, Murrie et al., 2013.

<sup>196</sup> Hindsight bias is the tendency to believe a specific event is more predictable after the fact (in hindsight) than it was before the event happened (in foresight). See, for example, Beltrani, A., Reed, A.L., Zapf, P.A., & Otto, R.K. (2018). Is hindsight really 20/20? The impact of outcome information on the decision-making process. *International Journal of Forensic Mental Health*, 17(3), 285–96, <https://doi.org/10.1080/14999013.2018.1505790>.

<sup>197</sup> Confirmation bias is the tendency to seek and overvalue evidence that supports one's opinion and undervalue evidence that disconfirms it. See, for example, Griffith, R.L. (2019). Forensic confirmation bias: Is consider-the-opposite an effective debiasing strategy? Master's thesis, Washburn University, <https://wuir.washburn.edu/handle/10425/1962>.

<sup>198</sup> Neal et al., in press.

<sup>199</sup> Neal et al., in press.

<sup>200</sup> Milchman, M.S. (2011). The roles of scientific and clinical epistemologies in forensic mental health assessments. *Psychological Injury and Law*, 4(2), 127–39, <https://doi.org/10.1007/s12207-011-9104-5>; Neal, T.M.S. & Brodsky, S.L. (2016). Forensic psychologists' perceptions of bias and potential correction strategies in forensic mental health evaluations. *Psychology, Public Policy, and Law*, 22(1), 58–76, <https://doi.org/10.1037/law0000077>.

<sup>201</sup> MacLean, N., Neal, T.M.S., Morgan, R.D., & Murrie, D.C. (2019). Forensic clinicians' understanding of bias. *Psychology, Public Policy, and Law*, 25(4), 323–30, <https://doi.org/10.1037/law0000212>; Zapf et al., 2018.

<sup>202</sup> Guarnera et al., 2017.

through blinding procedures when known biasing potential is present.<sup>203</sup> They can employ other strategies as well, such as stating rival hypotheses and counterfactuals,<sup>204</sup> seeking independent peer review,<sup>205</sup> and engaging in archival self-monitoring.<sup>206</sup> However, many practitioners report using ineffective strategies like introspection, while others believe themselves immune to bias.<sup>207</sup>

70. One further distinction to address here that is much discussed in the forensic sciences is the difference between “task relevant” and “task irrelevant” information. Both of these types of information have the potential to be biasing – and so both types of information need to be carefully handled. According to the National Commission on Forensic Science, “task relevant” information is:

... necessary for drawing conclusions: (i) about the propositions in question, (ii) from the physical evidence that has been designated for examination, (iii) through the correct application of an accepted analytic method by a competent analyst.<sup>208</sup>

71. Because this information is necessary, it is not appropriate to exclude it altogether, but practitioners may need to consider using a **linear sequential unmasking** technique to preserve the objectivity of their analysis for as long as possible.<sup>209</sup> By documenting this

<sup>203</sup> Neal et al., in press.

<sup>204</sup> Zapf & Dror, 2017.

<sup>205</sup> Ballantyne, K.N., Edmond, G., & Found, B. (2017). Peer review in forensic science. *Forensic Science International*, 277, 66–76, <https://doi.org/10.1016/j.forsciint.2017.05.020>; Helibrun & Brooks, 2010.

<sup>206</sup> Gowensmith, W.N. & McCallum, K.E. (2019). Mirror, mirror on the wall, who’s the least biased of them all? Dangers and potential solutions regarding bias in forensic psychological evaluations. *South African Journal of Psychology*, 49(2), 165–76, <https://doi.org/10.1177/0081246319835117>.

<sup>207</sup> Neal & Brodsky, 2016.

<sup>208</sup> National Commission on Forensic Science. (2015). *Views of the Commission ensuring that forensic analysis is based upon task relevant information*. National Institute of Standards and Technology, <https://www.justice.gov/archives/ncfs/page/file/641676/download>, 2.

<sup>209</sup> Dror, I.E., Thompson, W.C., Meissner, C.A., Kornfield, I., Krane, D., Saks, M., & Risinger, M. (2015). Letter to the editor-Context management toolbox: A linear sequential unmasking (LSU) approach for minimizing cognitive bias in forensic decision making. *Journal of Forensic Sciences*, 60(4), 1111–12, <https://pubmed.ncbi.nlm.nih.gov/26088016/>.

process, both practitioners and observers can see when and how bias may be affecting the application of the technique or resultant opinions. In contrast, “task irrelevant” information is anything that is not necessary for drawing conclusions and so should be entirely excluded from the task.

72. The issues associated with and definitions of task (ir)relevant information are beginning to be addressed in psychological assessment, but much work remains to be done.<sup>210</sup> The distinction between task relevant and irrelevant information is an important one, requiring formalization in this context. Not all information available to a practitioner is necessary for completing or drawing conclusions in a psychological assessment. For example, information about the hiring party is not relevant for conclusions about an individual’s mental state. Moreover, there are likely to be benefits from withholding some information until later in the process to preserve objectivity for as long as possible. For example, the presence or absence of a suicide note or the diagnostic history of the assessee may be better considered later or earlier in the process depending on the referral question the practitioner is addressing. Ultimately, these are thorny issues for forensic psychological assessments that require further careful consideration from the field but are also of relevance for the Commission in assessing the potential for bias in a psychological assessment.

#### *4. Quality Assurance*

73. Quality assurance is a method used to prevent mistakes and avoid problems in service or product delivery, which the International Organization for Standardization (ISO)

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<sup>210</sup> Neal et al., in press.

defines as “part of quality management focused on providing confidence that quality requirements will be fulfilled.”<sup>211</sup> Quality assurance involves administrative and procedural standards to ensure the requirements of a particular kind of service, product, or activity will be met. It involves systematic monitoring and measurement, along with comparison against an ideal or goal and an associated feedback loop to eliminate error.<sup>212</sup> Standards for the quality of raw materials, assemblies, services related to production, and inspection are typically included in quality assurance, and many industries around the world now rely on quality assurance models.<sup>213</sup>

74. There are not yet national or international quality assurance standards in forensic psychology. Licensing rules are a form of quality assurance for psychological practice in a general sense, but they vary by jurisdiction and do not govern the particulars of forensic practice. The ethical rules and codes of conduct that apply for psychology and even forensic psychology (see also [8. Ethical Obligations and Codes of Conduct](#)) are relevant for quality assurance, but they do not include enforceable standardization, no feedback loops are built in, and there is no comparison against an ideal or target outcome; rather, these documents simply provide guidance and suggestions for how psychologists should behave.

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<sup>211</sup> International Organization for Standardization (1994). ISO 9000: Quality management and quality assurance standards, Geneva, Clause 3.2.11.

<sup>212</sup> Fox, M.J. (1993). *Quality assurance management*. Springer.

<sup>213</sup> Franceschini, F. Galetto, M., & Cecconi, P. (2006). A worldwide analysis of ISO 9000 standard diffusion: Considerations and future development. *Benchmarking: An International Journal*, 13(4), 523–41, <https://doi.org/10.1108/14635770610676326>.

75. Several scholars have written about the need to improve the quality of forensic assessment practices,<sup>214</sup> along with particular steps that could be taken toward quality assurance. For example, Wettstein has reviewed quality and quality improvement issues for forensic mental health assessment and suggested several steps to improve quality.<sup>215</sup> These ideas include forensic service credentialing and certification by law or policy, establishing quality guidelines, defining quality measures and tools, incentivizing quality, educating referral sources about focusing referral questions, encouraging cross-examination about quality assurance activities, and peer review of evaluations, reports, and testimony, among other ideas.
76. In response to concerns about poor service quality, many jurisdictions have developed processes and procedures for quality assurance standards in forensic mental health, including training, certification, and credentialing programs.<sup>216</sup> For example, as of 2015, nineteen US states had specific programs for training and certifying mental health professional evaluators of competency to stand trial.<sup>217</sup> These programs differ substantially, and most are not built with robust quality assurance practice aims; but jurisdictions with true quality control processes such as sound certification processes with rigorous standards for initial and maintenance of certification, feedback processes, comparison to target outcomes, and enforceable standards, including

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<sup>214</sup> See, for example, Heilbrun & Brooks, 2010.

<sup>215</sup> Wettstein, R. (2005). Quality and quality improvement in forensic mental health evaluations. *Journal of the American Academy of Psychiatry and the Law*, 33, 158–75.

<sup>216</sup> Farkas, G., DeLeon, P., & Newman, R. (1997). Sanity examiner certification: An evolving national agenda. *Professional Psychology: Research and Practice*, 28, 73–76. <https://doi.org/10.1037/0735-7028.28.1.73>.

<sup>217</sup> Gowensmith, W.N., Pinals, D.A., & Karas, A.C. (2015). States' standards for training and certifying evaluators of competency to stand trial. *Journal of Forensic Psychology Practice*, 15(4), 295–317. <https://doi.org/10.1080/15228932.2015.1046798>.



decertification, have higher quality forensic assessment reports than jurisdictions without such programs.<sup>218</sup>

77. In addition, psychologists can voluntarily seek board certification, such as by the American Board of Forensic Psychology or the American Board of Police & Public Safety Psychology, both affiliates of the American Board of Professional Psychology. This is a prestigious designation, with only about 4% of licensed psychologists in the United States being board certified.<sup>219</sup> Certification by a board like this involves some quality assurance processes, such as verification of education, relevant training, licensure, experience, and demonstrated competence. The demonstration of competence occurs through a written test, a review of written work products that are evaluated against a target outcome, and an oral examination.<sup>220</sup>

78. With regard to the scoring of psychological tests, the Standards for Educational and Psychological Testing require that scoring protocols be established as a quality assurance mechanism:

Test scoring that involves human judgment should include rubrics, procedures, and criteria for scoring. When scoring of complex responses is done by computer, the accuracy of the algorithm and processes should be documented.<sup>221</sup>

<sup>218</sup> See, for example, Massachusetts Department of Mental Health. (2018). *Designated forensic professional procedures manual*, <https://www.mass.gov/doc/designated-forensic-professional-procedures-manual/download>; Otto, R.K. & Heilbrun, K. (2002). The practice of forensic psychology: A look toward the future in light of the past. *American Psychologist*, 57(1), 5–18, <https://doi.org/10.1037/0003-066X.57.1.5>; Packer, I.K. (2008). Specialized practice in forensic psychology: Opportunities and obstacles. *Professional Psychology: Research and Practice*, 39(2), 245–49, <https://doi.org/10.1037/0735-7028.39.2.245>.

<sup>219</sup> Lin, L., Christidis, P., & Stamm, K. (2017). A look at psychologists' specialty areas. *American Psychological Association Monitor on Psychology*, 48(8), 15.

<sup>220</sup> American Board of Professional Psychology (n.d.). <https://www.abpp.org/>. Accessed Feb. 2, 2022.

<sup>221</sup> AERA, APA, & NCME, 2014, 118 (Standard 6.8).

In addition, those responsible for the scoring of tests are expected to establish and document quality control processes and criteria, with adequate training provided. The quality of scoring is to be monitored and documented, with systemic scoring errors documented and corrected.<sup>222</sup>

79. To move the field of (forensic) psychological assessment as a whole toward enforceable quality assurance processes, relevant guidelines such as those offered by the National Research Council<sup>223</sup> and others<sup>224</sup> for assuring the quality of forensic science more broadly could be implemented. These procedures should be “designed to identify mistakes, fraud, and bias; confirm the continued validity and reliability of standard operating procedures and protocols; [and] ensure that best practices are being followed.”<sup>225</sup> Some specific suggestions include developing standardized vocabularies, ontologies, and scales for interpreting diagnostic tests; ongoing proficiency testing; hiring qualified personnel and providing training to keep their knowledge up to date; and the use of written protocols to guide practice.
80. Furthermore, the National Research Council has suggested that laboratories (or practice facilities in the case of psychology) should have to be accredited, as well as professionals being individually certified, prior to offering forensic services or being allowed to testify as a forensic professional. With regard to determining “appropriate standards for accreditation and certification,” the Council has noted that “established

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<sup>222</sup> AERA, APA, & NCME, 2014, Standard 6.9.

<sup>223</sup> National Research Council, 2009.

<sup>224</sup> Levy, S., Bergman, P., & Frank, A. (1999). Quality assurance in forensic science. *Accreditation and Quality Assurance*, 4(6), 254–55. <https://doi.org/10.1007/s007690050361>.

<sup>225</sup> National Research Council, 2009, 26.

and recognized international standards, such as those published by the International Organization for Standardization (ISO)” should be considered.<sup>226</sup> Certification should require, “at a minimum, written examinations, supervised practice, proficiency testing, continuing education, recertification procedures, adherence to a code of ethics, and effective disciplinary procedures.”<sup>227</sup>

### 5. Opinion Expression

81. Practitioners providing psychological opinions in forensic contexts often do not have first-hand experience of the facts of the case. Instead, they are asked to investigate and opine about past or future states, situations, or events. Consequently, forensic psychological opinions must acknowledge room for doubt about what did or will happen and should not exaggerate or understate the certainty associated with that opinion.<sup>228</sup> Indeed, unqualified definitive expressions are considered scientifically unsupported according to the National Research Council<sup>229</sup> and are therefore problematic if used in psychological assessments.
82. Specifically, it is important that definitive forms of expression (e.g., the person of interest did/not die by suicide; will/not commit a serious violent offence) are replaced with appropriately qualified verbal or numerical expressions of uncertainty such as “one chance in ten,” “highly likely,” “60% of people,” or “30% of people with similar scores did so within five years.” Expressions that do not provide some indication of

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<sup>226</sup> National Research Council, 2009, 25.

<sup>227</sup> National Research Council, 2009, 25.

<sup>228</sup> Edmond et al., 2016a; Karson, M. & Nadkarni, L. (2013). *Principles of forensic report writing*. American Psychological Association.

<sup>229</sup> National Research Council, 2009.

uncertainty likely warrant critical evaluation. However, even appropriately qualified and modest statements need to be carefully considered, as different communication formats (e.g., probability, frequency, category, relative risk, sample recidivism rates) can affect the practitioners' judgments,<sup>230</sup> as well as how they are perceived by others.<sup>231</sup> Ideally, the methods for communication employed by a practitioner would be carefully considered and empirically evaluated.<sup>232</sup> However, evidence suggests practitioners vary in their preferences and employment of communication strategies, and not all strategies in use are empirically informed.<sup>233</sup>

83. When communicating the results of psychometric testing, some structured assessment tools require that practitioners use particular forms of expression (e.g., the Violence Risk Assessment Guide employs risk ratios based on normative data for practitioners to use in reports and opinions;<sup>234</sup> the Static-99R allows practitioners to convey empirically-informed results using risk categories [low, moderate, high], relative risk [compared with others], or normative sample recidivism rate [x% within five

<sup>230</sup> Slovic, P., Monahan, J., & MacGregor, D.G. (2000). Violence risk assessment and risk communication: The effects of using actual cases, providing instruction, and employing probability versus frequency formats. *Law and Human Behaviour*, 24 (3), 271–96. <https://doi.org/10.1023/A:1005595519944>.

<sup>231</sup> Evans, S.A. & Salekin, K.L. (2016). Violence risk communication: What do judges and forensic clinicians prefer and understand? *Journal of Threat Assessment and Management*, 3(3–4), 143–64. <https://doi.org/10.1037/tam0000062>; Varela, J.G., Boccaccini, M.T., Cuervo, V.A., Murrie, D.C., & Clark, J.W. (2014). Same score, different message: Perceptions of offender risk depend on Static-99R risk communication format. *Law and Human Behaviour*, 38(5), 418–27. <https://doi.org/10.1037/lhb0000073>.

<sup>232</sup> See, e.g., Kroner, D.G., Morrison, M.M., & Lowder, E. (2020). A principled approach to the construction of risk assessment categories: The Council of State Governments Justice Center Five-Level system. *International Journal of Offender Therapy and Comparative Criminology*, 64 (10–11), 1074–90. <https://doi.org/10.1177/0306624X19870374>.

<sup>233</sup> Heilbrun, K., O'Neill, M.L., Stevens, T.N., Strohmman, L.K., Bowman, Q., & Lo, Y.W. (2004). Assessing normative approaches to communicating violence risk: A national survey of psychologists. *Behavioural Sciences & the Law*, 22(2), 187–96. <https://doi.org/10.1002/bsl.570>.

<sup>234</sup> Davies, S.T., Helmus, L.M., & Quinsey, V.L. (2022). Improving risk communication: Developing risk ratios for the VRAG-R. *Journal of Interpersonal Violence*, 37, 835–62. <https://doi.org/10.1177/0886260520914555>.

years<sup>235</sup>). However, there are questions even about the efficacy of these approaches, and optimal methods for communicating the results of many psychometric tools are either not stated or have not been explicitly tested. This means there is substantial variability in the reporting of test results. This variability reinforces concerns that practitioners have not yet reached agreement or consensus about the precise meaning of many of the terms that are used.<sup>236</sup> Worries about standardization and agreement also apply to the formulation and reporting of psychological opinions more broadly, whether based on structured assessment tools or not.<sup>237</sup>

84. The absence of an agreed and validated vocabulary for describing the strength and certainty of a conclusion threatens to undermine both the repeatability and reproducibility of psychological opinions. Specifically, the absence of a consistent definition for many terms and the absence of proscribed language both decrease the chances that the same procedures will consistently result in the same conclusion when completed by the same or different practitioners. Thus, practitioners may appear to disagree with each other because they have chosen different words to express the same result, or, conversely, they may appear to agree with each other because they have chosen the same words to communicate inherently different opinions. Limiting

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<sup>235</sup> Varela et al., 2014.

<sup>236</sup> Guarnera et al., 2017; National Research Council, 2009.

<sup>237</sup> Heilbrun & Brooks, 2010; Karson & Nadkarni, 2013.

the use of jargon<sup>238</sup> and providing glossaries,<sup>239</sup> definitions, and reproductions of reporting scales/terminology can reduce the potential for misinterpretation of psychological findings, but individual practitioners vary in their use of these strategies.<sup>240</sup>

85. Finally, communicating uncertainty about the interpretations of unvalidated test batteries is critically important. (See also the subject of field validity in [2. Validity as Applied](#)). As the Standards for Educational and Psychological Testing indicate,

If the literature [about the validity of flexible batteries of tests] is incomplete, the resulting inferences may be presented with the qualification that they are hypotheses for future verification rather than probabilistic statements regarding the likelihood of some behaviour that imply some known validity evidence.<sup>241</sup>

#### 6. Limitations and Assumptions

86. All psychological opinions will be based on some set of assumptions<sup>242</sup> and will inevitably have some limitations, given the challenges associated with routine professional practice. The National Research Council requires that these limitations and assumptions be clearly characterized in forensic science reports.<sup>243</sup> For example, assumptions about the commonness or rareness of various psychological and behavioural phenomena (also known as “base rates”) will affect a practitioner’s

<sup>238</sup> Grisso, T. (2010). Guidance for improving forensic reports: A review of common errors. *Open Access Journal of Forensic Psychology*, 2, 102–15, <https://www.oajfp.com/blank-8>; Howes, L.M. (2015). A step towards increased understanding by non-scientists of expert reports: Recommendations for readability. *Australian Journal of Forensic Sciences*, 47(4), 456–68, <https://doi.org/10.1080/00450618.2015.1004194>; Witt, P.H. (2010). Forensic report checklist. *Open Access Journal of Forensic Psychology*, 2, 233–40, <https://www.oajfp.com/blank-8>.

<sup>239</sup> Ireland, J.L. (2012). *Evaluating expert witness psychological reports: Exploring quality (summary report)*. University of Central Lancashire, <http://netk.net.au/Psychology/ExpertReports.pdf>.

<sup>240</sup> Grisso, 2010; Ireland, 2012.

<sup>241</sup> AERA, APA, & NCME, 2014, 155.

<sup>242</sup> Acklin et al., 2015.

<sup>243</sup> National Research Council, 2009.

expectation of observing these phenomena in a specific case.<sup>244</sup> Similarly, assumptions about the reliability of various sources of information, the accuracy of particular methods, or the relative costs/benefits of individual rights versus community safety,<sup>245</sup> among others,<sup>246</sup> can affect how information is understood and interpreted by a practitioner and so need to be made explicit – particularly since there is no guarantee that these assumptions are accurate either generally or in a specific case.

87. Practitioners can help their audiences understand the limitations of their assessments by disclosing information about adherence to best-practice recommendations. Given the large amount of attention paid to psychological assessment evidence in legal settings,<sup>247</sup> as well as standards in the field more broadly,<sup>248</sup> practitioners should provide clear evidence of any limitations to the foundational validity and validity as applied for the methods they use. Practitioners are expected to report in simple language what the psychological assessment covers, what scores represent, the validity and precision/reliability of the scores, and how scores are intended to be

<sup>244</sup> Karson & Nadkarni, 2013.

<sup>245</sup> Dror & Murrie, 2018.

<sup>246</sup> Ackerman, 2006.

<sup>247</sup> Archer et al., 2016; DeMatteo & Olver, 2021; Goodman-Delahunty, J. (1997). Forensic psychological expertise in the wake of Daubert. *Law and Human Behaviour*, 21, 121–40, <https://doi.org/10.1023/A:1024874228425>; Grove, W.M., Barden, R.C., Garb, H.N., & Lilienfeld, S.O. (2002). Failure of Rorschach-Comprehensive-System-based testimony to be admissible under the Daubert-Joiner-Kumho standard. *Psychology, Public Policy, and Law*, 8(2), 216–34, <https://doi.org/10.1037/1076-8971.8.2.216>; Medoff, D. (2003). The scientific basis of psychological testing: Considerations following Daubert, Kumho, and Joiner. *Family Court Review*, 41(2), 199–213, <https://doi.org/10.1111/j.174-1617.2003.tb00884.x>; Neal et al., 2022; Neal et al., 2019; Rogers, R., Salekin, R.T., & Sewell, K.W. (1999). Validation of the Millon Clinical Multiaxial Inventory for Axis II disorders: Does it meet the Daubert standard? *Law and Human Behaviour*, 23(4), 425–43, <https://doi.org/10.1023/A:1022360031491>; Rotgers, F. & Barrett, D. (1996). *Daubert v. Merrell Dow* and expert testimony by clinical psychologists: Implications and recommendations for practice. *Professional Psychology: Research and Practice*, 27(5), 467–74, <https://doi.org/10.1037/0735-7028.27.5.467>; Woody, R.H. (2016). Psychological testimony and the Daubert standard. *Psychological Injury and Law*, 9(2), 91–96, <https://doi.org/10.1007/s12207-016-9255-5>.

<sup>248</sup> AERA, APA, & NCME, 2014.

used.<sup>249</sup> In so doing, they should report limitations, such as validity indices that are unknown, unknowable, or lower than ideal; if the test(s) fall(s) short of best practice expectations; or if the test(s) was/were used in an unusual way or for an unusual purpose.<sup>250</sup> The potential for bias should be acknowledged, and if steps have not been taken to mitigate those risks, this should be transparently declared.<sup>251</sup> Where steps have been taken to manage bias, they should be described to facilitate evaluation of their probable efficacy. If there is no required or formalized terminology available for forensic interpretations or conclusions, it would be beneficial for practitioners to be clear that the intent and interpretation of uncertain terms is imprecise and inconsistent to ensure their statements are not overinterpreted.<sup>252</sup>

88. Beyond these best-practice considerations, forensic psychological assessments are often limited by a range of practical considerations that may affect the data, the method, the inferences, or the opinion. For example, where the subject of inquiry is deceased or uncooperative, the quality and veracity of the available information will be weakened or questionable.<sup>253</sup> Where collateral sources like friends, family, and survivors contribute to an investigation, their motivations, availability, and cooperation is likely to materially affect the quality of the information obtained.<sup>254</sup> Archival records

<sup>249</sup> AERA, APA, & NCME, 2014.

<sup>250</sup> Found, B. & Edmond, G. (2012). Reporting on the comparison and interpretation of pattern evidence: Recommendations for forensic specialists. *Australian Journal of Forensic Sciences*, 44(2), 193–96. <https://doi.org/10.1080/00450618.2011.644260>; Neal et al., 2019; Presidents' Council of Advisors on Science and Technology, 2016.

<sup>251</sup> Edmond et al., 2016a.

<sup>252</sup> National Research Council, 2009.

<sup>253</sup> Hjelmeland et al., 2012.

<sup>254</sup> Salekin, K.L., Neal, T.M.S., & Hedge, K.A. (2018). Validity, interrater reliability, and measures of adaptive behaviour: Concerns regarding the probative versus prejudicial value. *Psychology, Public Policy, and Law*, 24(1), 24–35. <https://doi.org/10.1037/law0000150>; Snider et al., 2006.



are also often incomplete or unavailable and will often in some part contain the subjective impressions or interpretations of the original author.<sup>255</sup> There may also be data or results that are inconsistent or disconfirmatory. Such information should be disclosed, as it likely limits or qualifies the opinion or the approach.

89. Overall, these assumptions and limitations shape the scope and nature of the opinion and affect how the opinion should be weighed and relied upon. It is therefore vitally important for practitioners to provide explicit information about limitations and assumptions and to ensure that they are understood by the intended audience. This issue has been raised by both scholars<sup>256</sup> and Canadian authorities.<sup>257</sup>

#### 7. Alternative Views or Disagreements

90. Understanding how the opinions of a practitioner differ from or align with mainstream and best-practice ideals for the field are essential to a rigorous evaluation of the practitioner's work. Scholars and philosophers of critical thinking suggest that alternative views and disagreements need to be identified to understand and evaluate the problem at hand, the frame of reference or points of view involved, assumptions made, principles or theories used, evidence advanced, interpretations and inferences made, and implications and consequences that follow.<sup>258</sup> As such, the National

<sup>255</sup> Dror, I.E. & Kukucka, J. (2021). Linear Sequential Unmasking-Expanded (LSU-E): A general approach for improving decision making as well as minimizing noise and bias. *Forensic Science International: Synergy*, 3, 100161, <https://doi.org/10.1016/j.fsisyn.2021.100161>.

<sup>256</sup> Cunliffe & Edmond, 2021; Edmond et al., 2014; Edmond, G. (2015). Forensic science evidence and the conditions for rational (jury) evaluation. *Melbourne University Law Review*, 39(1), 77–127, <https://search.informit.org/doi/10.3316/informit.504529093174012>; Found & Edmond, 2012; National Research Council, 2009.

<sup>257</sup> Goudge, 2008.

<sup>258</sup> Paul, R.W. & Elder, L. (1990). *Critical thinking: What every person needs to survive in a rapidly changing world*. Sonoma State University Press.

Research Council has noted that “sufficient content should be provided to allow the nonscientist reader to understand what has been done and permit informed, unbiased scrutiny of the conclusion.”<sup>259</sup> Thus, it is vital that forensic practitioners engage with and acknowledge where their views might depart from the established consensus in their field and where their views (whether they are held by a majority or not) run counter to authoritative perspectives.

91. There has been extensive discussion and debate about best practices in forensic psychological assessment for decades. In particular, where the assessment methods are unstandardized, it would be helpful to acknowledge the very real possibility of disagreement between practitioners about the validity of this approach as compared to structured and/or actuarial judgments and how that might best be understood in context.<sup>260</sup> Similarly, there have been extensive discussions about bias and bias management in forensic psychological assessment, which practitioners should acknowledge and, where no appropriate management strategies are in place, explain why.
92. Importantly, the failure to acknowledge such areas of professional disagreement should not be taken to indicate their absence<sup>261</sup> (i.e., an absence of evidence should not be taken as evidence of absence).<sup>262</sup> Instead, it has been argued that such omissions should lead those evaluating forensic scientific evidence to question the

<sup>259</sup> National Research Council, 2009, 186.

<sup>260</sup> Edmond et al., 2016a; Edmond et al., 2014.

<sup>261</sup> Cunliffe & Edmond, 2021; Edmond et al., 2017; Edmond et al., 2016b; Paul & Elder, 1990.

<sup>262</sup> For a detailed discussion of this aphorism in a forensic science context, see Thompson, W.C. & Scurich, N. (2018). When does absence of evidence constitute evidence of absence? *Forensic Science International*, 291, e18–e19, <https://doi.org/10.1016/j.forsciint.2018.08.040>.

technical proficiency of a practitioner who is not aware of relevant contemporary critical discourse.<sup>263</sup>

93. Outside of the critical scholarship already referred to, it is also worth noting that there are many more mundane types of theoretical or practical disagreement that may be relevant to evaluating a forensic psychological opinion. Psychology is generally a “broad church” discipline, and given there are few widely accepted or enforceable standard operating procedures or philosophies in psychology, it is reasonable to expect that there is a viable and alternative perspective on most if not all aspects of forensic psychological practice.<sup>264</sup> While it is clearly not practicable or desirable for practitioners to describe and address all possible alternative viewpoints, it is often the case that there are predominant “schools of thought” that occupy similar territory in the professional practice landscape.<sup>265</sup> In order to understand the quality and value of a psychological opinion, it is important to understand what the predominating alternatives are and whether they are more or less well aligned with or supported by best practice.<sup>266</sup>

#### *8. Ethical Obligations and Codes of Conduct*

94. Psychological assessments are routinely but not exclusively completed by psychologists. Clinically practicing psychologists (in contrast to research or experimental psychologists) are generally required to hold a licence to practice and will

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<sup>263</sup> Edmond et al., 2016b.

<sup>264</sup> Geher, G. (2021). Five timeless debates in psychology. *Psychology Today*, <https://www.psychologytoday.com/us/blog/darwins-subterranean-world/202101/5-timeless-debates-in-psychology>.

<sup>265</sup> Benjamin, L.T. (2019). *A brief history of modern psychology* (3rd ed.). Wiley.

<sup>266</sup> Paul & Elder, 1990.

usually be expected - although not necessarily required - to be a member of a relevant professional organization. For example, to practice psychology in Canada, psychologists must be licensed in their jurisdiction<sup>267</sup> and will generally be expected to be a member of the Canadian Psychological Association. These licensure and membership arrangements will generally entail at least tertiary training in ethical conduct, as well as adherence to ethics codes.<sup>268</sup> If a practitioner has additional specializations like clinical or forensic psychology, they may also have additional ethical obligations under discipline-specific guidelines.<sup>269</sup>

95. Broadly, psychologists must strive to maintain integrity in relationships (e.g., avoid conflicts of interest, strive for objectivity), provide responsible caring (e.g., strive to do work that benefits people and minimizes harm), respect the dignity of persons and peoples (e.g., take precautions to safeguard individuals' rights and welfare, work to ensure all people have fair and equitable access to psychological science and practice), and be responsible to society (e.g., develop and share knowledge, contribute to the general welfare of society).<sup>270</sup> However, where a practitioner is not a registered or licensed psychologist, or a member of a relevant professional organization, there may be no formal requirement to adhere to a professional code of ethics. Indeed, scholars have recently proposed the introduction of a specific expert witness code of conduct sworn into legal proceedings to address this gap.<sup>271</sup>

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<sup>267</sup> See <https://cpa.ca/practice/practiceregulation/>.

<sup>268</sup> E.g., Canadian Psychological Association, 2017.

<sup>269</sup> E.g., American Psychological Association, 2013a.

<sup>270</sup> See Canadian Psychological Association, 2017.

<sup>271</sup> Young, G. & Goodman-Delahunty, J. (2021). Revisiting Daubert: Judicial gatekeeping and expert ethics in court. *Psychological Injury and Law*, 14, 304–15, <https://doi.org/10.1007/s12207-021-09428-8>. See

96. Nevertheless, there are also distinct ethical and practical requirements for psychologists undertaking forensic rather than traditional treatment-oriented clinical assessments.<sup>272</sup> Clinical assessments are often conducted in a therapeutic context in which the person being evaluated is the client seeking treatment, and the assessment is used to inform treatment approaches.<sup>273</sup> The therapeutic alliance between the treatment provider and the patient is key, and the veracity and objectivity of information provided by the patient is of secondary importance. In these situations, the cardinal ethical principles guiding professional behaviour are rarely onerous or problematic because it is clear who the client is, that the work conducted by the psychologist should benefit the patient and minimize any potential harm, and that the patient's rights and welfare are the priority.<sup>274</sup>
97. In a forensic psychological assessment, the application of ethical principles can be challenging and contentious and has resulted in the development of special guidance for these contexts.<sup>275</sup> Forensic assessments are driven by a particular referral question, and addressing that question may not align with the assessee's individual preferences. The needs of the hiring party – the client in a forensic assessment – may

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also recommendation 9 of the National Research Council (2009) report, which suggests that a National Institute of Forensic Science be established and that it should create a national code of ethics for all forensic disciplines while encouraging various relevant societies and organizations to incorporate the national ethics code as part of their own professional codes. Furthermore, the recommendation suggests that mechanisms of enforcement be explored, such as through a certification process for forensic scientists.

<sup>272</sup> American Psychological Association, 2013a; Candilis, P.J. & Neal, T.M.S. (2014). Not just welfare over justice: Ethics in forensic consultation. *Legal and Criminological Psychology*, 19(1), 19–29, <https://doi.org/10.1111/lcrp.12038>; Neal, 2018.

<sup>273</sup> Greenberg, S.A. & Shuman, D.W. (1997). Irreconcilable conflict between therapeutic and forensic roles. *Professional Psychology: Research and Practice*, 28(1), 50–57, <https://doi.org/10.1037/0735-7028.28.1.50>; Melton et al., 2017.

<sup>274</sup> American Psychological Association, 2017; Australian Psychological Society, 2007; Canadian Psychological Association, 2017.

<sup>275</sup> See, for example, American Psychological Association, 2013a; Australian Psychological Society, 2014.

eclipse the preferences of the person being assessed.<sup>276</sup> In practice, this means that the approach to assessment in forensic contexts differs from traditional clinical contexts as well. For example, more scrutiny is required when gathering information in forensic contexts,<sup>277</sup> and there is a greater emphasis on collecting and considering third-party and collateral information in conjunction with self-reported data.<sup>278</sup>

98. Furthermore, to the extent that a psychological opinion is admitted or regarded as expert opinion evidence, codes of conduct and procedure rules may also apply. In general, it is unclear how often or how well forensic scientific opinions actually comply with relevant codes and procedures. However, there are examples from forensic science and forensic psychology where compliance has been inadequate.<sup>279</sup> It may therefore be valuable for the Commission to consider what, if any, codes or procedure rules apply to the psychological assessment in question and the extent to which they have been complied with. For example, the Nova Scotia Civil Procedure Rules contain requirements relevant to best-practice recommendations 1) foundational validity;<sup>280</sup>

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<sup>276</sup> Greenberg & Shuman, 1997.

<sup>277</sup> Greenberg & Shuman, 1997.

<sup>278</sup> Ackerman, 2006; Melton et al., 2017; Zapf & Dror, 2017.

<sup>279</sup> Edmond et al., 2017; Grisso, 2010.

<sup>280</sup> “Theoretical bases for the opinion” (section 55.04(2)(b)); “reference to the literature or other authoritative material consulted by the expert to arrive at and prepare the opinion...” (section 55.04(3)(b)); “reference to all publications of the expert on the subject of the opinion” (section 55.04(3)(c)).

- 2) validity as applied;<sup>281</sup> 3) bias;<sup>282</sup> 4) quality assurance;<sup>283</sup> 5) opinion expression;<sup>284</sup>  
6) limitations and assumptions;<sup>285</sup> and 7) alternative views or disagreements.<sup>286</sup>

#### IV. Evaluating a Forensic Psychological Assessment

99. In this section we pose some questions and provide some context that the

Commission may wish to consider when assessing the quality and/or value of a forensic psychological assessment, including a psychological autopsy or a behavioural profile. The questions follow from the best-practice elements discussed in previous sections and are also inspired by legal evidence admissibility rules that might apply in various jurisdictions. These questions are not exhaustive and may be somewhat overlapping but are intended to assist the Commission by making the key concepts concrete. The Commission need not use all of these questions, as we have taken an over-inclusive approach.

<sup>281</sup> “Details of the steps taken by the expert in formulating or confirming the opinion” (section 55.04(2)(a)); “the expert’s relevant qualifications” (section 55.04(3)(a)); “information on a test or experiment performed to formulate or confirm the opinion...” (section 55.04(3)(d)).

<sup>282</sup> “The expert is providing an objective opinion for the assistance of the court, event if the expert is retained by a party” (section 55.04(1)(a)); “a statement of the documents, electronic information, and other things provided to, or acquired by, the expert to prepare the opinion” (section 55.04(3)(e)).

<sup>283</sup> “The expert’s relevant qualifications” (section 55.04(3)(a)).

<sup>284</sup> “Material facts found by the expert...” (section 55.04(2)(b)); “the degree of certainty with which the expert holds the opinion” (section 55.04(2)(c)); “the qualification the expert puts on the opinion because of the need for further investigation, the expert’s deference to the expertise of others, or any other reason” (section 55.04(2)(c)).

<sup>285</sup> “The report includes everything the expert regards as relevant to the expressed opinion...” and it draws attention to anything that could reasonably lead to a different conclusion” (section 55.04(1)(c)); “a full explanation of the reasons for the opinion including the material facts assumed to be true,...., and issues outside the expertise of the expert and the name of the person the expert relies on determination of those issues” ((2)(b)).

<sup>286</sup> “The report ... draws attention to anything that could reasonably lead to a different conclusion” (section 55.04(1)(c)); “...theoretical explanations excluded, relevant theory the expert rejects ...” (section 55.04(2)(b)).

### How Was Foundational Validity Established?

100. Foundational validity relates to the “in principle” accuracy, repeatability, and reproducibility of forensic psychological assessments (see also [1. Foundational Validity](#)). Therefore, the Commission may wish to consider the following:

- Q1 What evidence does the practitioner provide that the performance of the method or process they used has been measured?
- Q2 What empirical studies show the method to be accurate, repeatable, and reproducible at levels appropriate to the intended application?
- Q3 If applicable, are the relevant empirical studies published in peer-reviewed outlets? That is, have the relevant methods been subjected to and survived peer-review processes?
- Q4 If the practitioner relied on any psychometric tests as part of their evaluation process, did the practitioner provide evidence that those tools had been subjected to the scientific peer-review process to substantiate their validity – especially for the specific intended use?
- Q5 Has the practitioner provided citations to the research or professional literature for each of the assertions they make in their report?
- Q6 How did the practitioner justify their choice of method(s)? Did they provide data about the psychometric performance of their method(s) and the combination of any methods used?
- Q7 Did the practitioner cite the validity data from test manuals, the primary research literature, and/or secondary aggregated compendiums? That is, did they summarize what is known about the performance of the tool across these sources, with up-to-date information? Information in manuals can become stale: what evidence has been provided that the practitioner did their due diligence to ensure their knowledge of the method they relied upon is scientifically up to date?
- Q8 Does the practitioner provide evidence about the validity of the methods or tools as per the Standards for Educational and Psychological Testing,<sup>287</sup> such as the evaluating reliability/precision, generalizability coefficients, standard errors of measurement, decision consistency, reliability/precision of group means, intended uses and interpretations, and/or issues regarding samples and settings used in validation?

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<sup>287</sup> AERA, APA, & NCME, 2014.



**Q9 Does the practitioner rely on measures with generally favorable measurement properties?** <sup>288</sup>

ACCURACY

**Q10 What credible evidence does the practitioner provide that psychological assessments of the type they are completing are likely to produce objectively correct results?**

**Q11 What published empirical studies does the practitioner refer to that show psychological assessments can be highly or at least sufficiently accurate?**

**Q12 Does the practitioner provide credible evidence that there are methods or tools for conducting psychological assessments that are likely to produce objectively correct results?**

**Q13 Does the practitioner refer to published empirical studies showing particular methods or tools result in psychological assessments that are highly or at least sufficiently accurate?**

**Q14 Does the practitioner rely on a structured actuarial method with explicit decision rules, statistical integration of data, and little room for discretion to increase the accuracy of their evaluation? If not, what approach did they use, and what is their justification for doing so?**

**Q15 Was the practitioner conducting an assessment of a current mental state, where, in principle, accuracy is likely to be higher, as opposed to an assessment of a past or future mental state, where accuracy is likely to be lower?**

**Q16 If the assessment relates to a past or future mental state, what evidence does the practitioner provide about the accuracy and foundational validity of past or future mental state evaluations?**

REPEATABILITY

**Q17 Does the practitioner provide credible evidence that a practitioner, given the same information on a second occasion, would be likely to produce the same psychological assessment result (i.e., evidence of intrarater reliability)?**

**Q18 Does the practitioner refer to published empirical studies showing that the same practitioner can produce highly or at least sufficiently consistent psychological assessments?**

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<sup>288</sup> See Neal et al., 2019 for a review paper summarizing the psychometric quality and measurement properties of 364 different psychological assessment measures known to be used by practitioners in forensic assessments. See also Carlson et al., 2021, <https://buros.org/mental-measurements-yearbook>.

- Q19** Does the practitioner describe standardized methods or tools that could in principle assist a practitioner to produce the same psychological assessment result if given the same information on a second occasion?
- Q20** Does the practitioner refer to published empirical studies showing particular methods or tools generally result in the same practitioner producing highly or at least sufficiently consistent psychological assessments?
- Q21** How objective, standardized, and structured were the methods used by the practitioner? In general, all else being equal, the more subjective, adaptable, and intuitive the method used by the practitioner, the lower the chance that it will produce the same result when repeated on another occasion.

REPRODUCIBILITY

- Q22** Does the practitioner provide credible evidence that different practitioners, given the same information, are likely to produce the same psychological assessment result (i.e., evidence of interrater reliability)?
- Q23** Does the practitioner refer to published empirical studies showing that different practitioners can produce highly or at least sufficiently consistent psychological assessments in the same case?
- Q24** Does the practitioner describe standardized methods or tools that could in principle assist different practitioners to produce the same psychological assessment result if given the same information?
- Q25** Does the practitioner refer to published empirical studies showing particular methods or tools generally result in different practitioners producing highly or at least sufficiently consistent psychological assessments?
- Q26** How objective, standardized, and structured were the methods used by the practitioner? In general, all else being equal, the more subjective, adaptable, and intuitive the method used by the practitioner, the less likely it is that two practitioners will be able to faithfully produce the same method to reach the same result.
- Q27** What evidence does the practitioner provide to justify their threshold for diagnosing or determining the forensically relevant outcome? How does this threshold align with that of other practitioners or the standard in the field?

101. In considering these issues, the Commission may find it valuable to know that scholars in the field note that there are no standardized protocols or methods for conducting

psychological autopsies.<sup>289</sup> Since standardized methods are key to the repeatability and reproducibility of a technique, this will likely have implications for the foundational validity of psychological autopsies. It is also important to note:

[T]here is simply no way to test a derived conclusion [from a psychological autopsy] in that the subject at study is deceased and consequently unavailable to provide an unequivocal statement of his or her intent to self-inflict death.<sup>290</sup>

Consequently, the accuracy of psychological autopsies is unknown and is likely unknowable.

102. Scholars are similarly unsure about the accuracy of behavioural profiling techniques.

Some suggest the accuracy of the technique is unknown,<sup>291</sup> while others suggest experienced and self-declared profilers do not outperform comparison groups.<sup>292</sup>

Some have even suggested that there is “no sound theoretical grounding and no strong empirical support” for behavioural profiling, and it “should not be used as an investigative tool because it lacks scientific support.”<sup>293</sup>

103. Ultimately, researchers have flagged a need for further empirical research

demonstrating the foundational scientific validity of both psychological autopsies<sup>294</sup> and behavioural profiling techniques.<sup>295</sup>

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<sup>289</sup> Snider et al., 2006.

<sup>290</sup> Snider et al., 2006, 513.

<sup>291</sup> Fox & Farrington, 2018.

<sup>292</sup> Snook et al., 2008; Snook et al., 2007.

<sup>293</sup> Snook et al., 2008, 1257. See also Ribeiro & de Matos Soeiro, 2021.

<sup>294</sup> Hjelmeland et al., 2012; Snider et al., 2006.

<sup>295</sup> Fox & Farrington, 2018; Kocsis & Palermo, 2020.

### How Was Applied Validity Established?

104. The applied validity of a technique is determined by the accuracy, repeatability, and reproducibility of a technique “in practice” and may be assessed using information about the proficiency of the practitioner and the field validity of the technique. (See also [2. Validity as Applied](#).) To do so, the Commission may wish to consider the following questions:

#### PROFICIENCY

- Q28** Does the practitioner provide credible evidence that their own psychological assessments are likely to produce objectively correct results?
- Q29** Does the practitioner provide credible evidence of participation in or the results of testing where the ground-truth was known and showing their psychological assessments are highly or at least sufficiently accurate?
- Q30** Does the practitioner provide credible evidence that their psychological assessments are materially better than laypeople (e.g., that their opinions are more accurate than novices)?
- Q31** Has the practitioner earned credentials that require demonstration of relevant proficiencies (e.g., objectively correct administration of particular psychometric tools, board certification by the American Board of Professional Psychology or other highly regarded board for which a requisite qualification is the high-quality, criterion-referenced administration of psychological assessments)?
- Q32** Does the practitioner have qualifications, certifications, authorizations, etc. that are demonstrably associated with highly or at least sufficiently accurate psychological assessment results?
- Q33** Does the practitioner operate in an environment where they receive feedback about the accuracy of their judgments? An environment or system that provides routine, systematic, and objective corrective feedback to a practitioner about the accuracy of their performance is likely to sharpen the practitioner’s proficiency.
- Q34** Does the practitioner offer any credible evidence of their proficiency, such as those detailed in the above questions, beyond simply asserting their “years of experience?” Experience is not highly related to proficiency, unless corrective feedback is routine.

FIELD VALIDITY

- Q35 What credible evidence does the practitioner provide that psychological assessments conducted under routine practice conditions typical of real-world work are likely to produce objectively correct results?
- Q36 Does the practitioner refer to published field studies that show psychological assessments are highly or at least sufficiently accurate?
- Q37 Does the practitioner provide credible evidence that there are methods or tools for completing psychological assessments under routine practice conditions typical of real-world work that produce objectively correct results?
- Q38 Did the practitioner use empirically supported methods and tools in this case that are likely to result in a highly or at least sufficiently accurate psychological assessment?
- Q39 Did the practitioner attempt to use a standardized method to define, analyze, synthesize, combine information, or make inferences in the case? Did they follow any guidance documents for how to conduct the evaluation?
- Q40 What evidence did the practitioner provide that the methods, process, or tools employed were appropriate in this case? That is, did the practitioner provide credible evidence that the approach taken was likely to result in highly or at least sufficiently accurate psychological assessment for the person and conditions in this case?
- Q41 Did the practitioner use methods and tools in this case that are likely to result in repeatable and reproducible psychological assessment? (In other words, is the approach clearly described, highly structured, and involving little discretion?)
- Q42 Did the practitioner employ standardized methods and tools or provide sufficient detail about their psychological assessment so that they or another practitioner could faithfully reproduce the assessment to reach the same result?
- Q43 Does the practitioner explain whether, and if so, why they use the same method in all similar cases, or if it varies from case to case?
- Q44 Does the practitioner provide any justification or independent support for the approach they have taken in this case as compared to the approach they have used in other cases?
- Q45 Were the conditions of the assessment similar to those in which any foundational validity studies were conducted? If not, what evidence does the practitioner provide that the particular administration

conditions of the evaluation as they differ from the controlled laboratory studies still have applied validity?

- Q46** If the practitioner used a norm-referenced psychometric tool as part of their evaluation, how well does the evaluatee fit the characteristics of the normative sample? That is, how well does any validity evidence for the tool as established for the sample upon which the tool was created fit for the particular evaluatee in this case?
- Q47** Does the practitioner provide peer-reviewed, published data about the validity of the tool for the population(s) to which the evaluatee belongs (e.g., culturally, ethnically, with regard to gender, age, reading level, language)?
- Q48** If the practitioner used a particular test or method to answer a forensic question for which the test was not explicitly designed or validated, what evidence do they provide to support their use of the test or method in such a way with regard to validity?
- Q49** If the practitioner relied on a battery of several different psychometric tests as part of their evaluation process in this case, did they provide evidence that the battery – that is, the particular combination of tools they used together – was likely to result in highly or at least sufficiently accurate psychological assessment for the person and conditions in this case?

105. Given the preceding discussion regarding the unknown and potentially unknowable accuracy of psychological profiling in general, here it may be useful for the Commission to ask whether it is possible for a practitioner to provide evidence attesting to the accuracy of their opinions at all. Furthermore, because there is no standard method for completing psychological autopsies, critical commentators in the field have noted that the application of the technique relies heavily on “the variable skills, training and sensitivities of the interviewers,” raising questions about the scientific rigour of the technique.<sup>296</sup>

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<sup>296</sup> Snider et al., 2006, 512.

### How Did the Practitioner Manage Bias?

106. Where information is ambiguous, incomplete, and/or complex, there is a strong possibility that the judgments and decisions made by practitioners will be unintentionally influenced by subtle, powerful, and pervasive cognitive shortcuts and decision styles that undermine the objectivity of reasoning and conclusions (see also [3. Bias](#)). When evaluating the potential for bias in psychological assessments, it will be important for the Commission to consider what information was available to the practitioner, when that information was available, if that information was necessary for the task, and whether the information has the potential to alter or skew the application or interpretation of the techniques at hand. For example:

- Q50 Does the practitioner knowingly work with or for a party who may have a vested interest in a particular psychological assessment outcome?
- Q51 Does the practitioner have a conflict of interest regarding any aspect of the case that could lead them to have a vested interest in a particular outcome of the case?
- Q52 Did the practitioner engage in partisan presentation of unrepresentative, incomplete, or inaccurate evidence that could mislead finders of fact?
- Q53 Is the practitioner operating in a role or have access to information that might increase the chances of some form of cognitive bias (e.g., adversarial allegiance, hindsight bias, confirmation effects)?
- Q54 Did the practitioner complete their psychological analysis knowing the eventual outcome of the events in question?
- Q55 Was it likely that the practitioner approached the psychological assessment with a clear belief or expectation about its likely outcome?
- Q56 Does the practitioner describe the information they were provided and instructions they were given by the party commissioning their work to help understand how and when contextual information might have influenced their decision-making?
- Q57 Does the practitioner disclose what they knew, from whom, and when they knew it in the context of their psychological assessment?

- Q58** Did the practitioner document efforts to avoid biasing information, such as through blinding procedures, linear sequential unmasking or case management procedures when information with known biasing potential is present?
- Q59** Does the practitioner differentiate between “task relevant” and “task irrelevant” information and prioritize the “task relevant” information in what they seek and rely on in their decision processes and conclusions?
- Q60** Could the information available at earlier stages of the psychological assessment either knowingly or unknowingly have influenced the perception, attention, evaluation or interpretation of information considered at later stages of the psychological assessment?
- Q61** Did the practitioner rely on any standard operating procedures or practice guidelines to introduce structure, reduce discretion, and try to reduce the possibility of bias affecting their judgments?
- Q62** Did the practitioner rely on structured decision processes (e.g., actuarial or structured clinical judgment methods rather than unstructured methods) to reduce discretion and try to reduce the possibility of bias affecting their judgments?
- Q63** Does the practitioner employ any other methods or procedures for managing or mitigating cognitive bias in their psychological assessment, such as seeking independent peer review, stating rival hypotheses and counterfactuals, or using archival self-monitoring?

107. In considering the potential for and management of biasing effects in the context of psychological autopsies and behavioural profiling, the Commission may wish to consider that both psychological autopsies and behavioural profiling assessments rely heavily on collateral and contextual information, including sources of information (e.g., close friends and family members) that are likely to be biased – either consciously or unconsciously.<sup>297</sup> There are also a range of stakeholders and third parties who may have a vested interest in the outcome of these assessments (e.g., survivors and insurance companies).<sup>298</sup> While much of this information is likely to be relevant to the

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<sup>297</sup> Snider et al., 2006.

<sup>298</sup> Snider et al., 2006.



task at hand, some of it will not be, and the potential for these types of information to bias the eventual outcome is significant.

108. For example, experimental evidence suggests that forensic mental health evaluators completing unstructured violence risk assessments who were aware of the outcome of a hypothetical violent incident (suicide or homicide) provide statistically higher estimates of violence risk than those who were not aware of the outcome.<sup>299</sup> This is an example of a hindsight bias.<sup>300</sup> However, it is worth noting that these differences in risk estimates did not translate into differences in beliefs about the legal question of negligence reached by psychologists in the scenario. This same study also showed evidence of confirmation bias among the evaluators, whereby those given event outcome information were more likely to identify risk factors (i.e., concerns) to support their evaluations, while those not given outcome information were more likely to identify protective factors (i.e., strengths) to support their judgments. This is a type of confirmation bias. Ultimately, the authors of this study concluded that “the evaluation of and decision-making process regarding the initial event, in hindsight, may not meet the objective standard to which expert witnesses aspire.”<sup>301</sup>

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<sup>299</sup> Beltrani et al., 2018.

<sup>300</sup> See also experimental evidence of hindsight bias in psychiatrists' assessment of the risk of suicide or violence posed by hypothetical patients at time of release from care. Practitioners with outcome knowledge (the hindsight group) offered significantly higher risk ratings than those not provided outcome information (control group), reflecting hindsight bias in their judgments. LeBourgeois, H.W., Pinals, D.A., Williams, V., & Appelbaum, P.S. (2007). Hindsight bias among psychiatrists. *Journal of the American Academy of Psychiatry and the Law*, 35(1), 67–73.

<sup>301</sup> Beltrani et al., 2018, 292.

### How Did the Practitioner Approach Quality Assurance?

109. Where quality assurance standards and practices are in place to ensure the requirements of a service will be met, room for error is greatly reduced (see also [4. Quality Assurance](#)). As noted, there are not yet national or international quality assurance standards for forensic psychology. However, there are relevant quality assurance features in place, such as licensing regulations, particular credentialing pathways, and ethics codes and practice guidelines that inform best practice in the field. To evaluate quality assurance, the Commission may consider questions like the following:

- Q64** Does the practitioner identify and follow administrative or procedural standards to ensure the quality of their psychological assessment? Do they report using best practices and identify them as such?
- Q65** Does the practitioner cite and rely on any authoritative practice guidelines (e.g., those published by the Canadian Psychological Association, Australian Psychological Society, or American Psychological Association with regard to psychological assessment practice in general and forensic assessment practice in particular) to try to improve the quality of their assessments?
- Q66** Does the practitioner report systematic monitoring or measurement of their performance in psychological assessment, alongside a comparison against a target goal, with an associated feedback loop to reduce error in their work?
- Q67** Does the practitioner provide evidence that they are appropriately licensed, credentialed, and in good standing in their profession?
- Q68** Does the practitioner identify and follow ethical rules, codes of conduct, and legal procedural and evidence admissibility rules that offer guidance and suggestions for how psychologists should behave in their forensic psychological assessment work?
- Q69** Did the practitioner's behaviours in this case meet at least the minimum standards of practice in the field, as laid out in and potentially enforceable under ethics codes?
- Q70** Does the practitioner offer evidence of credentialing (e.g., board certification by the American Board of Forensic Psychology or the American Board of Police & Public Safety Psychology) or certification

by law or policy (e.g., state or jurisdictional models) in forensic psychological assessment? If so, did these certification processes require proficiency testing for initial credentialing, and do they require ongoing evidence of proficiency to maintain the credential?

**Q71** Does the practitioner encourage quality assurance assessment of their own work, such as seeking peer review of their evaluation, report, or testimony, or by carefully detailing the limitations and assumptions as well as alternative views and disagreements associated with their assessment?

**Q72** Does the practitioner rely on the Standards for Educational and Psychological Testing, both for the individual tools themselves and also for an overall combination of methods used?

110. As noted, psychological autopsies and behavioural profiling depart somewhat from typical forensic psychological assessment practice. As such, the quality assurance-relevant elements we have outlined in this report like licensing regulations for psychologists and best-practice standards for forensic psychology may not clearly apply for practitioners offering psychological autopsy and behavioural profiling services. Therefore, quality assurance is perhaps less well established for these types of assessments as compared to other more routine types of forensic psychological assessments.

#### **How Did the Practitioner Communicate Their Opinions?**

111. Concerns about the standardization, meaning, and certainty of terminology and conclusions used by forensic practitioners make it important for the Commission to critically consider what a practitioner has said, why the practitioner has said it that way, what the practitioner meant, and whether the practitioner communicated an appropriate degree of uncertainty about their conclusions (see also [5. Opinion Expression](#)). For example:

- Q73** Does the practitioner describe using or refer to a standardized and validated reporting scale or generally accepted conventions for reporting their results, opinions, and conclusions?
- Q74** Have these conventions or methods been empirically tested to ensure they communicate with the audience as intended?
- Q75** Does the practitioner limit the use of jargon and provide glossaries or definitions of the terms they use to express their results, opinions, and conclusions?
- Q76** Does the practitioner explain why they chose particular terminology to express their results, opinions, and conclusions?
- Q77** If not limited by copyright concerns regarding particular tools, does the practitioner reproduce the reporting scales/terminology in their report to reduce the potential for misinterpretation of psychological findings?
- Q78** Rather than definitive forms of expression (e.g., the person of interest did/not die by suicide; will/not commit a serious violent offence), did the practitioners' results, opinion, and conclusions contain verbal or numerical expressions of uncertainty?
- Q79** Are the practitioners' conclusions modest and qualified or do they imply a level of certainty that is not commensurate with scientific methods in general or forensic psychological assessments in particular?
- Q80** If the practitioner relied on an untested or unvalidated battery of several different psychometric tests as part of their evaluation process in this case, did they appropriately acknowledge or disclose that their results, opinions, and conclusions from the battery are hypotheses for future verification rather than probabilistic statements that imply known validity?

11.2. There is a rich literature examining the communication of actuarial risk assessments which – consistent with the broader literature on the comprehension of forensic<sup>302</sup> and

<sup>302</sup> Eldridge, H. (2019). Juror comprehension of forensic expert testimony: A literature review and gap analysis. *Forensic Science International: Synergy*, 1, 24–34, <https://doi.org/10.1016/j.fsisy.2019.03.001>; Martire, K.A. (2018). Clear communication through clear purpose: Understanding statistical statements made by forensic scientists. *Australian Journal of Forensic Sciences*, 50(6), 619–27, <https://doi.org/10.1080/00450618.2018.1439101>; Martire, K.A. & Edmond, G. (2020). How well do lay people comprehend statistical statements from forensic scientists? In D. Banks, K. Kafadar, & D. Kaye (eds.), *Handbook of forensic statistics* (pp. 201–24). Chapman and Hall/CRC; Martire, K.A., Kemp, R.I., & Newell, B.R. (2013). The psychology of interpreting expert evaluative opinions. *Australian Journal of Forensic Sciences*, 45(3), 305–14, <https://doi.org/10.1080/00450618.2013.784361>.

other statistical statements<sup>303</sup> – shows that these forms of expression do not have a universally accepted meaning and that further research is required to optimize and standardize opinion expression.<sup>304</sup> However, the literature we have engaged with relating to psychological autopsies and behavioural profiling does not appear to directly address the communication issues we have identified here.

113. Based on our reading, it is not clear how the results and opinions derived from these techniques are usually or should optimally be communicated. It is not clear if there is proscribed terminology or forms of expression for use in the field or if there are statistical statements recommended for communicating the likelihood of error and uncertainty associated with the techniques. This suggests the methods of opinion expression in the psychological autopsy or behavioural profile may be worthy of particular attention.
114. At the least, since both psychological autopsies and behavioural profiling involve substantial inferential leaps from observed behaviour to either previous or current mental states, the Commission should reasonably expect that a rigorous assessment

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<sup>303</sup> Andreadis, K., Chan, E., Park, M., Benda, N.C., Sharma, M.M., Demetres, M., Delgado, D., Sigworth, E., Chen, Q., Liu, A., Grossman, L., Sharko, M., Xikmund-Fisher, B.J., & Ancker, J.S. (2021). Imprecision and preferences in interpretation of verbal probabilities in health: A systematic review. *Journal of General Internal Medicine*, 36(12), 3820–29. <https://doi.org/10.1007/s11606-021-07050-7>; Van der Bles, A.M., Van Der Linden, S., Freeman, A.L., Mitchell, J., Galvao, A.B., Zaval, L., & Spiegelhalter, D.J. (2019). Communicating uncertainty about facts, numbers and science. *Royal Society Open Science*, 6(5), 181870. <https://doi.org/10.1098/rsos.181870>.

<sup>304</sup> Batastini, A.B., Hoeffner, C.E., Vitacco, M.J., Morgan, R.D., Coaker, L.C., & Lester, M.E. (2019). Does the format of the message affect what is heard? A two-part study on the communication of violence risk assessment data. *Journal of Forensic Psychology Research and Practice*, 19(1), 44–71. <https://doi.org/10.1080/24732850.2018.1538474>; Hilton, N.Z., Scurich, N., & Helmus, L.M. (2015). Communicating the risk of violent and offending behaviour: Review and introduction to this special issue. *Behavioural Sciences & the Law*, 33(1), 1–18. <https://doi.org/10.1002/bsl.2160>; Hogan, N.R. (2021). Critical considerations in the development and interpretation of common risk language. *Psychiatry, Psychology and Law*, 28(2), 218–34. <https://doi.org/10.1080/13218719.2020.1767719>.

would include some acknowledgement of uncertainty surrounding the conclusions and opinions offered. This expectation of a conservative approach and modest conclusions is only reinforced by the type of inferences being made (e.g., retrospectively about a deceased person), the likely limitations of information sources relied upon (e.g., the possibility of vested interests from involved and affected parties), the absence of standardized procedures or validated actuarial tools, and the reliance on extensive and detailed collateral information.

#### **What Limitations and Assumptions Were Disclosed?**

115. A clear characterization of the limits and assumptions of a psychological assessment is vital for determining its quality and value (see also [6. Limitations and Assumptions](#)). To explore this, the Commission may wish to consider questions that touch on both the sufficiency of foundational and applied validity of the techniques employed, as well as case-specific limitations and more general assumptions. For example:

- Q81 Does the practitioner acknowledge any weaknesses in relation to any of the best practices described here?**
- Q82 Does the practitioner disclose any limitations of their methods, results, opinions, or conclusions?**
- Q83 Does the practitioner disclose any assumptions they have relied on when undertaking their work?**
- Q84 Does the practitioner provide information about the limitations of the foundational validity of the methods they used in the case, such as validity or precision/reliability indices that are unknown, unknowable, or lower than ideal?**
- Q85 Does the practitioner provide information about the limitations to the validity as applied for the methods they used in the case, such as any relevant limitations to their own proficiency, limitations to the field validity of the methods used in cases like the instant case, and whether the methods were used in an unusual way or for an unusual purpose?**

- Q86** Does the practitioner provide any information about the likelihood, cause, or magnitude of disagreement between practitioners who provide the same types of assessments?
- Q87** Does the practitioner provide any information about the likelihood, cause, or magnitude of disagreement across repeated applications of the same techniques?
- Q88** Does the practitioner disclose any deviations from standard operating procedures or documented and validated methods?
- Q89** Has the practitioner considered the implications of any deviations from best practice for the validity of their approach and conclusions?
- Q90** Does the practitioner acknowledge the potential for bias and transparently describe steps they took to mitigate those risks?
- Q91** Does the practitioner provide information to understand any limitations regarding the intent, imprecision, and interpretation of uncertain terms?
- Q92** Does the practitioner describe and account for any limitations to the quality of the data they have relied on in their assessment?
- Q93** Does the practitioner disclose any data that is inconsistent with or disconfirming of their opinions or explicitly state that there was no such data?
- Q94** Does the practitioner describe any case-specific factors that may decrease the quality or value of their assessment in this case or explicitly state that no such factors were present?
- Q95** If the subject of inquiry is deceased or uncooperative, did the practitioner describe the likely impact on the quality and veracity of the information available to them in conducting the assessment?
- Q96** Where collateral sources like friends, family, survivors, and archival records contribute to a psychological assessment, are the limitations associated with the quality of that information declared?

116. A number of limitations and assumptions are likely to be relevant to psychological autopsies and behavioural profiling assessments. As a starting point, there are likely to be relevant disclosures regarding each of the best practices identified in this report, as discussed in each section. Specifically, given that no psychological assessment technique is error-free or has been perfectly optimized, a robust psychological autopsy

or behavioural profile is likely to have weaknesses in Best practices: 1) foundational validity, 2) validity as applied, 3) bias, 4) quality assurance, 5) opinion expression, 6) (case-specific) limitations and assumptions, and 7) alternative views or disagreements. It is also possible that there may be limitations with regards to 8) ethical obligations and codes of conduct.

### How Were Alternative Views and Disagreements Managed?

117. Some practitioners may be operating on the fringe of best or standard practice. This is a matter that should be transparently disclosed in a psychological assessment (see also [7. Alternative Views or Disagreements](#)), although the practitioner may not be aware that they are operating on the fringe. The Commission may wish to consider the following questions to explore this issue:

- Q97 Does the practitioner refer to any critical scholarship or authoritative commentary relating to forensic psychological assessments, psychological autopsies, or behavioural profiling?**
- Q98 Does the practitioner consider the implications of relevant critical scholarship for the quality and value of their own psychological assessment?**
- Q99 Where applicable, does the practitioner engage with and acknowledge where their views might depart from the established consensus in their field and where their views (whether held by a majority or not) run counter to authoritative prescriptions?**
- Q100 Does the practitioner acknowledge that different practitioners may use different methods or reach different conclusions given the same information?**
- Q101 If relevant, does the practitioner acknowledge that there are various “schools of thought” that occupy similar territory in the professional practice landscape and identify the viewpoint from which they are operating while also identifying (an) other viewpoint that other professionals might rely upon in their assessments?**
- Q102 Does the practitioner explain why there may be differences between practitioners when completing the same psychological assessments**



and what the implications of those differences are for the quality and value of their own psychological assessment?

**Q103** Does the practitioner offer rival hypotheses or counterfactuals that might arise from alternative professional approaches to interpreting the same body of assessment evidence in a particular case?

**Q104** If the practitioner used an unstandardized assessment approach, do they acknowledge the very real possibility of disagreement between practitioners about the validity of this approach as compared to structured and/or actuarial judgments?

118. When considering the potential for alternative perspectives and disagreements

relating to psychological autopsies and behavioural profiling, we note that there is critical scholarship in both of these areas.<sup>305</sup> For example, regarding behavioural profiling, scholars have commented that

profiles of target-violence perpetrators would be too diffuse to have any real discriminatory value and too insensitive to effectively identify potential attackers who might fall outside the boundaries of the "profile."<sup>306</sup>

Of psychological autopsies:

[T]here is simply no way to test a derived conclusion [from a psychological autopsy] in that the subject at study is deceased and consequently unavailable to provide an unequivocal statement of his or her intent to self-inflict death.<sup>307</sup>

119. While it is outside our expertise to comment on the authority, representativeness, or timeliness of these criticisms, we note that the issues being raised relate to the best-

<sup>305</sup> Conner et al., 2021; Fox & Farrington, 2018; Hjelmeland et al., 2012; Hjelmeland, H. & Knizek, B.L. (2017). Suicide and mental disorders: A discourse of politics, power, and vested interests. *Death Studies*, 41(8), 481–92, <https://doi.org/10.1080/07481187.2017.1332905>; Pirakis, J., Nicholas, A., & Gunnell, D. (2020). The case for case-control studies in the field of suicide prevention. *Epidemiology and Psychiatric Sciences*, 29, E62, <https://doi.org/10.1017/S2045796019000581>; Pouliot, L. & De Leo, D. (2006). Critical issues in psychological autopsy studies. *Suicide and Life-Threatening Behaviour*, 36(5), 491–510, <https://doi.org/10.1521/suli.2006.36.5.491>; Pridmore, S. (2015). Mental disorder and suicide: A faulty connection. *Australian and New Zealand Journal of Psychiatry*, 49(1), 18–20, <https://doi.org/10.1177/0004867414548904>; Ribeiro & de Matos Soeiro, 2021; Snook et al., 2008; Snook et al., 2007; Vettor, S., Woodhams, J., & Beech, A.R. (2013). Offender profiling: A review and critique of the approaches and major assumptions. *Journal of Current Issues in Crime, Law & Law Enforcement*, 6(4), 354–87, <https://doi.org/10.13140/RG.2.1.1672.6168>.

<sup>306</sup> Harris, A.J. & Lurigio, A.J. (2012). Threat assessment and law enforcement practice. *Journal of Police Crisis Negotiations*, 12(1), 51–68, <https://doi.org/10.1080/15332586.2012.645375>, 54.

<sup>307</sup> Snider et al., 2006, 513.

practice considerations that are identified in this report and have been endorsed by peak mainstream scientific and psychological sources. This suggests that there are likely to be credible criticisms of psychological autopsies and behavioural profiles that should be acknowledged and engaged with by practitioners undertaking these assessments.

120. Furthermore, where a practitioner is not scientifically trained, they may not be conversant with the scientific literature, best practices, and alternative views or disagreements described in this report.<sup>308</sup> Yet it does not mean that these perspectives do not exist, and ignorance of these issues may reflect poorly on the quality of the assessment. The technical proficiency of a practitioner who is not aware of relevant contemporary critical discourses should be examined carefully.

#### **How Were Ethical Obligations and Codes of Conduct Addressed?**

121. Ethical obligations, codes of conduct, and procedure rules apply to the provision of psychological assessments (see also [8. Ethical Obligations and Codes of Conduct](#)). The Commission can explore this by considering the following questions:

**Q105 Does the practitioner describe and hold appropriate licences, accreditation, and/or authorization as necessary to complete the work described?**

**Q106 Does the practitioner describe and maintain memberships of professional organizations and societies that govern the ethical conduct of the work described?**

**Q107 Does the practitioner's work comply with relevant ethical, professional, and licensure requirements?**

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<sup>308</sup> Edmond et al., 2016b.

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**Q108 Do procedural rules apply to the psychological assessments in this case? Does the practitioner's work comply with those rules?**

122. As already discussed, practitioners who provide psychological autopsies and behavioural profiles may have diverse professional experience. Many though not all practitioners in these areas will be psychologists. Psychologists generally need a licence to undertake their work; however, there are instances where unlicensed psychologists can provide legally relevant opinions in the form of framework evidence (i.e., informing courts about general psychological knowledge that bears on a legal dispute without forming a specific opinion about the case at hand).<sup>309</sup>
123. Where a practitioner is a member of a professional organization (be it psychological or otherwise), these organizations usually have codes of ethics that their members should adhere to. But once again, it is possible that practitioners offering psychological autopsy or behavioural profiling assessments may do so without holding professional membership and so may not have any formal ethical obligations. For example, people who have completed tertiary studies in psychology do not always seek formal licensure as a psychologist. These practitioners may pursue careers in criminology or law enforcement, applying their psychological knowledge in their roles without having to adhere to the licensing or ethical obligations. Thus, at present, the ethical and licensing requirements for practitioners providing psychological autopsies or behavioural profiles do not appear to be determined by the service being provided in

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<sup>309</sup> Monahan, J., Walker, L., & Mitchell, G. (2009). The limits of social framework evidence. *Law, Probability & Risk*, 8(4), 307–21, <https://doi.org/10.1093/lpr/mgp020>; Vidmar, N.J. & Schuller, R.A. (1989). Juries and expert evidence: Social framework testimony. *Law and Contemporary Problems*, 52(4), 133–76, <https://doi.org/10.2307/1191909>; Walker, L. & Monahan, J. (1987). Social frameworks: A new use of social science in law. *Virginia Law Review*, 559–98, <https://doi.org/10.2307/1072923>.

any given case. Rather, they seem to be determined by the training of the individual practitioner, the titles and memberships they hold, and the resultant commitments they have undertaken.

## V. Evaluating Our Opinion

124. Our report does not offer a psychological opinion of the type considered throughout this report. Even so, many of the principles of best practice we have described also apply to the task we have undertaken for the Commission in providing what is referred to as framework evidence.<sup>310</sup> Framework evidence informs courts about general psychological knowledge that bears on a legal dispute in the abstract rather than providing a specific, individualized opinion about a person or scenario of interest. To assist the Commission in evaluating our opinion, we provide the following information:

### Sources Informing Our Opinion

125. Our opinion in Part 1 was informed by scholarly literature and reports of mainstream scientific organizations as cited throughout this document (see also VI. Works Cited). Most of these resources can be accessed using the bibliographic information, Digital Object Identifiers (DOI), and hyperlinks provided. Other materials are available to the Commission upon request.

126. Our opinion was also informed by the terms of our engagement with the Commission. Based on preliminary conversations, the Contractor Responsibilities (i.e., “Contractors”

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<sup>310</sup> Faigman, D.L., Monahan, J., & Slobogin, C. (2014). Group to individual (G2i) inference in scientific expert testimony. *University of Chicago Law Review*, 417–80; Monahan et al., 2009; Walker & Monahan, 1987.

Kristy Martire and Tess Neal) as issued on 30 November 2021 by the Commission

were as follows:

In the initial phase of their work, the Contractors will produce a report that:

1. defines the field of “psychological assessment” or “risk assessment” that may be used by law enforcement agencies and courts;
2. reviews the scientific evidence basis for the techniques used by psychological evaluators;
3. sets out best practices for and limitations of psychological assessment and risk assessment, drawing upon the principles of evidence-based medicine and forensics where it would be helpful to do so, in a manner that is generalizable to the evaluation of psychological autopsy processes and reporting.

The Contractors will provide an outline of this initial report by 10 December 2021 and a draft of this report by 15 January 2022.

Upon receipt of the initial report, the Director of Research and Policy will supply the Contractors with:

1. a copy of the “psychological autopsy” produced in relation to the perpetrator of the mass casualty of 18 and 19 April 2020 and associated documents; and
2. comments on the initial report, including copy-editing and feedback with respect to the scope of the analysis supplied within the initial report.

The Contractors will apply the principles set out in the draft report to the documents provided by the Commission and will produce an additional portion of the report that explains any new issues arising from these documents, including an evaluation of the extent to which the Psychological Autopsy reflects evidence-based techniques and reflects best practices set out in the initial draft report.

127. The Commission reviewed a draft report outline and provided the following to refine

the scope of our report on 1 December 2021:

1. If and to the extent that it is possible for you to do so, could you please include some discussion or working definition of “psychological assessment” and “risk assessment” and how, in your understanding, these practices relate to the lay/police terms “profiling” and “behavioural analysis.” (To be clear, we appreciate that the latter is outwith your expertise and will not form the focus of your report, but if you are able to share your understanding of the relationship between psychological/risk assessments and profiling, that would be of help to the Commissioners.)
2. Relatedly, if the term “psychological autopsy” has a received understanding in forensic psychology, please explain that received understanding and how the evidence-based principles you set out apply to a psychological autopsy.

3. To the extent that you can do so, could you please attend to the implications for evidence-based forensic psychology of the fact that the subject of a psychological assessment or risk assessment has died. How would this fact affect the accuracy and integrity of psychological assessments or attempts to draw on the principles of forensic psychology to explain that person's actions/behaviour/motives?

### Evaluating the Validity of Our Approach

128. As with psychological assessments, there are two types of validity to consider when evaluating our framework opinion: foundational validity and validity as applied. The foundational validity of our opinion relates to whether or not there is credible evidence that approaches like ours *in principle* result in accurate, repeatable, and reproducible opinions of the type we have provided. The validity of our opinion as applied relates to whether or not there is credible evidence that our approach *in this case* is likely to be accurate, repeatable, and reproducible.

129. When considering the accuracy of framework evidence, both in principle and in this case, it is important to note that there is arguably no “ground truth” against which to determine accuracy. Specifically, there is no single correct way to synthesize relevant scholarship. Rather, it is likely that several different perspectives are supportable depending on the philosophy, values, and assessments of the evaluator. Given this, the Commission may benefit from considering the quality of the reasoning provided to underpin our opinion rather than its objective accuracy. For example, whether the basis for our opinion is logically sound, internally consistent, and well supported by credible evidence, while also accounting for and disclosing limitations (see also [Limitations and Assumptions](#)) and any disconfirmatory or conflicting evidence (see also [Alternative Views and Disagreements](#)).

130. When considering the repeatability and reproducibility of our opinion, both in principle and in this case, the Commission will need to consider our methodology and whether we or others could reproduce it to reach the same outcome. As also described in [Limitations and Assumptions](#), our approach in forming our opinion was subjective. We provided an opinion based on extended engagement with relevant issues and scholarship. Our opinion reflects our values and beliefs and is the result of our own reading, critical evaluation, and published commentary. Given this, the Commission should be aware that subjective processes like the one we have used are generally expected to have lower repeatability and reproducibility than systematic, formalized approaches.<sup>311</sup> Even so, we suggest that opinions formed over years of critical engagement with a particular topic are likely to be relatively stable (repeatable), and although the exact process may be difficult to reproduce, we suggest that it is also likely that another person, reading the sources we cite here, would form a similar opinion (reproducible). The fact that the best principles we identify here have also been identified by a number of scholars and authoritative scientific institutions further supports the reproducibility of our opinion.

### Our Proficiency

131. Kristy Martire and Tess Neal both hold PhDs in Psychology, are formally trained in forensic psychology, and are registered/licensed psychologists. Specifically, Kristy

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<sup>311</sup> A systematic review is a formalized process that uses explicit, systematic, and reproducible methods to identify, select, and critically appraise relevant scholarship. For example, see Page, M.J., Moher, D., Bossuyt, P.M., Boutron, I., Hoffmann, T.C., Mulrow, C.D., Shamseer, L., Tetzlaff, J.M., Akl, E.A., Brennan, S.E., Chou, R., Glanville, J., Grimshaw, J.M., Hróbjartsson, A., Lalu, M.M., Li, T., Loder, E.W., Mayo-Wilson, E., McDonald, S., . . . McKenzie, J.E. (2021). PRISMA 2020 explanation and elaboration: Updated guidance and exemplars for reporting systematic reviews. *BMJ*, 372, n160, <https://doi.org/10.1136/bmj.n160>.

Martire holds a Master of Psychology (Forensic) and a PhD in Psychology (Forensic) from the University of New South Wales (UNSW), Sydney. Tess Neal earned her PhD in Clinical Psychology (Psychology-Law Concentration) from the University of Alabama and completed a Forensic Psychology postdoctoral residency at the University of Massachusetts Medical School (UMass Med School). They are both employed as academic faculty at large research universities.

132. Kristy Martire holds the endorsed title Forensic Psychologist.<sup>312</sup> She is registered with the Psychology Board of Australia (Registration: PSY0001048364),<sup>313</sup> is a member of the Australian Psychological Society and College of Forensic Psychologists,<sup>314</sup> and is a member of the Australian Academy of Forensic Sciences.<sup>315</sup>

133. Tess Neal is licensed as a psychologist in the states of Arizona (License #4630) and Nebraska (License #844, voluntary inactive status). She is a fellow of the American Psychological Association (APA)<sup>316</sup> and the American Psychology-Law Society (Division 41 of the APA),<sup>317</sup> and is a member of the American Academy of Forensic Sciences.<sup>318</sup> She was also trained as a Designated Forensic Examiner (Psychology) in Massachusetts.

134. PhD training in Psychology develops the following skills relevant to the production of this report: academic writing and presentation skills, critical thinking and analysis

<sup>312</sup> See <https://www.psychologyboard.gov.au/endorsement.aspx>.

<sup>313</sup> See <https://www.psychologyboard.gov.au/>.

<sup>314</sup> See <https://groups.psychology.org.au/cfp/>.

<sup>315</sup> See <https://forensicacademy.com.au/>.

<sup>316</sup> See <https://www.apa.org/>.

<sup>317</sup> See <https://www.apadivisions.org/division-41>.

<sup>318</sup> See <https://www.aafs.org/>.



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skills, abstract reasoning skills, knowledge of and experience with basic statistical analysis techniques, and familiarity and experience with psychological research methods. These skills are tested largely via the PhD examination process – which involves comprehensive qualifying evaluations (in the United States) and completion of a dissertation (in both Australia and the United States) – and via peer-reviewed publications throughout one’s career. However, these processes of evaluation are not without limitation, and concerns exist surrounding the rigour of peer review as an indicator of scholarship quality.<sup>319</sup>

135. The formal Forensic Psychology education that Drs. Martire and Neal completed (i.e., the Master of Psychology [Forensic] qualification at UNSW, Forensic Psychology postdoctoral residency at the UMass Med School) focused on the integration of clinical, research, and legal skills and provided training in the following areas relevant to the production of this report: psychological assessment, forensic psychology interventions and applications, law for psychologists, and professional and ethical forensic psychology practice.
136. Kristy Martire is employed as an Associate Professor in Psychology at UNSW. Tess Neal is employed as an Associate Professor in Psychology at Arizona State University. They regularly publish research and commentary in peer-reviewed scholarly journals on topics relating to the acquisition, communication, and assessment of expertise in forensic science and forensic psychology. Both professors also teach: Dr. Martire teaches postgraduate Master of Psychology (Forensic) trainees, and both Drs. Martire

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<sup>319</sup> Smith, R. (2006). Peer review: A flawed process at the heart of science and journals. *Journal of the Royal Society of Medicine*, 99(4), 178–82, <https://doi.org/10.1177/014107680609900414>.

and Neal regularly offer professional workshops and trainings for students and forensic practitioners about the values and challenges associated with forensic psychology practice, as well as critical, scientific, and ethical thinking skills and research study design. As such, Drs. Martire and Neal have read widely, critically considered, and publicly commented on a range of issues that apply to the production of psychological opinions in forensic contexts.

### **Bias Management, Quality Assurance, and Opinion Expression**

137. We were engaged by the Commission to comment on rigorous forensic psychological assessment practices. During the contracting/scoping phase of our engagement, the Commission noted the existence of and their interest in evaluating the rigour of a specific psychological autopsy (henceforth “the psychological autopsy”). However, as suggested in our preceding discussions, it is possible – perhaps even likely – that: a) knowing that the Commission has an interest in evaluating the rigour of the psychological autopsy and b) having read the psychological autopsy in question would affect our opinions about what constitutes a rigorous forensic psychological assessment.

138. Therefore, we asked the Commission to withhold the psychological autopsy until we completed Part 1 of our report describing abstract principles and best-practice recommendations for rigorous forensic psychological assessments. The Commission agreed to provide us with case-specific documents, including the psychological autopsy, only after receipt of Part 1. Part 2 of our report will then serve as an addendum to Part 1 and will be completed after reviewing case-specific documents.

This process for managing bias is called *sequential unmasking* and is considered an appropriate strategy for reducing bias risk<sup>320</sup> and improving quality.

139. To further protect against bias, we also asked the Commission not to disclose any specific information about the events of April 2020 or the people/stakeholders involved before preparing Part 1 of our report. We also refrained from obtaining details about the events ourselves. At the time of writing Part 1 of this report, we had a general idea of the nature, seriousness, and scope of the events the Commission is considering, but we had few specific details about what transpired to trigger this inquiry or the Commission's interest in the psychological autopsy.

140. In addition, we relied on the principles of open science in the preparation of this report.<sup>321</sup> Open science aims to increase the openness, integrity, and reproducibility of science by making research, data, and their dissemination available to all. Transparent science enables critical review, verification, and ultimately improved quality of work.<sup>322</sup> These ideals are particularly important in legal and forensic work, where law and policy that affect people's lives are involved.<sup>323</sup>

141. Our approach to open science in this report involved extensive referencing of our opinions and the sources relied upon, citation using digital object identifiers (DOI) where available, explicit disclosure of relevant alternative views and disagreements,

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<sup>320</sup> Dror & Kukucka, 2021.

<sup>321</sup> Center for Open Science. (2021). Our mission, <https://www.cos.io/>.

<sup>322</sup> Chin, J.M., Growns, B., & Mellor, D.T. (2019). Improving expert evidence: The role of open science and transparency. *Ottawa Law Review*, 50(2) 365–410, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3345225](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3345225).

<sup>323</sup> Chin et al., 2019.

and sharing information about the terms of reference, project timelines, and communication in this report and with the Commission on the Open Science Framework,<sup>324</sup> to be made publicly available at the Commissions' discretion.

142. Finally, we took care to attend closely to the expression of our opinion. We took steps to separate Parts 1 and 2 of this report and provided a glossary to define all terms with the potential for jargon-related confusion. Specifically, Part 1 lays out what we see as best practices for rigorous forensic psychological assessment practices in the abstract. We described these, with justification, and then opined that we see these as best practices – but we did not link this opinion to the specifics of the case the Commission is considering. This was intentional, with a split opinion across Parts 1 and 2 of our process representing our approach to improving quality and reducing bias in our work. Furthermore, when we complete Part 2 of this report, we will avoid overly conclusive language and will again carefully define our terms in a glossary, and so forth.

### Limitations and Assumptions

143. In evaluating our report, it is important for the Commission to be aware of the following limitations and assumptions.

144. We approached the topic of “rigorous forensic psychological assessment” by drawing on our knowledge relating to scientific expert opinion evidence (i.e., of the type admitted in legal proceedings). Some of the issues discussed from this perspective may be more or less acute in other contexts or scenarios. Even so, we believe the best-

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<sup>324</sup> Available at [https://osf.io/brz2c/?view\\_only=7ffe2fa7325144fd8cf40e6f23b35302](https://osf.io/brz2c/?view_only=7ffe2fa7325144fd8cf40e6f23b35302).

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practice considerations discussed here are relevant to assessing the quality and value of any psychological assessment.

145. We have not undertaken a formal systematic review of the published literature to prepare this report, which is generally recommended over non-systematic reviews of the type we have conducted.<sup>325</sup> Our survey of and engagement with the literature has been informed by our own reading and knowledge developed over the years of our engagement with the topics discussed here. Our review is therefore not exhaustive, and it is possible that contradictory views and alternative opinions will have been missed in our summary and synthesis. It is also possible that we have missed additional examples and sources supporting the views presented here. The Commission should note that this approach also makes it difficult for other scholars to faithfully reproduce our approach. Furthermore, given that there is arguably no agreed and objectively accurate outcome from a systematic review, the accuracy of our approach is unknown both in principle and in practice.

146. We do not claim expertise in the specific techniques of psychological autopsy or behavioural profiling. We describe best-practice principles for forensic sciences, including forensic psychological assessments, as described by authoritative mainstream scientific institutions and psychologists who are attentive to these issues. We also draw on a limited engagement with critical scholarship relating to psychological autopsies and behavioural profiling at the request of the Commission. There are likely to be specific aspects of psychological autopsy and behavioural

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<sup>325</sup> Page et al., 2021.

profiling techniques and their associated literatures that require careful consideration and perhaps additional or modified best-practice recommendations and analysis from those who claim expertise in these particular assessments. But to the extent that psychological profiling and the psychological autopsy meet the definition of a forensic psychological assessment, we contend these techniques should also adhere to the principles and best practices of evidence-based psychological science described in this report.

147. We are also limited in what we know about the subject of the Commission's inquiries.

This limits the scope of our review and opinions. In particular, we did not seek access to background information that may have been referred to or relied upon in the psychological autopsy, as we wrote this report about best practices in the abstract. In Part 2, when we apply the best practices laid out in this report to the specific evaluation in question, we will be unable to make any direct or indirect comment on the factual accuracy of that assessment (i.e., its "correctness"). We will be able to comment only on the extent to which the psychological autopsy includes information relating to the best practices we have described in Part 1. We will leave it to the Commission to make qualitative judgments about the sufficiency and or accuracy of the psychological autopsy in question.

#### **Alternative Views and Disagreements**

148. Our opinion is well informed and is extensively supported by evidence from authoritative sources. Yet it remains indicative of a particular perspective on forensic sciences, forensic psychology, and psychological assessments and should be taken by

the Commission as representing that perspective. We do not propose that our views represent the only or even the predominant perspective. More specifically, our views favour a scientific and skeptical approach, with awareness that alongside robust scientific practices,<sup>326</sup> there are some pseudoscientific practices in forensic science and forensic psychology that “display the veneer of science but do not ‘play by its rules’.”<sup>327</sup> Many practitioners are not aware of and do not engage with the considerations discussed here, and though we would argue this constitutes a gap in professional knowledge that has the potential to diminish the quality and value of their work, there are practitioners who do not adopt or see the need for the recommended practices described here. Even so, the professional practice of those with a different perspective to ours may also be characterized as “acceptable,”<sup>328</sup> given the standards and guidelines currently operating in the field.

149. Some may also dispute our characterization of structured/actuarial judgment, structured clinical judgment, and unstructured clinical judgment methods as descending in order of accuracy.<sup>329</sup> Advocates for the structured clinical judgment approach point to studies that show the approach can perform just as well as actuarial methods

... when clinicians are given the kind and amount of information that they regularly use; are allowed to conduct realistic diagnostic interviews; and their judgments are analyzed with statistical methods that detect the complexity in their judgments.<sup>330</sup>

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<sup>326</sup> Washburn et al., 2019.

<sup>327</sup> Mnookin et al., 2011, 80.

<sup>328</sup> Heilbrun & Brooks, 2010.

<sup>329</sup> Neal et al., 2022.

<sup>330</sup> Milchman, 2015, 103.

However, those studies also contain methodological weaknesses,<sup>331</sup> and ultimately the evidence suggests that more objective and explicit approaches will be more resistant to biasing factors and more open to independent scrutiny than approaches that are more subjective and implicit.<sup>332</sup>

150. There is also a potential for debate about our characterizations of the evidence and extent to which forensic psychologists are aware of and follow the best-practice recommendations described. For example, there are different perspectives on the overall status of the accuracy of forensic psychological assessments<sup>333</sup> and the success of bias management by practitioners.<sup>334</sup> In some cases these discrepancies can be reconciled through careful consideration of the terms of reference and/or the evidence being relied upon to support differing views. However, in others, they likely reflect genuine substantive differences in perspective on the issues. We have cited the evidence that we rely upon to form our views and ultimately believe that there is a credible empirical foundation for the opinions we have expressed. However, the Commission should be aware that there are practitioners who would dispute aspects of our report.

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<sup>331</sup> Silva, E. (2020). The HCR-20 and violence risk assessment: Will a peak of inflated expectations turn to a trough of disillusionment? *British Journal of Psychiatry Bulletin*, 44(6), 269–71, <https://doi.org/10.1192/bjb.2020.14>.

<sup>332</sup> Neal et al., 2019. See also Standard 6.8 of the Standards for Educational and Psychological Testing, which notes that rubrics, procedures, and standardized criteria are preferred for scoring psychological tests when human judgment is involved: AERA, APA, & NCME, 2014.

<sup>333</sup> Heilbrun & Brooks, 2010

<sup>334</sup> Lovett & Harrison, 2019.



### Ethical Obligations and Codes of Conduct

151. Dr. Kristy Martire is licensed to practice forensic psychology in a clinical capacity in Australia and is bound by the Australian Psychological Society Code of Ethics<sup>335</sup> and Ethical Guidelines for Psychological Practice in Forensic Contexts.<sup>336</sup> As a licensed psychologist in the United States (and specifically in the state of Arizona), Dr. Tess Neal is bound by the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct,<sup>337</sup> the Speciality Guidelines for Forensic Psychology,<sup>338</sup> and the Arizona Board of Psychologist Examiners Statutes and Rules (Arizona Revised Statutes Title 32 Chapter 19.1. Psychologists).<sup>339</sup>

152. In our respective ethics codes in Australia and in the United States, there are both enforceable rules (e.g., minimum standards of conduct for which violations have consequences) and aspirational principles toward which psychologists are to strive. This approach is similar to the design of the Canada Psychological Association's ethics code for psychologists.<sup>340</sup> The cardinal elements of professional ethics are built into the aspirational principles of these ethics codes, which are similar to one another. In our approach to the current report, we believe we have complied with our ethical and professional responsibilities by following our ethical obligations, codes of conduct, and licensure rules as identified above.

<sup>335</sup> Australian Psychological Society, 2007.

<sup>336</sup> Australian Psychological Society, 2014.

<sup>337</sup> American Psychological Association, 2017.

<sup>338</sup> American Psychological Association, 2013a.

<sup>339</sup> <https://psychboard.az.gov/statutes-rules/board-statutes>.

<sup>340</sup> Canadian Psychological Association, 2017.

153. Our approach to this report also complies with the Nova Scotia Civil Procedures Rules

(reproduced and cross-referenced below) as follows:

55.04(1) An expert's report must be signed by the expert and state all of the following as representations by the expert to the court [see [I. Representations to the Commission](#)]:

- (a) the expert is providing an objective opinion for the assistance of the court, even if the expert is retained by a party [see [Bias Management, Quality Assurance, and Opinion Expression](#)];
  - (b) the witness is prepared to testify at the trial or hearing, comply with directions of the court, and apply independent judgment when assisting the court [see [I. Representations to the Commission](#) and [Bias Management, Quality Assurance, and Opinion Expression](#)];
  - (c) the report includes everything the expert regards as relevant to the expressed opinion, and it draws attention to anything that could reasonably lead to a different conclusion [see [V. Evaluating Our Opinion and Alternative Views and Disagreements](#)];
  - (d) the expert will answer written questions put by parties as soon as possible after the questions are delivered to the expert [see [I. Representations to the Commission](#) and [Sources Informing Our Opinion](#)];
  - (e) the expert will notify each party in writing of a change in the opinion or of a material fact that was not considered when the report was prepared and could reasonably affect the opinion, as soon as possible after arriving at the changed opinion or becoming aware of the material fact [see [I. Representations to the Commission](#)].
- (2) The report must give a concise statement of each of the expert's opinions and contain all of the following information in support of each opinion [see [II. Our Opinion](#)].
- (a) details of the steps taken by the expert in formulating or confirming the opinion [see [V. Evaluating Our Opinion](#)];
  - (b) a full explanation of the reasons for the opinion including the material facts assumed to be true [see [Evaluating Our Opinion: Limitations and Assumptions](#)], material facts found by the expert [Not Applicable in Part 1], theoretical bases for the opinion [see [III. Basis for Our Opinion](#)], theoretical explanations excluded [see [Evaluating Our Opinion: Alternative Views and Disagreements](#)], relevant theory the expert rejects [see [Evaluating Our Opinion: Alternative Views and Disagreements](#)], and issues outside the expertise of the expert and the name of the person the expert relies on for determination of those issues [see [Evaluating Our Opinion: Limitations and Assumptions](#)];
  - (c) the degree of certainty with which the expert holds the opinion [[II. Our Opinion](#) and [Bias Management, Quality Assurance, and Opinion Expression](#)];

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- (d) a qualification the expert puts on the opinion because of the need for further investigation, the expert's deference to the expertise of others [see [II. Our Opinion](#), [Bias Management, Quality Assurance, and Opinion Expression](#), and [Evaluating Our Opinion: Limitations and Assumptions](#)], or any other reason.
- (3) The report must contain information needed for assessing the weight to be given to each opinion, including all of the following information:
- (a) the expert's relevant qualifications, which may be provided in an attached résumé [see [Evaluating the Validity of Our Approach, Our Proficiency, Résumé Martire, Résumé Neal](#)];
  - (b) reference to all the literature and other authoritative material consulted by the expert to arrive at and prepare the opinion, which may be provided in an attached list [see [Sources Informing Our Opinion, Bias Management, Quality Assurance, and Opinion Expression](#) and [VI. Works Cited](#)];
  - (c) reference to all publications of the expert on the subject of the opinion [see [Résumé Martire](#) and [Résumé Neal](#)];
  - (d) information on a test or experiment performed to formulate or confirm the opinion, which information may be provided by attaching a statement of test results that includes sufficient information on the identity and qualification of another person if the test or experiment is not performed by the expert [Not Applicable];
  - (e) a statement of the documents, electronic information, and other things provided to or acquired by the expert to prepare the opinion [see [III. Basis for Our Opinion, Sources Informing Our Opinion](#) and [Bias Management, Quality Assurance, and Opinion Expression](#)].

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Zapf, P.A., Kukucka, J., Kassin, S.M., & Dror, I.E. (2018). Cognitive bias in forensic mental health assessment: Evaluator beliefs about its nature and scope. *Psychology, Public Policy, and Law*, 24(1), 1–10. <https://doi.org/10.1037/law0000153>

Ziskin, J. (1970). *Coping with psychiatric and psychological testimony*. Law and Psychology Press.

## VII. Cases & Legislation

*Criminal Code of Canada (RSC, 1985, c. C-46)*.

*Daubert v. Merrell Dow Pharmaceuticals, Inc.* (1993). 509 US 579.

*Director of Public Prosecutions for Western Australia v. Mangalamara* (2007). WASC 71.

*Ewert v. Canada*, 2018 SCC 30.

*Federal Rules of Evidence 702*. (2022). *Testimony by expert witnesses*.  
<https://www.rulesofevidence.org/articleiv/rule-702/>

*General Electric Co. v. Joiner*, 522 US 136 (1997).

*Jenkins v. United States*, 307 F 2d 637. *Court of Appeals, Dist. of Columbia Circuit* 1962.

*Kumho Tire Co v. Carmichael*, 526 US 137, 147–49 (1999).

*R. v. J.-L.J.* (2000), 261 NR 111 (SCC).

*White Burgess Langille Inman v. Abbott and Haliburton Co*, 2015 SCC 23.

## Résumé Martire

November 2021

### KRISTY MARTIRE

ASSOCIATE PROFESSOR

School of Psychology  
University of New South Wales (UNSW), Sydney  
New South Wales, Australia, 2052

[k.martire@unsw.edu.au](mailto:k.martire@unsw.edu.au)

#### EDUCATION

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|------|--|
| 2008 | Ph.D. Psychology, University of New South Wales, Sydney<br>Dissertation: Helping jurors to evaluate eyewitness identification evidence; The role of expert testimony and judicial instruction.<br>Supervisor: Richard Kemp |
| 2008 | M.Psychol (Forensic), University of New South Wales, Sydney  |
| 2004 | B.A., Psychology & History, University of Sydney, First Class  |

#### EMPLOYMENT

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- |         |  |
|---------|--|
| 2020–   | Associate Professor, University of New South Wales, Sydney   |
| 2017–20 | Associate Professor & Director of the Master of Psychology (Forensic) Program, University of New South Wales, Sydney |
| 2014–17 | ARC DECRA Fellow, University of New South Wales, Sydney  |
| 2013–14 | Senior Lecturer, University of New South Wales, Sydney   |
| 2011–13 | Lecturer, University of New South Wales, Sydney  |
| 2008–11 | Research Fellow, National Drug & Alcohol Research Centre, Sydney   |

#### PRIZES, AWARDS & SCHOLARSHIPS

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|------|--|
| 2017 | Goldstar Award, University of New South Wales, Faculty of Science            |
| 2016 | Goldstar Award, University of New South Wales, Faculty of Science            |
| 2014 | Goldstar Award, University of New South Wales                                |
| 2013 | Discovery Early Career Researcher Award (DECRA), Australian Research Council |



2012	Best Oral Presentation, Australia & New Zealand Forensic Science Society
2010	Dean's Rising Star Award, University of New South Wales, Faculty of Medicine
2009	Machonochie Prize for the best publication by a PhD, Master or Honours student in Forensic Psychology, Australian Psychological Society Forensic College
2007	Postgraduate Student Support Scholarship, University of New South Wales
2004	Australian Postgraduate Award, Australian Federal Government

**GRANTS & CONTRACTS**

External Funding		*Role: PI - Principle (Sole/Lead) Investigator; I - Investigator (Team member)	
Years	Agency & Project Title	Amount	Role*
2021-22	Victoria Police	\$19,252	PI
2021	Collaborative Journal Club and Research Synthesis Aston Institute for Forensic Linguistics	£6,000	PI
2019-20	Review of literature on lay comprehension of likelihood ratios. National Institute of Forensic Sciences	\$11,000	PI
2019-20	The optimal method of communication for forensic expert opinions across disciplines. British Academy	£33,153	I
2016-18	Facial recognition in the criminal justice system. Australian Research Council	\$200,500	PI
2016	Improving the communication of forensic science evidence to courts. Expert Opinion Services	\$2,116	PI
2014	Judicial attitudes toward expert evidence. Australian Research Council	\$393,161	PI
2012-15	Unravelling the golden thread: Presumption of innocence, fair trial and lay belief change. National Health & Medical Research Council	\$1,951,000	I
2011	A trial of financial counselling and NRT for socioeconomically disadvantaged smokers. Attorney General's Department	\$8,000	PI
2011	MERIT Annual Report, 2010 Attorney General's Department	\$8,000	PI
2010	MERIT Annual Report, 2009 Attorney General's Department	\$8,000	PI
2009	MERIT Annual Report, 2008 Attorney General's Department	\$8,000	PI
2008	MERIT Annual Report, 2007 New South Wales Health	\$14,688	I
2008	Evaluation of the impact of offence-related debt on AOD treatment Justice Health	\$20,000	I
2008	Evaluation of the Connections Project Attorney General's Department	\$30,000	I
	Evaluation of the MERIT Program		

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**REPORT TO MASS  
CASUALTY  
COMMISSION**
**Internal Funding**

Year	Scheme & Project Title	Amount	Role*
2021	School Research Grant Understanding evidence evaluation by people who endorse implausible claims	\$3,000	PI
2018	Faculty Research Grant Using tournaments to understand the limits and acquisition of expertise in forensic sciences.	\$16,606	PI
2017	Faculty of Science Goldstar Award Mind-environment interactions in probability judgments	\$40,000	PI
2016	Faculty of Science Goldstar Award Mind-environment interactions in forensic probability judgments	\$40,000	PI
2014	UNSW Goldstar Award Intent and interpretation in the communication of forensic science evidence	\$30,000	PI
2013	Faculty Early Career Researcher Grant Weak evidence effect: Expectation, averaging or neglect?	\$20,000	PI
2012	Faculty Early Career Researcher Grant Expressing and understanding evidence.	\$14,000	PI
2011	Faculty Early Career Researcher Grant Trial of measures and instrumentation to test recall accuracy for smoking behaviours.	\$23,000	PI

**PUBLICATIONS****Peer Reviewed Articles**

1. Younan, M & Martire KA (accepted 18/11/2021) Likeability and persuasion: Less likeable expert witnesses are less persuasive. *Frontiers in Psychology, Forensic and Legal Psychology*
2. Ritchie, K., Cartledge, C., Grouns, B., Yan, A., Wang, Y., Guo, K., Kramer, R.S.S., Edmond, G., Martire, K.A., San Roque, M., White, D. Public attitudes to use of automatic facial recognition technology in criminal justice systems around the world. *PLOS One*. <https://doi.org/10.1371/journal.pone.0258241>
3. Bali, A., Martire, K.A. & Edmond, G. Lay comprehension of statistical evidence: A novel measurement approach. *Law and Human Behaviour* 45.4 (2021): 370. <https://doi.org/10.1037/lhb0000457>
4. Grouns, B., Siegelman, N. & Martire, K.A. (2020). The multi-faceted nature of visual statistical learning: Individual differences in learning conditional and distributional regularities across time and space. *Psychonomic Bulletin & Review*, 27(6), 1291-1299. <https://doi.org/10.3758/s13423-020-01781-0>
5. Martire, K. A., Grouns, B., Bali, A. S., Montgomery-Farrer, B., Summersby, S., & Younan, M. (2020). Limited not Lazy: A quasi-experimental secondary analysis of evidence quality evaluations by those who hold implausible beliefs. *Cognitive Research: Principles and Implications*, 5(1), 1-15. <https://doi.org/10.1186/s41235-020-00264-z>

6. Growsns, B., & Martire, K.A., (2020) Human Factors in Forensic Science: The Cognitive Mechanisms That Underlie Forensic Feature-Comparison Expertise, *Forensic Science International: Synergy*, 2, 148-153  
<https://doi.org/10.1016/j.fsisyn.2020.05.001>
7. Growsns B, Martire KA. Forensic feature-comparison expertise: Statistical learning facilitates visual comparison performance [published online ahead of print, 2020 Mar 9]. *J Exp Psychol Appl*. 2020; <https://doi.org/10.1037/xap0000266>
8. Martire, K.A., & Montgomery-Farrer, B., (2020) Judging experts: Australian magistrates' evaluations of expert opinion quality, *Psychiatry, Psychology and Law*, DOI: <https://doi.org/10.1080/13218719.2020.1751334>
9. Martire, K.A., Edmond, G. & Navarro, D. (2020) Exploring juror evaluations of expert opinions using the Expert Persuasion Expectancy (ExPEX) Framework, *Legal and Criminological Psychology*, <https://doi.org/10.1111/lcrp.12165>
10. Bali, A., Edmond, G., Ballantyne, K.N., Kemp, R.I., & Martire, K.A. (2019) Communicating forensic science opinion: An examination of expert reporting practices, *Science & Justice*, <https://doi.org/10.1016/j.scijus.2019.12.005> (Senior author)
11. Martire, K.A., Ballantyne, K.N., Bali, A., Edmond, G., Kemp, R.I., & Found, B. (2019) Forensic science evidence: Naïve estimates of false positive error rates and reliability, *Forensic Science International*, <https://doi.org/10.1016/j.forsciint.2019.109877>
12. Martire, K.A., & Dahlman, C. (2019) The Effect of Ambiguous Question Wording on Jurors' Presumption of Innocence, *Psychology Crime & Law*, <https://doi.org/10.1080/1068316X.2019.1669598>
13. Edmond, G., & Martire, K.A. (2019) Just cognition: Scientific research on bias and some implications for legal procedure and decision-making, *The Modern Law Review*, 82(4), <https://doi.org/10.1111/1468-2230.12424>
14. Boland, V. C., Mattick, R.P., Siahpush, M., Barker, D., Doran, C. M., Martire, K. A., ...Courtney, R. J. (2019). Factors associated with Quitline and pharmacotherapy utilisation among low-socioeconomic status smokers. *Addictive Behaviours*, 89, 113-120. <https://doi.org/10.1016/j.addbeh.2018.09.029>
15. Edmond, G., Cunliffe, E., Martire, K. A., & San Roque, M. (2019). Forensic science evidence and the limits of cross-examination. *Melbourne University Law Review*, 42(3)
16. Towler, A., White, D., Ballantyne, K., Searston, R. A., Martire, K. A., & Kemp, R. I. (2018). Are forensic scientists experts? *Journal of Applied Research in Memory and Cognition*, 7(2), 199-208. <https://doi.org/10.1016/j.jarmac.2018.03.010>
17. Martire, K. A. (2018). Clear communication through clear purpose: Understanding statistical statements made by forensic scientists. *Australian Journal of Forensic Sciences*, 50(6), 619-627, <https://doi.org/10.1080/00450618.2018.1439101>
18. Martire, K. A., Growsns, B., & Navarro, D.J. (2018). What do the experts know? Calibration, precision, and the wisdom of crowds among forensic handwriting experts. *Psychonomic Bulletin & Review*, 1-9, <https://doi.org/10.3758/s13423-018-1448-3>
19. Edmond, G., & Martire, K. A. (2018). Antipodean forensics: A comment on ANZFS's response to PCAST. *Australian Journal of Forensic Sciences*, 50(2), 140-151, <https://doi.org/10.1080/00450618.2017.1340520>

20. Martire, K. A., & Kemp, R. I. (2018). Considerations when designing human performance tests in the forensic sciences. *Australian Journal of Forensic Sciences*, 50(2), 166-182: <https://doi.org/10.1080/00450618.2016.1229815>
21. Martire, K. A., Clare, P. J., Courtney, R. J., & Mattick, R. P. (2017). Smoking and finances: Baseline characteristics of low income daily smokers in the FISCALS cohort. *International Journal for Equity in Health*, 16(1), 157, <https://doi.org/10.1186/s12939-017-0643-6>
22. Ward, T., Edmond, G., Martire, K. A., & Wortley, N. (2017). Forensic science, reliability, and scientific validity: Advice from America. *Criminal Law Review*, 5, 357-378.
23. Edmond, G., Martire, K.A., & San Roque, M. (2017). Expert reports and the forensic sciences. *UNSW Law Journal*, 40(2), 590-637.
24. Edmond, G., Towler, A., Grows, B., Ribeiro, G., Found, B., White, D., ...Martire, K. A. (2017). Thinking forensics: Cognitive science for forensic practitioners. *Science & Justice*, 57(2), 144–154, <https://doi.org/10.1016/j.scijus.2016.11.005> (Senior Author)
25. Ross, R., Kramer, K., & Martire, K. A. (2017). Consistent with: what doctors say and jurors hear. *Australian Journal of Forensic Sciences*, 1-8, <https://doi.org/10.1080/00450618.2017.1324583>
26. Morrison, G. S., Kaye, D. H., Balding, D. J., Taylor, D., Dawid, P., Aitken, C. G. G., ...Caliebe, A. (2017). A comment on the PCAST report: Skip the “match”/“non-match” stage. *Forensic Science International*, 272, e7-e9. <https://doi.org/10.1016/j.forsciint.2016.10.018>
27. Martire, K. A., Edmond, G., Navarro, D. J., & Newell, B. R. (2017). On the likelihood of “encapsulating all uncertainty”. *Science & Justice*, 57(1), 76-79, <https://doi.org/10.1016/j.scijus.2016.10.004>
28. Martire, K. A. & Edmond, G. (2017). Re-thinking expert opinion evidence. *Melbourne University Law Review*, 40(3), 967-998.
29. Courtney, R. J., Clare, P., Boland, V., Martire, K. A., Bonevski, B., Hall, W., ...Mattick, R. P. (2017). Predictors of retention in a randomised trial of smoking cessation in low-socioeconomic status Australian smokers. *Addictive Behaviours*, 64, 13-20, <https://doi.org/10.1016/j.addbeh.2016.07.019>
30. Iredale, J. M., Clare, P. J., Courtney, R. J., Martire, K. A., Bonevski, B., Borland, R., ...Mattick, R. P. (2016) Associations between behavioural risk factors and smoking, heavy smoking and future smoking among an Australian population-based sample. *Preventive Medicine*, 83, 70-76, <https://doi.org/10.1016/j.ypmed.2015.11.020>
31. Edmond, G., Found, B., Martire, K. A., Ballantyne, K., Hamer, D., Searston, R., ...Roberts, A. (2016). Model forensic science: Reflections on ‘How to cross-examine forensic scientists’ for forensic practitioners and prosecutors. *Australian Journal of Forensic Sciences*, 48(5), 496-537, <https://doi.org/10.1080/00450618.2015.1128969>
32. Edmond, G. & Martire, K. A. (2016). Forensic science in criminal courts: The latest scientific insights. *Australian Bar Review*, 42(3), 367-384.

33. Courtney, R. J., Naicker, S., Shakeshaft, A., Clare, P., Martire, K. A., & Mattick, R. P. (2015). Smoking cessation among low-socioeconomic status and disadvantaged population groups: A systematic review of research output. *International Journal of Environmental Research and Public Health*, 12(6), 6403-6422; <https://doi.org/10.3390/ijerph120606403>
34. Watkins, I. J., & Martire, K. A. (2015). Generalized linear mixed models for deception research: Avoiding problematic data aggregation. *Psychology, Crime & Law*, 21, 821-835; <https://doi.org/10.1080/1068316X.2015.1054384>
35. Rourke, P., Howard, J. & Martire, K. A. (2015). Legal mandates and perceived coercion in residential alcohol and other drug treatment. *Psychiatry, Psychology and Law*, 22, 756-768, <https://doi.org/10.1080/13218719.2014.986839>
36. Edmond, G., Martire, K. A., Kemp, R. I., Hamer, D., Hibbert, B., Ligertwood, A., ...White, D. (2014). How to cross-examine forensic scientists: A guide for lawyers. *Australian Bar Review*, 39, 174-197.
37. Clare, P., Slade, T., Courtney, R.J., Martire, K. A., & Mattick, R. P. (2014). The difference between rigor and specificity in examining methodologies for analysing survey data. *Nicotine & Tobacco Research*, 16, 1539-1540, <https://doi.org/10.1093/ntr/ntu189>
38. Courtney, R. J., Bradford, D., Martire, K. A., Bonevski, B., Borland, R., Doran, C., ...Mattick, R. P. (2014). A randomised clinical trial of a financial education intervention with nicotine replacement therapy (NRT) for low-socioeconomic status Australian smokers: A study protocol. *Addiction*, 109(10), 1602-1611: <https://doi.org/10.1111/add.12669>
39. Clare, P., Slade, T., Courtney, R. J., Martire, K. A., & Mattick, R. P. (2014). Use of smoking cessation and quit support services by socioeconomic status over 10 years of the national drug strategy household survey. *Nicotine & Tobacco Research*, 16, 1647-1655, <https://doi.org/10.1093/ntr/ntu119>
40. Martire, K. A. & Watkins, I. (2014). Perception problems of the verbal scale: A reanalysis and application of a membership function approach. *Science and Justice*, 55(4), 264-273, <https://doi.org/10.1016/j.scijus.2015.01.002>
41. Clare, P., Bradford, D., Courtney, R. J., Martire, K., & Mattick, R. P. (2014). The relationship between socioeconomic status and 'hardcore' smoking over time - Greater accumulation of hardened smokers in low-ses than high-ses smokers. *Tobacco Control*, 23(e2), e133 - e138, <https://doi.org/10.1136/tobaccocontrol-2013-051436>
42. Howes, L. M., Martire, K. A., & Kelty, S. F. (2014). Response to Recommendation 2 of the 2009 NAS Report—Standards for formatting and reporting expert evaluative opinions: Where do we stand? *Forensic Science Policy & Management: An International Journal*, 5(1-2), 1-14, <https://doi.org/10.1080/19409044.2014.880973>
43. Martire, K. A., Kemp, R. I., Sayle, M., & Newell, B. R. (2014). The comprehension of likelihood ratios in forensic science evidence: Presentation formats and the weak evidence effect. *Forensic Science International*, 240, 61 - 68: <https://doi.org/10.1016/j.forsciint.2014.04.005>

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 REPORT TO MASS  
CASUALTY  
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44. Martire, K. A., Howard, M. V. A., Sayle, M. A., & Sunjic, S. (2013). Connections program patients: A descriptive analysis of the reintegration needs of incarcerated substance users. *Journal of Alcoholism and Drug Dependence*, 1(6): <https://doi.org/10.4172/2329-6488.1000133>
45. Martire, K. A., Kemp, R. I., Watkins, I., Sayle, M. A., & Newell, B. R. (2013). The expression and interpretation of uncertain forensic science evidence: Verbal equivalence, evidence strength, and the weak evidence effect. *Law and Human Behaviour*, 37(3), 197 - 207, <https://doi.org/10.1037/lhb0000027>
46. Martire, K. A., Kemp, R. I., & Newell, B. R. (2013). The psychology of interpreting expert evaluative opinions. *Australian Journal of Forensic Sciences*, 45(1), 305-314, <https://doi.org/10.1080/00450618.2013.784361>
47. Bright, D. A. & Martire, K. A. (2013). Does coerced treatment of substance-using offenders lead to improvements in substance use and recidivism? A review of the treatment efficacy literature. *Australian Psychologist*, 48(1), 69 - 81, <https://doi.org/10.1111/j.1742-9544.2012.00072.x>
48. Martire, K. A. & Larney, S. (2012). Increasing numbers of inmate separations from Australian prisons. *Medical Journal of Australia*, 196(2), 110, <https://doi.org/10.5694/mja11.11321>
49. Edmond, G., Martire, K., & Roque, M. S. (2011). "Mere guesswork": Cross-lingual voice comparisons and the jury. *Sydney Law Review*, 33, 395 - 425.
50. Martire, K., Sunjic, S., Topp, L., & Indig, D. (2011). Financial sanctions and the justice system: Fine debts among New South Wales prisoners with a history of problematic substance use. *Australian and New Zealand Journal of Criminology*, 44(2), 258 - 271, <https://doi.org/10.1177/0004865811405258>
51. Martire, K. A. & Larney, S. (2011). Health outcomes, program completion, and criminal recidivism among participants in the Rural Alcohol Diversion program, Australia. *Journal of Substance Use*, 16(1), 50 - 56, <https://doi.org/10.3109/14659891003706407>
52. Martire, K. A. & Kemp, R. I. (2011). Can experts help jurors to evaluate eyewitness evidence? A review of eyewitness expert effects. *Legal and Criminological Psychology*, 16(1), 24 - 36, <https://doi.org/10.1348/135532509X477225>
53. Martire, K. A., Mattick, R. P., Doran, C. M., & Hall, W. D. (2011). Cigarette tax and public health: What are the implications of financially stressed smokers for the effects of price increases on smoking prevalence? *Addiction*, 106, 622 - 630, <https://doi.org/10.1111/j.1360-0443.2010.03174.x>
54. Edmond, G., Martire, K., & Roque, M. S. (2011). Unsound law: Issues with ('expert') voice comparison evidence. *Melbourne University Law Review*, 35(1), 52-112.
55. Martire, K. (2010). An examination of the implications of financial strain for forensic psychology. *Journal of Forensic Psychology Practice*, 10(3), 159 - 176, <https://doi.org/10.1080/15228930903550731>
56. Martire, K. A. & Larney, S. (2010). An estimate of the number of inmate separations from Australian prisons 2000/01 and 2005/06. *Australian and New Zealand Journal of Public Health*, 34(3), 255-257, <https://doi.org/10.1111/j.1753-6405.2010.00522.x>

57. Larney, S. & Martire, K. A. (2010). Factors affecting criminal recidivism among participants in the Magistrates Early Referral Into Treatment (MERIT) program in New South Wales, Australia. *Drug and Alcohol Review*, 29(6), 684 - 688, <https://doi.org/10.1111/j.1465-3362.2010.00186.x>
58. Martire, K. A. & Larney, S. (2009). Inadequate data collection prevents health planning for released prisoners. *Medical Journal of Australia*, 191(7), 408-409.
59. Martire, K. A. & Kemp, R. I. (2009). The impact of eyewitness expert evidence and judicial instruction on juror ability to evaluate eyewitness testimony. *Law and Human Behaviour*, 33(3), 225 - 236, <https://doi.org/10.1007/s10979-008-9134-z>
60. Martire, K. A. & Kemp, R. I. (2008). Knowledge of eyewitness identification issues: Survey of public defenders in New South Wales. *Psychiatry, Psychology and Law*, 15(1), 78-87, <https://doi.org/10.1080/13218710701873973>

**Book Chapters**

1. Martire, K. A. & Edmond, G. (2021). How well do lay people comprehend statistical statements from forensic scientists? In D. Banks, K. Kafadar, & D. Kaye (Eds.), *Handbook of Forensic Statistics*. Chapman & Hall/CRC Handbooks of Modern Statistical Methods
2. Edmond, G., & Martire, K. A. (2017). Knowing experts? Section 79, forensic science evidence and the limits of 'training, study or experience'. In A. Roberts, & J. Gans (Eds.), *Critical Perspectives on the Uniform Evidence Law* (pp. 80-80). Sydney: Federation Press. ISBN 9781760021368

**Edited Articles & Technical Reports**

1. White, Towler, Jeffery, Kemp, Palermo, Ballantyne, Curby, Edmond, Martire, O'Toole, Phillips, San Roque, Wilmer, Carter, Dunn, Tullberg, Ferguson, Geach, Heyer, Michalski, Moreton, Noyes, Ritchie, Sutherland (2020) *Evaluating Face Identification Expertise: Turning Theory into Practice*. Digested Analysis. Academy of the Social Sciences in Australia.
2. Martire, K.A. & Summersby, S. (2020) *Evaluating scientific opinion evidence*, Precedent, Journal of the Australian Lawyers Alliance.
3. Martire, K. A. & Bali, A. (2016). *Judicial attitudes toward expert evidence*. Unisearch Expert Opinion Services.
4. Martire, K.A. (2013) *The psychology of effective exam revision*. Wavelength - UNSW Science Student Newsletter.
5. Howard, M. V. & Martire, K. A. (2012). *Magistrates Early Referral Into Treatment: An overview of the MERIT program as at June 2011 (Report No. 9)*. Paramatta, NSW: Attorney General & Justice, Crime Prevention Issues.
6. Martire, K. A. & Howard, M. V. (2012). *Magistrates Early Referral Into Treatment: Annual Report 2010*. Paramatta, NSW: Attorney General & Justice.
7. Martire, K. A. & McSweeney, T. (2010). *Magistrates Early Referral Into Treatment: Annual Report 2008*.
8. Martire, K. A. & Howard, M. (2009). *Evaluation of the Connections Project*.

9. Martire, K. A. & Larney, S. (2009). Magistrates Early Referral Into Treatment: Annual Report 2007.
10. Martire, K. A. & Larney, S. (2009). Women and the MERIT program (Report No. 5). Paramatta, NSW: Attorney General's Department, Crime Prevention Issues.
11. Martire, K. A. & Larney, S. (2009). Aboriginal participation in the MERIT program (Report No. 6). Paramatta, NSW: Attorney General's Department, Crime Prevention Issues.
12. Martire, K. A. & Larney, S. (2009). Principal drug of concern: An analysis of MERIT and RAD client characteristics and outcomes (Report No. 7). Paramatta, NSW: Attorney General's Department, Crime Prevention Issues.
13. Martire, K. A. & Larney, S. (2009). Magistrates Early Referral Into Treatment: An overview of the MERIT program as at June 2009 (Report No. 8). Justice & Attorney General, Crime Prevention
14. Morris, A., Bourne, C., & Martire, K. A.. (2004). Models of centralized intake and waiting list management systems: Feasibility report. Social Policy Research Centre.

**Working-Group Reports**

1. Australia New Zealand Policing Advisory Agency & National Institute of Forensic Science (2019). Empirical study design in forensic science: A guideline to forensic fundamentals.
2. Balding, D., N. Fenton, R. Gill, D. Lagnado, & L. Schneps (2017). Twelve Guiding Principles and Recommendations for Dealing with Quantitative Evidence in Criminal Law: For the Use of Statisticians, Forensic Scientists and Legal Professionals. In Preprints Cambridge, U.K.: Isaac Newton Institute for Mathematical Sciences. <https://www.newton.ac.uk/files/preprints/ni16061.pdf>
3. Found, B., & Edmond, G. (2012) Reporting on the comparison and interpretation of pattern evidence: recommendations for forensic specialists, Australian Journal of Forensic Sciences, 44:2, 193-196, DOI: 10.1080/00450618.2011.644260

**PRESENTATIONS**

**Invited &/ Funded International**

- |      |   |
|------|---|
| 2020 | <i>Identifying expertise</i> . National Judicial Institute, Calgary, Canada.  |
| 2019 | <i>The expert persuasion expectancy (ExPEX) framework: What attributes influence the persuasiveness of expert opinion?</i> Arizona State University Brown Bag Series, Phoenix, USA. |
| 2016 | <i>Lay interpretations of evidence &amp; law</i> , Onati Sociological Seminar Series, Onati, Spain.   |
| 2016 | <i>Exploring juror decisions through a Bayesian framework</i> , Isaac Newton Institute for Mathematical Sciences, Cambridge, England.   |
| 2015 | <i>How to cross-examine an expert witness</i> , American Society of Questioned Document Examiners, Toronto, Canada.   |
| 2014 | <i>Lay interpretations of a verbal conclusion scale</i> , American Society of Questioned Document Examiners, Hawaii, USA.   |



2013 *Do jurors understand forensic science evidence when presented in a Bayesian framework?*  
Netherlands Forensic Institute Seminar Series, The Hague, Netherlands.

**Invited &/ Funded Australia**

Vic chapter AAFS

2020 *Scientific understanding of expertise*, Judicial Commission of NSW and District Court of NSW Twilight Seminar Series, Sydney.

2020 *What it means to be an expert*, UNSW Face Expertise Workshop, Sydney.

2019 *Weighing expert opinions*, Sydney Institute of Criminology, Sydney.

2019 *Uncertainty & the communication of forensic medical evidence to legal stakeholders*, Annual Conference of the Healthcare Excellence Institute, Melbourne.

2019 *Assessing the reliability of lay and expert witnesses*, Annual Conference of South Australian Magistrates, Adelaide.

2019 *Communicating & comprehending expert evidence*, Evidence-Based Forensics Initiative presentation for the President of Victorian Court of Appeal, Sydney.

2018 *Identifying experts*, Australian Academy of Forensic Sciences Seminar Series, Sydney.

2018 *Expert estimates of likelihood: Are they reliable enough for presentation in courts?* Australian Society of Forensic Document Examiners, Canberra.

2018 *They're experts, but is it real expertise?* National Family Lawyers Conference, Brisbane.

2018 *Uncertainty & the communication of forensic science evidence to legal stakeholders*, International Society of Forensic Radiology, Melbourne.

2018 *The science of expertise*, Australian Land & Environment Court, Sydney.

2018 *Witness & memory reliability (broadly interpreted)*, Industrial Relations Commission, Sydney.

2017 *The science of expertise*, Australia & New Zealand Forensic Science Society, Hobart.

2017 *Thinking forensic science*, Australian Land & Environment Court, Sydney

2017 *Clear communication through clear purpose*, Australian Academy of Forensic Sciences 50<sup>th</sup> Anniversary Symposium, Sydney.

2017 *Considering expert opinions*, Victorian Institute of Forensic Medicine, Melbourne.

2017 *Thinking forensics*, NSW Young Lawyers Association, Sydney.

2016 *The science of expertise*, NSW Young Lawyers Association, Sydney.

2016 *Forensic science, validity, and the President's Council of Advisors on Science and Technology (PCAST) report*, Office of the Department of Public Prosecutors Seminar Series, Sydney.

2016 *Lay interpretations of evidence & law*, University of Wollongong Bachelor of Laws, Sydney.

- 2016 *Scientific approaches to expertise*, NSW District Court Seminar Series, Sydney.
- 2015 *Expertise, validation & error*, Forensic Sciences South Australia, Adelaide.
- 2015 *How to cross-examine an expert witness: Reconciling legal and scientific sufficiency for 'expertise'*, Australia & New Zealand Forensic Science Society, Canberra.
- 2015 *Evaluating expert evidence in the criminal justice system*, Judicial College of Victoria, Melbourne.
- 2015 *How to cross-examine an expert witness: Expertise, validation & error*, Victoria Police Forensic Services Department, Melbourne.
- 2015 *Juries & their understanding of expert evidence*, University of Wollongong Bachelor of Laws, Sydney.
- 2015 *The validation paradigm & error*, New South Wales Police (with Kemp)
- 2015 *Juries & their understanding of expert evidence*, New South Wales Public Defenders, Sydney.
- 2014 *Eyewitness testimony & identification evidence*, Aboriginal Legal Service, Sydney.
- 2014 *Crystal clear as mud: Expert opinions and the jury*, Office of the Department of Public Prosecutors, Sydney.
- 2013 *The effects of presumptions on evidence interpretation*, Melbourne Law School Criminal Evidence & Procedure Workshop, Melbourne.
- 2013 *Challenging expert evidence: A new toolkit for defense lawyers*, Legal Aid NSW Criminal Law Conference, Sydney. (with San Roque)
- 2013 *Do juries hear what forensic scientists say?* Australian Academy of Forensic Sciences Conference, Sydney.
- 2011 *Exploring a just world: Under the microscope and through the looking glass*, University of Sydney Colloquium Series, Sydney.
- 2011 *Fines & Debt among NSW prisoners with a history of problematic substance use*, Justice Health Seminar Series, Sydney.
- 2011 *How likely is it that fact finders understand likelihood ratios?* Impressions & Expressions Conference of the Australian Academy of Forensic Sciences, Sydney.
- 2010 *MERIT – Why divert?* NSW Police Drug & Alcohol Coordination Unit, Lismore.
- 2010 *Where there's smoke there's fire: Tobacco, financial strain and social disadvantage*, NSW Financial Counsellors Association, Sydney.

**Selected Conference Papers**

- 2020 Martire, K.A., Montgomery-Farrer, B., Edmond, G., & Navarro, D. The expert persuasion expectancy (ExPEX) framework: What attributes influence the persuasiveness of an expert opinion? American Psychology-Law Society, New Orleans.

- 2019 Martire, K.A., Montgomery-Farrer, B., Edmond, G., & Navarro, D. The expert persuasion expectancy (ExPEX) framework: What attributes influence the persuasiveness of an expert opinion? European Association of Psychology & Law, Santiago de Compostela.
- 2018 Martire, K.A., Towler, A., Ballantyne, K., & Navarro, D. Results of the UNSW pattern-matching tournament, Australia & New Zealand Forensic Science Society, Perth.
- 2018 Martire, K.A., Navarro, D., & Edmond, G. Reforming forensic science & medicine: structure, communication & reporting, Law & Society, Toronto.
- 2018 McGregor, A., & Martire, K.A., Limitations in expert reports. International Association of Forensic Mental Health, Belgium
- 2017 Martire, K.A. Regarding Reliability, Annual Jury Research Conference, Sydney.
- 2017 Martire, K.A., & Saranu, C. Presuming innocence (or assuming impartiality?), Society for Research in Applied Memory & Cognition, Sydney.
- 2015 Martire, K.A., & Grown, B. Lay and expert estimations of the frequency of occurrence of handwriting features in the US adult population, European Association of Forensic Sciences, Prague.
- 2015 Martire, K.A., Are jurors hard of hearing or is meaning just hard to hear? Australian Criminal Law Conference, Adelaide.
- 2015 Martire, K.A., How to cross-examine an expert witness: Reconciling legal and scientific sufficiency for 'expertise', Australian Criminal Law Conference, Adelaide.
- 2015 Martire, K.A., Budiawan, A., & Watkins, I.J. Forensic science and the presumption of innocence: Promise and pathos, Law & Society, Hawaii.
- 2014 Martire, K.A. & Watkins, I., Lay interpretations of the Association of Forensic Science Providers (AFSP) verbal conclusion scale, Australia & New Zealand Forensic Science Society, Perth.
- 2014 Martire, K.A., Newell, B.R., Lagnado, D., & Kemp, R.I. Are jurors undervaluing probabilistic evidence or are we undervaluing them? European Association of Psychology & Law, St Petersburg.
- 2013 Martire, K.A., Kemp, R.I., Sayle, M., & Newell, B.R. Communicating uncertainty in forensic science evidence: Numerical, verbal & visual expressions of likelihood ratios and the weak evidence effect, Society for Applied Research in Memory & Cognition, Rotterdam.
- 2012 Martire, K.A., Kemp, R.I., Newell, B.R., & Watkins, I. The correspondence between expert intentions and juror interpretations: A likely story? Law & Society.
- 2012 Martire, K.A., Audio surveillance & voice identification. Surveillance & Society Conference, Sydney.

- 2011 Martire, K.A. Kemp, R.I., Newell, B.R., & Watkins, I. Do jurors understand forensic science evidence when presented in a Bayesian framework? Australia & New Zealand Forensic Science Society Annual Congress, Hobart.

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**TRAINING**


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**Recurring**

- 2015–20 *Assessing the credibility and reliability of witnesses*, National Judicial Orientation Program (Bi/annual) Sydney, Melbourne, Adelaide, Gold Coast.
- 2018–19 *Thinking Forensics*, Australian Federal Police, Canberra, 5 occasions (with Kemp & Towler).
- 2013–14 *Validation trial development & test design workshop*, (with Kemp) for:
- 1) Forensic Document Examiners Scientific Advisory Group, Sydney;
  - 2) Shoe & Tire Impression Scientific Advisory Group, Sydney;
  - 3) Victoria Police Forensic Services Department, Melbourne.

**Occasional**

- 2021 *Thinking forensics: Cognitive science for forensic scientists*, National Criminal Investigation Service Norway, Online Sydney-Norway.
- 2018–19 *Thinking forensics: Cognitive science for forensic scientists*, National Institute of Forensic Sciences Ian Reibling New Practitioner Workshop, Perth, Sydney.
- 2017 *Forensic evidence workshop*, (with Ballantyne, San Roque, Edmond), for Office of Department of Public Prosecutors, Office of Department of Public Defenders, Sydney.
- 2017 *Considerations when designing human performance tests in the forensic sciences*, Australia & New Zealand Forensic Science Society, Hobart
- 2015 *Crystal clear as mud: The impact of expert evaluative opinions on lay decision-making*, University of Lausanne Postdoctoral Retreat, Les Diablerets, Switzerland.
- 2015 *Validation trial development & test design workshop Part 2, Data Analysis*, (with Kemp & Towler), for Forensic Document Examiners Scientific Advisory Group, Sydney.

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**TEACHING**


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**Postgraduate****Program Director**

- 2016–20 Master of Psychology (Forensic)

**Course Coordinator**

- 2016–19 Forensic Psychology Research Thesis
- 2011–20 Interventions in Forensic Psychology II
- 2009–20 Applications of Forensic Psychology

**Lecturer/Seminar Leader**

2013–19	Forensic Psychology Research Thesis
2015–16	HDR Program, Faculty of Law
2011–19	Interventions in Forensic Psychology I
2009–13, 2020	Applications of Forensic Psychology

**Undergraduate****Course Coordinator**

2018	Forensic Psychology: Crime, Courts & Corrections
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**Lecturer**

2016–20	Forensic Psychology: Crime, Courts & Corrections
2015–20	Honours Core - Forensic Psychology
2014–15	Criminal Law/Litigation – Faculty of Law
2011–20	Psychology & Law
2011–13	Introductory Psychology

**RESEARCH SUPERVISION****PhD Dissertations****Completed**

2021	Bali, A. Understanding science in the courtroom: A multidimensional approach for measuring juror comprehension of statistical statements
2021	Summersby, S. Communicating forensic science evidence: The effect of best practice recommendations on the pre-trial evaluations of lawyers and laypeople.
2019	Growns, B. Finding the Perfect Match: The Role of Distributional Learning in Facilitating Visual Comparison Performance.
2015	Watkins, I.J. Liar Liar Neurons Fire: The Role of Executive Control Processes in Deception.

**In Progress (since)**

2019	Younan, M. What Makes an Expert Persuasive? Examining and Improving Juror Evaluations
2017	Grant, J. Evaluating and Improving the Application of Scientific Reasoning in Forensic Psychology Reports.
2012	Matsuo, D. Making sense of a senseless act: Examining psychological characteristics and risk propensity of homicide offenders with no history of persistent violence. (P/T)

**Masters / Postgraduate Theses**

- 2021 Schofield, A. The Impact of Confidence on Persuasion when Logical Information about Testimony Quality is Available.
- 2018 Moran-Pryor, A. Evidence Reliability and Jury Decision Making: Reducing Cognitive Biases by Considering a 'Specific' Alternative?
- 2018 Ling-Ng, C. Forensic Risk Assessments: The Effect of Listing Risk and Protective Factors on Optimal Decision-making.
- 2017 Christian, B. Evidence and Inference: Reducing Cognitive Bias in Decision-Making with Self-Generated Alternatives.
- 2016 Dimitrios, H. Optimising the Expression and Comprehension of Forensic Risk Assessments.
- 2016 Saranu, C. Anchoring and the Presumption of Innocence: The Effect of Priors on Evidence Evaluation.
- 2015 Hong, Y. The Weak Evidence Effect: Exploring Mock Juror Interpretations of Low Strength Forensic Evidence Through Proposition Levels.
- 2014 Semczuk, M. An Analysis of the Relationship Between a Community-Based Prevention Program and the Prevalence of Crime Among High-Risk Young People. (Co-supervisor)
- 2014 Williams, R. Do Mock Jurors Use Forensic Identification Evidence More Rationally than Previously Thought to Form Beliefs About a Criminal Case?
- 2013 Rourke, P. Legal Mandates and Perceived Coercion in AOD Treatment. (Co-supervisor)
- 2012 Shah, D. Forensic Transcripts: Exploring the Effect of Accented Speech on the Perception of Audio Recording Evidence.
- 2012 Fearnley, H. The Effects of Source Credibility on Mock Jurors' Perceptions of Audio Surveillance Evidence.
- 2012 Haack, L. Expert Evidence: Are Jurors Sensitive to Collaborative Versus Independent Opinions?
- 2011 Yau, F. Imagined Interaction: A Potential Method to Promote Ex-Prisoners Acceptance in the Community. (Co-supervisor)
- 2011 Cooper, L. Mock-Jurors' Understanding of the Relationship Between Evidence and Case Facts and its Impact on Evidence Probative Value.
- 2011 Donaldson, M. Recidivism of Aboriginal Sexual Offenders in New South Wales.
- 2011 Medlock, R. A Recidivism Analysis of the Connections Project: A Reintegration Program for Released Prisoners in Australia.
- 2011 Goodsell, S. A Quasi-Experimental Study of the Relationship Between Risk-Taking and Antisocial Behaviour: Does Warning People Help?

**Honours / Undergraduate Theses**

- 2021 Drew, M. Misinformation and analytical thinking: Prompting greater analytical thinking does not alter the evidence evaluations of people who hold implausible beliefs.
- 2020 Morgan, Z. Expert Witness Evaluation: The Influence of Attractiveness on Trustworthiness and Persuasiveness.
- 2020 Nachabe, M. Testing the ExPEX framework: The effect of personal proficiency information and gender on juror ratings of expert persuasiveness.
- 2017 Arkell, E. Effect of Offence Severity on Interpretations of Actuarial Risk Assessments
- 2016 Karpin, C. Examining the Relative Impact of Likelihood Ratio Formats: Do Varying Likelihood Ratio Formats Have an Effect on the Weight Lay Jurors Give to the Evidence?
- 2015 Budiawan, A. The Impact of Proposition and Evidence Relevant on Juror Evaluations of Statistical Evidence.
- 2015 Scott, H. Does Case Context Information Affect Juror Sensitivity to the Forensic Confirmation Bias?
- 2014 Moore, T. The Role of Reliability and Relevance in the Undervaluing of Uncertain Evidence.
- 2013 Hong, Y. Exploring Asymmetries in the Weak Evidence Effect: Why Prosecutors Should Not Present Weak Evidence.
- 2012 Rathbone, D. The Role of Jurors' Prior Beliefs: An Exploration of Anchoring in a Bayesian Framework.
- 2011 Yu, A. Combating Unconscious Transference: A Case of Source Monitoring Error? (Co-supervisor)
- 2011 Thai, C. Framing innocents? An Examination of Photo and Live Presentation Media on Eyewitness Decisions in Showup Identifications. (Co-supervisor)

**Research Internship / Scholarship**

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|------|---|------|---|
| 2019 | Lin, C., De Coursey, A.,  | 2018 | Trinh, A., Evans, D., Doan, T., Battistella, A., Ng, C., Wang, R.   |
| 2017 | Economidis, G., Zaarour, L. Cameron, N., Moran-Pryor, A., Harris, B., Lane, J., Watt, S., Booth, A., Eley, B., Hills, A., Nguyen, J., | 2016 | Hing, S. Shaw, K., Christian, B., Gradden, T., Scott, H., Daly, K., |
| 2015 | Budaiwan, A.  | 2014 | Amin, F.  |

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**SERVICE**


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**UNSW****Committees/Working Groups**

- 2015–20 Co-Convenor Human Research Ethics Review Panel - C, Behavioural Sciences
- 2014–15 Engineering & Science Promotions Committee ADFA - Senior Lecturer
- 2014 Faculty of Arts & Social Sciences Promotions Committee - Senior Lecturer
- 2013–15 Member Human Research Ethics Review Panel - C, Behavioural Sciences

**Presentations**

- 2017 Forensic Psychology Q&A, UNSW Faculty of Science
- 2015 Forensic Psychology Careers, Students of Advanced Mathematics and Science
- 2014 Post Doctoral Research & Fellowship Positions, Post PhD Seminar Series

**Profession/Community****Committees/Working Groups**

- 2020– Standards Australia – Forensic Analysis Technical Committee
- 2020– National Institute of Science & Technology/National Institute of Justice Expert Working Group on Human Factors in DNA Interpretation
- 2020– National Institute of Science & Technology Organization of Scientific Area Committee Human Factors Task Group
- 2015–21 Deputy Chair, Evidence-Based Forensics Initiative
- 2018 Secretary, Australian Academy of Forensic Sciences
- 2018 Forensic Fundamentals, National Institute of Forensic Sciences
- 2016 Probability and Statistics in Forensic Science, Isaac Newton Institute for Mathematical Sciences
- 2011–15 Service Delivery Advisory Committee, Rosemount Good Shepherd
- 2012–14 Committee Member, Australian Psychological Society Forensic College

**Presentations**

- 2017–18 STEM Workshop for Young Women, St George Hospital, Sydney

**Conference/Workshop Organisation**

- 2015–21 Steering Committee, Evidence-Based Forensics Initiative Annual Meeting
- 2012–18 Organiser, UNSW Forensic Psychology Research Conference
- 2014–19 Steering Committee, \$0 Conference



**Reviewer**

Journals:	Law & Human Behaviour	Grants:	National Science Foundation
	Psychology, Public Policy & Law		Australian Research Council
	Forensic Science International		
	Psychonomic Bulletin & Review		
	Science & Justice	Theses:	PhD (Swinburne University)
	Zeitschrift für Psychologie		MRes (Macquarie University)
	Journal of Legal Studies		

**Memberships**

2016–21	Australian Academy of Forensic Sciences
2011–21	Evidence-Based Forensics Initiative
2008–21	Australian Psychological Society – College of Forensic Psychologists
2004–21	Australian Psychological Society

**PROFESSIONAL DEVELOPMENT**

2019	Feedback informed treatment: Basics & Implementation, Daryl Chow, Sydney
2019	Essential writing skills: Creating clarity, Concise Writing Consultancy, Sydney
2014	Essentials of forensic interpretation, School of Criminal Justice and Fondation pour la Formation Continue, University of Lausanne.

**Résumé Neal****Tess Marie-Schrader Neal, Ph.D.**

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**PROFESSIONAL POSITIONS**

Associate Professor, School of Social & Behavioural Sciences, Arizona State University 2021–Present  
Affiliate Professor, School of Criminology and Criminal Justice (2021–Present)  
Inaugural Director, Future of Forensic Science Initiative (2020–Present)  
Graduate Faculty Member, Department of Psychology (2019–Present)  
Assistant Professor, School of Social & Behavioural Sciences, Arizona State University 2015–21  
Interim Director, Law and Psychology Ph.D. Program (Fall 2019)  
Interim Director, Forensic Psychology M.S. Program (Fall 2019)  
Interim Area Liaison, Law & Psychology, School of Social & Behavioural Sciences (Fall 2019)  
National Science Foundation Postdoctoral Fellow, U. of Nebraska Public Policy Center 2013–15  
Postdoctoral Resident in Forensic Psychology, U. Massachusetts Medical School 2012–13  
American Psychological Assn-Accredited Pre-doctoral Clinical Psychology Internship 2011–12  
University of Massachusetts Medical School & Worcester State Hospital

**EDUCATION**

Ph.D. Clinical Psychology, Psychology-Law Concentration, Quantitative Minor, U. of Alabama 2012  
M.A. Clinical Psychology, Psychology and Law Concentration, U. of Alabama 2007  
B.A. Graduated with Highest Distinction, Honors Program. U. of Nebraska-Lincoln 2005  
Majors: Psychology, English. Minors: Sociology, Criminal Justice

**PROFESSIONAL CREDENTIALS**

Licensed in Psychology, States of AZ (Lic #PSY-004630) and NE (Lic #844 [inactive]) Current  
Designated Forensic Professional, State of Massachusetts Current

**RESEARCH INTERESTS**

The central theme motivating my work is the desire to understand the way people think and reach decisions. I am especially interested in human judgment processes as they intersect with the law, and am fascinated by the nature and limits of expertise. This fascination underpins both my basic and applied research activities. My basic work focuses on understanding human judgment processes – especially among trained experts, and my more applied work focuses on improving forensic experts' judgments in particular. My work on these topics is organized by three overlapping categories: expert judgment, lay judgment about experts, and public policy implications.

**SELECTED HONORS AND AWARDS***External Honors and Awards*

Selected as a Fulbright Scholar, U.S. to Australia (2021–22)  
American Psychological Association Fellow, Elected by board of directors & council of reps (2021)

- Outstanding Teaching & Mentoring Award as “an internationally prominent teacher and mentor”  
Society for the Psychological Study of Social Issues (APA Div 9) (2021)
- Named a Member of the American Bar Foundation’s Access to Justice Research Network (2020–21)
- Early Career Achievement Award, American Psychological Association (2018)
- Early Career Teaching & Mentoring Award, American Psychology-Law Society (APA Div 41) (2018)
- Teaching Resource Prize, Society for the Psychological Study of Social Issues (APA Div 9) (2018)
- Early Career Achievement Award, APA Division 18 Psychologists in Public Service (2017)
- Named a “Rising Star” by the Association for Psychological Science, a recognition of early-career scholars whose work has “advanced the field and signals great potential for continued contributions” (2016)
- Saleem Shah Award for Early Career Excellence in Psychology and Law, co-awarded by American Psychology-Law Society (APA Div 41) & American Academy of Forensic Psych (2016)
- Michelle Alexander Early Career Award for Scholarship and Service from the Society for the Psychological Study of Social Issues (APA Div 9) (2016)

*Internal Honors and Awards*

- PLuS Alliance Fellow (ASU, King’s College London, & UNSW Sydney focusing research capacities on global challenges & provide world-class higher education in high-need areas) (2020)
- ASU Outstanding Faculty Mentor Award (Outstanding Master’s Mentor) (2020)
- ASU President’s Award for Innovation co-awardee (w/ Schweitzer, Saks, Fradella, & Salerno) (2020)
- Outstanding Research Award from ASU New College of Interdisciplinary Arts & Sciences (2019)
- Outstanding Teaching Award from ASU New College of Interdisciplinary Arts & Sciences (2018)
- ASU Leadership Academy team member (2017-2018), teamLA Cohort III – “Forensics” (2017)
- ASU Lincoln Center for Applied Ethics Fellow (2017-2018) with research support (2017)
- ASU Lincoln Center for Applied Ethics Fellow (2016-2017) with research support (2016)

**GRANT SUPPORT**

Role	Agency	Project Title	Amount	Dates
PI	National Science Foundation	Calibration in Court: Jurors’ Use of Scientific Information (Co-PI: Sarah Gervais, U NE-Lincoln) (#SES-LSS-1733957) + Research Experiences for Undergraduates (REU) Supplement (#1841975)	\$131,178	09/2017–08/2020
			\$14,772	09/2018–08/2020
PI	National Science Foundation	Expert Bias: Perceptions, Misperceptions, and Their Implications (Co-PI: Emily Pronin, Princeton Univ.) (#SES-LSS-1655011) + REU Supplement (#1917576) + SFINGE Supplement	\$279,280	05/2017–04/2022
			\$15,000	02/2019–04/2022
PI	American Psych-Law Society, & Society for Psych. Study of Social Issues	An Experimental Study of Bias in Psychologists’ Diagnostic Reasoning (Note: \$5,000 came from AP-LS, \$2,000 came from SPSSI)	\$7,000	11/2016–10/2017

				REPORT TO MASS CASUALTY COMMISSION	
PI	Society for the Psychological Study of Social Issues	To Approach Good Choices or To Avoid Bad Choices? How Approach and Avoidance 'Nudge' Policies affect Public Trust and Policy Support	\$1,980	01/2015– 01/2016	
Co-PI	National Science Foundation	Institutional Trust and Confidence Workshop (PI: Brian Bornstein, UNL) (#SES-LSS-1353980)	\$47,343	01/2014– 01/2015	
Co-PI	National Science Foundation	The Objectivity Demand: Experiences & Behaviours of Psychologists in Capital Case Evaluations (PI: Stanley Brodsky, U of Alabama) (DDRIG, #SES-LSS-1022849)	\$14,997	08/2010– 08/2011	
PI	American Acad. of Forensic Psychology	The Objectivity Demand: Experiences & Behaviours of Psychologists in Capital Case Evaluations	\$1,500	05/2010– 05/2011	
PI	American Psychology Law Society	The Novaco Anger Scale and Provocation Inventory in an Inpatient Forensic Sample: Correlates of Self-Reported Anger Ratings	\$300	09/2009– 09/2010	
<hr/> <i>Internal Grants Received</i>					
PI	ASU New College Seed Grant	Writing and Submitting an NSF Career Grant to Study Bias in Expert Judgments	\$5,000	07/2020– 06/2021	
PI	ASU College Seed Grant + KED supplement	How and Why are Experts' Judgments Biased?	\$4,999	07/2017– 06/2018	
PI	ASU Lincoln Ctr for Applied Ethics	Expert Bias: Perceptions, Misperceptions, and Their Ethical Implications	\$4,439	07/2017– 06/2018	
PI	ASU Lincoln Ctr for Applied Ethics	Experts & Ethics: A Conceptual and Empirical Research Proposal with Four Deliverables	\$5,531	07/2016– 06/2017	
PI	ASU New College Undergrad. Intensive Research Experience	NCUIRE Team, Research Assistant, Scholar & Fellow Awards (multiple semesters & students)	\$22,500 Total	01/2016– 05/2021	
<hr/> <i>Other Grant Proposals</i>					
PI	National Science Foundation	Science & Technology Center: The Center for Scientific Evidence & the Law (CSEL) (2021)	\$30 Million	Under Review	
PI	National Science Foundation	CAREER: Bolstering a Research Culture in Forensic Psychology While Testing Solutions for Cognitive Bias (2021)	\$662,318	Not Awarded	
Co-PI	National Institute of Justice	Enhancing Understanding of Forensic Expert Evidence (PI: Nicholas Schweitzer, ASU) (2019)	\$718,786	Not Awarded	
Senior Personnel	National Science Foundation	Mid-Scale RI-2: Biogeochemical Analytical Facility for Broad Research & Training Applications (PI: Gwyneth Gordon, ASU) (2019)	\$30 Million	Not Awarded	
Co-PI	National Institute of Justice	Decision Processes in Forensic Analyses: Robustness, Origins, and Mitigation (PI: Cleotilde Gonzales, Carnegie Mellon University) (2017).	\$1.5 Million	Not Awarded	
Co-PI	National Science Foundation	IUCRC Pre-Proposal Planning: Forensic Science Research Initiative (PI: Tony Falsetti, ASU) (2017)	\$15,000	Encouraged	

## PUBLICATIONS

Summary of Scholarly Impact (as of 2/7/2022 from Google Scholar)

Citation Indices	Across all time	Recent (in the 5 years since 2016)
Total number of citations	1707	1211
h-index (reflects productivity and impact, based on no. of publications and citations per publication)	22	18
i10-index (no. of publications with at least 10 citations)	32	27

**JOURNAL ARTICLES (PEER-REVIEWED)** \*Students

1. **Neal, T.M.S.**, Lienert, P., Denne, E.\* & Singh, J.P. (in press). A general model of cognitive bias in human judgment and systematic review specific to forensic mental health. *Law and Human Behaviour*.
2. Cox, J., Daquin, J.C., & **Neal, T.M.S.** (in press). Discretionary prosecutorial decision making: Gender, sexual orientation, and bias in intimate partner violence. *Criminal Justice and Behaviour*
3. Denne, E., \*Stolzenberg, S.N., & **Neal, T.M.S.** (2021). The effect of evidence-based expert testimony on perceptions of child sexual abuse cases involving recantation. *PLoS One*, 16(8): e0254961. <https://doi.org/10.1371/journal.pone.0254961>
4. Smith, A.M. & **Neal, T.M.S.** (2021). The distinction between discriminability and reliability in forensic science. *Science & Justice*, 61(4), 319-331. <https://doi.org/10.1016/j.scijus.2021.04.002>
5. McCowan, K., Fradella, H. F., & **Neal, T.M.S.** (2021). A rape myth in court: The impact of victim-defendant relationship on sexual assault case outcomes. *Berkeley Journal of Criminal Law*, 26(2), 273-301. <https://doi.org/10.15779/Z38F18SG1S>
6. Wiedemann, M. & **Neal, T.M.S.** (2021). Let the junk out of the court – zur kontrolle von testverfahren des sachverstaendigen durch die verfahrensbeteiligten [for the control of test procedures of the expert by those involved in the proceedings]. *Zeitschrift fuer Kindschaftsrecht und Jugendhilfe [Journal for Child Law and Youth Welfare]*, 346- 355. Available [here](#).
7. Kirshenbaum, J.M., \* Miller, M.K., Kaplan, T., \* Cramer, R.J., Trescher, S.A., \* & **Neal, T.M.S.** (2021). Development and validation of a general legal moral disengagement scale. *Psychology, Crime, & Law*, 27(8), 751-778. <https://doi.org/10.1080/1068316X.2020.1850722>
8. **Neal, T.M.S.** (2020). Generalist and specialist training in professional correctional psychology are compatible: Reply to Magaletta and Patry (2020). *American Psychologist*, 75(1), 106-107. <https://doi.org/10.1037/amp0000567>
9. **Neal, T.M.S.**, Slobogin, C. Saks, M.J., Faigman, D., & Geisinger, K. (2019). Psychological assessments in legal contexts: Are courts keeping “junk science” out of the courtroom? *Psychological Science in the Public Interest*, 20(3), 135-164. <https://doi.org/10.1177/1529100619888860>
10. MacLean, N., \* **Neal, T.M.S.**, Morgan, R.D., & Murrie, D.C. (2019). Forensic clinicians’ understanding of bias. *Psychology, Public Policy, and Law*, 25(4), 323-330. <https://doi.org/10.1037/law0000212>
11. Jones, A.C.T., \* & **Neal, T.M.S.** (2019). A call for research on sex offender treatment programs. *International Journal of Offender Therapy and Comparative Criminology*, 63(1), 77-85. <https://doi.org/10.1177/0306624X18786608>
12. **Neal, T.M.S.** (2018). Forensic psychology and correctional psychology: Distinct but related subfields of psychological science and practice. *American Psychologist*, 73(5), 651-662. <https://doi.org/10.1037/amp0000227>

13. Neal, T.M.S. (2018). Discerning bias in forensic psychological reports in insanity cases. *Behavioural Sciences & the Law*, 36(3), 325-338. <https://doi.org/10.1002/bsl.2346>
14. Salekin, K.L., Neal, T.M.S., & Hedge, K.A. (2018). Validity, inter-rater reliability, and measures of adaptive behaviour: Concerns regarding the probative versus prejudicial value. *Psychology, Public Policy, and Law*, 24(1), 24-35. <https://doi.org/10.1037/law0000150>
15. Brodsky, S.L., Dvoskin, J.A., & Neal, T.M.S. (2017). Not taking the bait: Problem temptations for the expert witness. *Journal of the American Academy of Psychiatry and Law*, 45(4), 460-463.
16. Neal, T.M.S. & Cramer, R.J. (2017). Moral disengagement in legal judgments. *Journal of Empirical Legal Studies*, 14(4), 745-761. <https://doi.org/10.1111/jels.12163>
17. PytlikZillig, L.M., Kimbrough, C.D., \* Shockley, E., Neal, T.M.S., Herian, M.N., Hamm, J.A., Bornstein, B.H., & Tomkins, A. (2017). A longitudinal and experimental study of the impact of knowledge on the bases of institutional trust. *PLoS ONE*, 12(4), e0175387. <https://doi.org/10.1371/journal.pone.0175387>
18. Bouwmeester, S, Verkoeijen, P.,... Neal, T.M.S. & Warner, M. \*... (2017). Registered replication report: Rand, Greene, & Nowak, 2012. *Perspectives on Psychological Science*, 12(3), 527-542. <https://doi.org/10.1177/1745691617693624>
19. PytlikZillig, L.M., Hamm, J.A., Shockley, E., Herian, M., Neal, T.M.S., Kimbrough, C., \* Tomkins, A.J., Bornstein, B.H. (2016). The dimensionality of trust-relevant constructs in four institutional domains: Results from confirmatory factor analyses. *Journal of Trust Research*, 6(2), 111-150. <https://doi.org/10.1080/21515581.2016.1151359>
20. Neal, T.M.S. (2016). Are forensic experts already biased before adversarial legal parties hire them? *PLoS ONE*, 11(4), e0154434. <https://doi.org/10.1371/journal.pone.0154434>
21. Neal, T.M.S. & Brodsky, S.L. (2016). Forensic psychologists' perceptions of bias and potential correction strategies in forensic mental health evaluations. *Psychology, Public Policy, & Law*, 22(1), 58-76. <https://doi.org/10.1037/law0000077>
22. Neal, T.M.S., Miller, S.L., & Shealy, R.C. (2015). A field study of a comprehensive violence risk assessment battery. *Criminal Justice & Behaviour*, 42(9), 952-968. <https://doi.org/10.1177/0093854815572252>
23. Parrott, C.T., Neal, T.M.S., Wilson J.K., & Brodsky, S.L. (2015). Differences in expert witness knowledge: Do mock jurors notice and does it matter? *J. of the American Acad. of Psychiatry and the Law*, 43(1), 69-81.
24. Neal, T.M.S. (2014). Women as expert witnesses: A review of the literature. *Behavioural Sciences and the Law*, 32(2), 164-179. <https://doi.org/10.1002/bsl.2113>
25. Neal, T.M.S. & Grisso, T. (2014a). Assessment practices and expert judgment methods in forensic psychology and psychiatry: An international snapshot. *Criminal Justice & Behaviour*, 41(12), 1406-1421. <https://doi.org/10.1177/0093854814548449>
26. Neal, T.M.S. & Grisso, T. (2014b). The cognitive underpinnings of bias in forensic mental health evaluations. *Psychology, Public Policy, and Law*, 20(2), 200-211. <https://doi.org/10.1037/a0035824>
27. Candilis, P. & Neal, T.M.S. (2014). Not just welfare over justice: Ethics in forensic consultation. *Legal and Criminological Psychology*, 19(1), 19-29. <https://doi.org/10.1111/lcrp.12038>
28. Neal, T.M.S. & Brodsky, S.L. (2014). Occupational socialization's role in forensic psychologists' objectivity. *Journal of Forensic Psychology Research & Practice*, 14(1), 24-44. <https://doi.org/10.1080/15228932.2013.863054>

29. Brodsky, S.L., **Neal, T.M.S.**, & Jones, M.A. (2013). A reasoned argument against banning psychologists' involvement in death penalty cases. *Ethics & Behaviour*, 23(1), 62-66. <https://doi.org/10.1080/10508422.2013.757954>
30. Cramer, R.J., DeCoster, J., **Neal, T.M.S.**, & Brodsky, S.L. (2013). The Observed Witness Efficacy Scale: A measurement of effective testimony skills. *Journal of Applied Social Psychology*, 43(8), 1691-1703. <https://doi.org/10.1111/jasp.12124>
31. Girvan, E., Cramer, R.J., Titcomb, C., **Neal, T.M.S.**, & Brodsky, S.L. (2013). The propriety of preemptory challenges for perceived personality traits. *Law & Psychology Review*, 37, 49-82.
32. **Neal, T.M.S.** & Appelbaum, K.L. (2013). Expert opinions based on inadmissible evidence. *Journal of the American Academy of Psychiatry and the Law*, 41(3), 449-451.
33. **Neal, T.M.S.**, Cramer, R.J., Ziemke, M.H., & Brodsky, S.L. (2013). Online searches for jury selection. *Criminal Law Bulletin*, 49, 305-318.
34. **Neal, T.M.S.** & Nagle, J.E. (2013). Measuring abuse sequelae: Validating and extending the Trauma Symptom Checklist-40. *Journal of Aggression, Maltreatment, & Trauma*, 22(3), 231-247. <https://doi.org/10.1080/10926771.2013.764953>
35. Brodsky, S.L., Wilson, J.K., & **Neal, T.M.S.** (2013). Refusing and withdrawing from forensic evaluations. *Journal of Forensic Psychology Research & Practice*, 13(1), 14-26. <https://doi.org/10.1080/15228932.2013.746908>
36. **Neal, T.M.S.**, Guadagno, R.E., Eno, C.A., & Brodsky, S.L. (2012). Warmth and competence on the witness stand: Implications for credibility of male and female expert witnesses. *Journal of the American Academy of Psychiatry and the Law*, 40(4), 488-497.
37. **Neal, T.M.S.**, Christiansen, A., Bornstein, B.H., & Robicheaux, T. (2012). The effects of mock jurors' beliefs about eyewitness performance on trial judgments. *Psychology, Crime, & Law*, 18(1), 49-64. <https://doi.org/10.1080/1068316X.2011.587815>
38. **Neal, T.M.S.** & Sellbom, M. (2012). Examining the factor structure of the Hare Self-Report Psychopathy Scale. *Journal of Personality Assessment*, 94(3), 244-253. <https://doi.org/10.1080/00223891.2011.648294>
39. Kelly, J.O., Brodsky, S.L., **Neal, T.M.S.**, & Cramer, R.J. (2011). Prosecutor pre-trial attitudes and plea-bargain behaviour toward veterans with PTSD. *Psychological Services*, 8(4), 319-331. <https://doi.org/10.1037/a0025330>
40. Barnett, M.E., Brodsky, S.L., & **Neal, T.M.S.** (2011). Mitigation evaluations: A survey of current practices. *Journal of Forensic Psychology Research & Practice*, 11(1), 21-41. <https://doi.org/10.1080/15228932.2011.521724>
41. Cramer, R.J., **Neal, T.M.S.**, DeCoster, J., & Brodsky, S.L. (2010). Witness self-efficacy: Development and validation of the construct. *Behavioural Sciences & the Law*, 28(6), 784-800. <https://doi.org/10.1002/bsl.952>
42. **Neal, T.M.S.** (2010). Choosing the lesser of two evils: A framework for considering the ethics of competence for execution evaluations. *Journal of Forensic Psychology Research & Practice*, 10(2), 145-157. <https://doi.org/10.1080/15228930903446724>
43. **Neal, T.M.S.** & Clements, C.B. (2010). Prison rape and psychological sequelae: A call for research. *Psychology, Public Policy, and Law*, 16(3), 284-299. <https://doi.org/10.1037/a0019448>
44. **Neal, T.M.S.**, Lichtenstein, B., & Brodsky, S.L. (2010). Clinical implications of stigma in HIV/AIDS and other sexually transmitted infections. *International Journal of STDs & AIDS*, 21(3), 158-160. <https://doi.org/10.1258/ijisa.2008.008445>

45. Brodsky, S.L., Neal, T.M.S., Cramer, R.J., & Ziemke, M.H. (2009). Credibility in the courtroom: How likeable should an expert witness be? *Journal of the American Academy of Psychiatry and the Law*, 37(4), 525-532.
46. Cramer, R.J., Neal, T.M.S., & Brodsky, S.L. (2009). Self-efficacy and confidence: Theoretical distinctions and implications for trial consultation. *Consulting Psychology Journal: Practice and Research*, 61(4), 319-334. <https://doi.org/10.1037/a0017310>
47. Neal, T.M.S. & Brodsky, S.L. (2008). Expert witness credibility as a function of eye contact behaviour and gender. *Criminal Justice and Behaviour*, 35(12), 1515-1526. <https://doi.org/10.1177/0093854808325405>

**EDITED BOOK (PEER-REVIEWED)**

1. Shockley, E., Neal, T.M.S., & PytlikZillig, L.M., & Bornstein, B.H. (Eds.) (2016). *Interdisciplinary perspectives on trust: Towards theoretical and methodological integration*. Springer. <https://www.springer.com/gp/book/9783319222608>

**BOOK CHAPTERS (PEER-REVIEWED)**

1. Grows, B. & Neal, T.M.S. (in press). Forensic science decision-making: The unique abilities and vulnerabilities of expertise. In M. Miller, L.A. Yelder, M.T. Huss, & J.A. Cantone (Eds.), *The Cambridge Handbook of the Psychology of Legal Decision-Making*. Cambridge University Press.
2. Neal, T.M.S., Mathers, E.,\*\* & Frizzell, J.R. (in press). Psychological assessments in forensic settings. In G.J.G. Asmundson (Ed), *Comprehensive clinical psychology: 2<sup>nd</sup> Edition*. Elsevier.
3. Line, E.N.,\* McCowan, K.,\* Plantz, J.W.,\* & Neal, T.M.S. (in press). Expert witness testimony. In R. Roesch (Ed.), *The Routledge encyclopedia of psychology in the real world*. Routledge.
4. Clements, C. & Neal, T.M.S. (2019). Research in criminal psychology. In R.D. Morgan (Ed.) *The SAGE encyclopedia of criminal psychology* (pp. 1242-1247). SAGE. <https://us.sagepub.com/en-us/nam/the-sage-encyclopedia-of-criminal-psychology/book245428>
5. Neal, T.M.S., Hight, M.,\* Howatt, B.C.,\* & Hamza, C.\* (2018). The cognitive and social psychological bases of bias in forensic mental health judgments. In M.K. Miller & B.H. Bornstein (Eds), *Advances in psychology and law: Volume 3* (pp. 151-176). Springer. [https://link.springer.com/chapter/10.1007/978-3-319-75859-6\\_5](https://link.springer.com/chapter/10.1007/978-3-319-75859-6_5)
6. Neal, T.M.S. (2017). Identifying the forensic psychologist role. In G. Pirelli, R. Beattey, & P. Zapf (Eds.), *The ethical practice of forensic psychology: A casebook* (pp. 1-17). Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780190258542.001.0001>
7. Herian, M.N. & Neal, T.M.S. (2016). Trust as a multilevel phenomenon: Implications for improved integrative science in trust research. In E. Shockley, T.M.S. Neal, L.M. PytlikZillig, & B.H. Bornstein (Eds.), *Interdisciplinary perspectives on trust: Towards theoretical and methodological integration* (pp. 117-130). Springer. <https://www.springer.com/gp/book/9783319222608>
8. Neal, T.M.S., PytlikZillig, L.M., Bornstein, B.H., & Shockley, E. (2016). Inspiring and advancing the many-disciplined study of institutional trust. In E. Shockley, T.M.S. Neal, L.M. PytlikZillig, & B.H. Bornstein (Eds.), *Interdisciplinary perspectives on trust: Towards theoretical and methodological integration* (pp. 1-16). Springer. <https://www.springer.com/gp/book/9783319222608>
9. Neal, T.M.S., Shockley, E., & Schilke, O. (2016). The “dark side” of institutional trust. In E. Shockley, T.M.S. Neal, L.M. PytlikZillig, & B.H. Bornstein (Eds.), *Interdisciplinary perspectives on trust: Towards*



theoretical and methodological integration (pp. 177-192). Springer.

<https://www.springer.com/gp/book/9783319222608>

10. Brodsky, S.L. & Neal, T.M.S. (2013). Preparing and giving expert testimony. In Koocher, G.P., Norcross, J.C. & Greene, B.A. (Eds.), *Psychologist's desk reference: Third edition* (pp. 604-608). Oxford University Press.

<https://www.oxfordclinicalpsych.com/view/10.1093/med:psych/9780199845491.001.0001/med-9780199845491-chapter-115>

#### **OTHER PUBLICATIONS (NOT PEER-REVIEWED)**

1. Neal, T.M.S., Sellbom, M., & de Ruiter, C. (2022). Personality assessments in legal contexts: Introduction to the special issue. *Journal of Personality Assessment*.  
<https://doi.org/10.1080/00223891.2022.2033248>
2. Lamb, M.E., Steblay, N.M., & Neal, T.M.S. (2021). [Editorial: Psychology, Public Policy, & Law adopts further open science practices and refreshes the commitment to generalizable empirical research.](http://dx.doi.org/10.1037/law0000318) *Psychology, Public Policy, & Law*, 27(3), 293-294. <http://dx.doi.org/10.1037/law0000318>.
3. Neal, T.M.S. (2018). [Building access and excellence across the curriculum in ASU's Law and Behavioural Science programs.](#) *American Psychology-Law Society e-newsletter*, Teaching in psychology and law column.
4. Velez, R.E., \*\* Neal, T.M.S., & Kovera, M.B. (2016). [Juries, witnesses, and persuasion: A brief overview of the science of persuasion and its applications for expert witness testimony.](#) *The Jury Expert*, 28, 12-16.
5. Coffey, C.A., \* Sams, D.M., \*\* Brodsky, S.L., & Neal, T.M.S. (2016). [An examination of website advice to avoid jury duty.](#) *Court Review*, 52, 110-118.
6. Neal, T.M.S. (2015, Winter). [The philosophy of science on testing research and clinical questions.](#) *American Psychology-Law News*, Expert opinion column, 6-8.
7. Neal, T.M.S. & Brank, E.M. (2014). [Could mindfulness improve judicial decision making?](#) *APA Monitor on Psychology*, 45(3), Judicial Notebook, 26.
8. Jones, M.A. & Neal, T.M.S. (2014). [Women as expert witnesses.](#) *The Jury Expert*, 26, 50-58.
9. Gross, N.R. & Neal, T.M.S. (2013). [Applying for a predoctoral internship.](#) *The Gavel: The Newsletter of the American Psychological Association's Division 18 Criminal Justice Section*, 1, 2-3.
10. Sams, D.M., Neal, T.M.S., & Brodsky, S.L. (2013). [Avoiding jury duty.](#) *The Jury Expert*, 25, 4-8.
11. Brodsky, S.L. & Neal, T.M.S. (2011). [The ivory tower and the trenches: Five mentoring suggestions for the novice in clinical-forensic psychology.](#) *American Psychology-Law Society News*, 31(1), 27.
12. Neal, T.M.S. (2011, Spring). [What psychology can do to address the U.S. prison rape epidemic.](#) *SPSSI Graduate Student Committee Rookie Newsletter*, 8-9.
13. Neal, T.M.S. (2011). [How to be a good mentee.](#) *APS Observer Student Notebook*, 24(2), 35.
14. Neal, T.M.S. (2009). [Expert witness preparation: What does the literature tell us?](#) *The Jury Expert*, 21, 44-52.
15. Lichtenstein, B., Neal, T.M.S., & Brodsky, S.L. (2008). The stigma of sexually transmitted infections: Knowledge, attitudes, and an educationally-based intervention. *Health Education Monograph*, 22(3), 28-33.

#### **MANUSCRIPTS UNDER REVIEW**

1. Denne, E., \* Sullivan, C., \* & Neal, T.M.S. (under review, Revise & Resubmit invitation). *Characteristics of exonerated cases of child sexual abuse.*

2. King, C. M. & Neal, T.M.S. (under review). *Admissibility of psychological testing evidence in United States Courts*.
3. Neal, T.M.S. & Line, E.N.\* (under review). *Income, demographics, and life experiences of clinical-forensic psychologists in the United State*.
4. Plantz, J.W.\*, Neal, T.M.S., Clements, C.B., Miller, S.L., & Perelman, A. (under review, Revise & Resubmit invitation). *Assessing motivations for punishment: The Sentencing Goals Inventory*.

#### SELECTED MANUSCRIPTS IN PREPARATION / REVISION

1. Neal, T.M.S., Martire, K.A., Otto, R.K., & Mathers, E.\* (in preparation). The law meets psychological expertise: Forensic psychology's future in light of the past. Invited to write for *Annual Review of Law & Social Science*.
2. Neal, T.M.S., Bornstein, B.H., Gervais, S.J., McCowan, K., \*Eagan, S., \*Denne, E., \*Plantz, J.W., \*Line, E.N., \*Mathers, E.\*\* (in preparation). *Calibration in Court: Jurors' Use of Scientific Information*.
3. Neal, T.M.S., MacLean, N., \*Morgan, R.D., Murrie, D.C., & Pronin, E. (in preparation). *An experimental study of bias in forensic clinician diagnostic reasoning*.
4. Neal, T.M.S., Pronin, E., Line, E.N.\*, Denne, E.\*, & Velez, R.E., \*\* (in preparation). *Laypeople's perceptions of expert bias in 26 domains*.
5. Neal, T.M.S., Sellbom, M., & de Ruiter, C. (in press). *Introduction to the special issue on psychological assessments in legal contexts*. *Journal of Personality Assessment*.

#### SELECTED PRESENTATIONS

##### INVITED ACADEMIC PRESENTATIONS

- |   |      |
|---|------|
| 1. University of New South Wales (Sydney), Department of Psychology<br><i>Expert Bias: Perceptions, Misperceptions, and Their Implications</i>                                      | 2022 |
| 2. Keynote speaker, <a href="#">European Psychology and Law Symposium</a> : Forensic Assessment<br><i>A Broad View of the Current State of Forensic Psychological Assessment</i>    | 2021 |
| 3. Brazil Center for Research in Interpretation and Judicial Decision <a href="#">International Congress</a><br><i>Psychological Assessment Evidence Quality and Legal Scrutiny</i> | 2021 |
| 4. Society for a Science of Clinical Psychology ( <a href="#">Virtual Lunch Series</a> )<br><a href="#">Are Courts Effectively Gatekeeping Psychological Assessment Evidence?</a>   | 2021 |
| 5. Duke University, Center for Science & Justice<br><i>Psychological Testing Evidence in United States Courts</i>   | 2020 |
| 6. Princeton University, Social Research Seminar (Social Talk Series)<br><i>Developing an Integrated Model of Bias in Human Judgment</i>  | 2019 |
| 7. Texas Tech University, Annual Skelton Lecture Series in Psychology<br><i>Developing a General Theory of Bias in Human Judgment</i>   | 2019 |
| 8. University of Nebraska – Lincoln, Department of Psychology<br><i>Bias in Clinical and Legal Judgments</i>  | 2017 |
| 9. Keynote speaker, Arizona-Nevada Academy of Science Annual Conference<br><i>Bias in Expert Judgment: Why Experts Might Be Even More Biased Than the Rest of Us</i>                | 2017 |
| 10. American Psychology-Law Society Saleem Shah Early Career Award Address<br><i>Bias in Clinical and Legal Judgments</i>   | 2016 |
| 11. University of Nebraska – Lincoln, Law-Psychology Program<br><i>Are Experts More Biased than Non-Experts? Background and an Experimental Agenda</i>                              | 2016 |

**INVITED PROFESSIONAL PRESENTATIONS**

1. Vanderbilt University Medical Center, Forensic Interest Group 2021  
*Cognitive Biases in Forensic Judgments*
2. Arizona Public Defender Association Conference 2020  
*How are Lawyers & Courts Dealing with Junky Psychological Assessments?* (w Michael Saks)
3. Maricopa County Public Defender Office 2020  
*Restoration to Competency: What the Research Tells Us* (w J. Frizzell & N. Cooper-Lopez)
4. Southern Arizona Psychological Association Annual Conference 2020  
*Foundations of Bias in Forensic Judgment*
5. Massachusetts Dept of Mental Health, Annual Public Sector Forensic Services Conference 2019  
*Foundations of Bias in Expert Judgment*
6. Opening Plenary Speaker, AZ Supreme Court Legal Competency & Restoration Conference 2018  
*Forensic Bias and Decision Making*
7. University of Virginia Institute of Law, Psychiatry, and Public Policy 2017  
*The Cognitive and Social Psychological Bases of Bias in Forensic Mental Health Evaluations*
8. American Bar Association, Litigation Section Annual Conference, New Orleans LA 2015  
*Science of Persuasion: Insights from Expert Witness Effectiveness & Jury Decision Research*
9. American Bar Association, Section of Intellectual Property Law 30<sup>th</sup> Annual Conference 2015  
*He Says, She Says, But Who Says it Best? Gender of Your Expert in Intellectual Property Case*
10. The National Center for State Courts, Williamsburg VA 2014  
*'Gut Instinct' vs. Data-Based Evaluations in Forensic Mental Health Assessment*

**CHAired CONFERENCE SYMPOSIA (PEER-REVIEWED)**

1. **T.M.S. Neal** (2022, March). *Personality assessments in legal contexts: A special issue of the Journal of Personality Assessment* [Symposium]. Society for Personality Assessment, Chicago, IL.
2. **T.M.S. Neal** (2022, March). *Consulting in the Legal System* [Symposium]. American Psychology-Law Society, Denver, CO.
3. **T.M.S. Neal** (2020, March). *Legal scrutiny of psychological assessment evidence*. [Symposium]. American Psychology-Law Society, New Orleans, LA. Discussants: D. C. Murrie, J. Skeem, T. Grisso, K.A. Martire, K.F. Geisinger, C. Slobogin.
4. **T.M.S. Neal** (2020, March). *Calibration in court: Jurors' use of scientific information*. [Symposium]. American Psychology-Law Society, New Orleans, LA. Discussant: D. Krauss.
5. **Neal, T.M.S.** & Geisinger, K. (2019, August). *Psychological assessments and the law: Are courts effectively gatekeeping expert evidence?* [Symposium]. American Psychological Association, Chicago, IL.
6. **Neal, T.M.S.** (2017, March). *Confirmation bias, hindsight bias, and measuring bias in forensic psychology*. [Symposium]. American Psychology-Law Society, Seattle, WA.
7. Chadoir, S.R. & **Neal, T.M.S.** (2016, June). *Early career scholars professional development roundtable*. [Symposium]. Society for the Study of Social Issues, Minneapolis, MN.
8. **Neal, T.M.S.** & PytlikZillig, L.M. (2016, June). *Trust: Deconstructing the relationship of institutions to the public they serve*. [Symposium]. Society for the Study of Social Issues, Minneapolis, MN.
9. **Neal, T.M.S.** & Kois, L. (2015, March). *Can we have it all? Family formation, career trajectory, and work-life management*. American Psychology-Law Society, San Diego, CA.

10. Neal, T.M.S. (2014, March). *Expert witness bias*. [Symposium]. American Psychology-Law Society, New Orleans, LA. Discussant: T. Grisso.
11. Murrie, D.C. & T.M.S. Neal (2013, March). *When and how are experts biased? Understanding Adversarial Allegiance in Forensic Assessment*. [Symposium]. American Psychology-Law Society, Portland, OR. Discussant: R.K. Otto.
12. Neal, T.M.S. (2013, March). *Women as expert witnesses*. [Symposium]. American Psychology-Law Society, Portland, OR. Discussant: M. O' Connor.

#### CONFERENCE SYMPOSIA INVITED DISCUSSANT

1. Discussant: T.M.S. Neal (2020, May). *New directions in the psychological study of access-to-justice and civil justice design*. [Symposium]. Law and Society Association annual meeting, Denver, CO [Virtually].
2. Discussant: T.M.S. Neal (2019, March). *Acknowledging and addressing gender-based bias and harassment in psychology and law*. [Symposium]. American Psychology-Law Society, Portland, OR.
3. Discussant/Moderator: T.M.S. Neal (2018, June). *Psychology of legal judgment and decision-making*. [Symposium]. Law and Society Association annual meeting, Toronto, ON, CAN.
4. Discussant: T.M.S. Neal. (2017, March). *Gender, sexuality, and the legal system*. [Symposium]. American Psychology-Law Society conference, Seattle, WA.
5. Discussant: T.M.S. Neal (2016, March). *Improving forensic science: Contributions from psychology*. [Symposium]. American Psychology-Law Society conference, Atlanta, GA.

#### CONFERENCE SYMPOSIA INVITED PANELIST

1. Panelist: T.M.S. Neal (2020, March). *Law, Psychology, and Policy: Using Research to Inform Law Reform* [Symposium]. American Psychology-Law Society, Denver CO.
2. Panelist: T.M.S. Neal (2022, March). *Can we talk? Facilitating a dialogue between clinicians and researchers*. [Interactive Symposium]. Society for Personality Assessment, Chicago, IL.
3. Panelist: T.M.S. Neal (2021, August). [SPSSI teaching award winner panel: What works in teaching social issues?](#) [Interactive Symposium]. Society for the Psychological Study of Social Issues, Virtual Conference.
4. Panelist: T.M.S. Neal (2019, March). *Where are we and where do we go from here? Status and future directions in psychology and law*. [Symposium]. American Psychology-Law Society, Portland, OR.
5. Panelist: T.M.S. Neal (2019, March). *Productivity and impact: Doing more with less*. [Symposium]. American Psychology-Law Society, Portland, OR.

#### CONFERENCE PAPERS (PEER-REVIEWED)

1. Neal, T.M.S., Sellbom, M., & de Ruiter, C. (2021, March). *Introduction to, rationale for, and summary of the Journal of Personality Assessment special issue on psychological assessments in legal contexts*. Society for Personality Assessment annual convention, Chicago, IL.
2. Neal, T.M.S., Denne, E. \*, Mathers, E. \*, & Pronin, E. (2021, August). *The bias blind spot among forensic mental health experts*. European Association of Psychology and Law [Virtually].
3. Neal, T.M.S. (2021, May). *Psychological assessments in legal contexts: Legal background to examine whether Australian judges are screening out "junk science."* [Legal Scholar Committee paper presentation]. American Psychology-Law Society, Denver, CO [Virtually].

4. McCowan, K.,\* Eagan, S.,\* **Neal, T.M.S.**, Gerais, S.J., Bornstein, B.H., Dellapaolera, K.S.,\* Denne, E.,\* & Schweitzer, N.J. (2021, May). *Jurors' calibration to complicated scientific evidence*. [Paper presentation]. Law and Society Association, Chicago, IL [Virtually].
5. King, C.M., Hitchcock, S.,\* Gonzalez, K.,\* & **Neal, T.M.S.** (2020, August). *Frequency of legal admissibility challenges to psychological assessment tools*. [Paper presentation]. American Psychological Association, Washington DC [Virtually].
6. **Neal, T.M.S.** & King, C.M. (2020, May). *Legal scrutiny of psychological assessment evidence*. [Paper presentation]. Law and Society Association, Denver, CO [Virtually].
7. **Neal, T.M.S.**, Slobogin, C., Saks, M.J., Faigman, D., Geisinger, K.F. (2020, March). Are courts effectively gatekeeping psychological assessment evidence? In T.M.S. Neal (Chair), *Legal scrutiny of psychological assessment evidence* [Symposium]. American Psychology-Law Society, New Orleans, LA.
8. King, C.M. & **Neal, T.M.S.** (2020, March). Investigating challenges to psychological tools in court: A birds-eye perspective. In T.M.S. Neal (Chair), *Legal scrutiny of psychological assessment evidence* [Symposium]. American Psychology-Law Society, New Orleans, LA.
9. Line, E.,\* & **Neal, T.M.S.** (2020, March). Attorney reactions to psychological assessment evidence in court: Descriptives and experimental data. In T.M.S. Neal (Chair), *Legal scrutiny of psychological assessment evidence* [Symposium]. American Psychology-Law Society, New Orleans, LA.
10. Line, E.,\* Jaramillo, S.,\* **Neal, T.M.S.**, & Horne, Z. (2020, March). Using Bayesian Models to assess juror decision-making in ecologically valid contexts. In K.M. Byrd (Chair), *From the lab to the courtroom: Forensic science expert analyses and lay perceptions of evidence* [Symposium]. American Psychology-Law Society, New Orleans, LA.
11. Dellapaolera, K.S.,\* Gervais, S.J., Fessinger, M.B.,\* Bornstein, B.H., & **Neal, T.M.S.** (2020, March). The effects of gist information and scientific quality on damages in a civil trial. In T.M.S. Neal (Chair), *Calibration in court: Jurors' use of scientific information*. [Symposium]. American Psychology-Law Society, New Orleans, LA.
12. McCowan, K.,\* Denne, E.,\* Velazquez, A.,\*\* Milligan, R.,\*\* Line, E.N.,\* **Neal, T.M.S.**, Gervais, S.J., Bornstein, B.H., & Dellapaolera, K.S.\* (2020, March). Calibration in court: Predictors of jurors' understanding of evidence strength. In T.M.S. Neal (Chair), *Calibration in court: Jurors' use of scientific information*. [Symposium]. American Psychology-Law Society, New Orleans, LA.
13. McCowan, K.,\* Plantz, J.,\* Mathers, E.,\*\* Barcelo, J.,\*\* & **Neal, T.M.S.** (2020, March). Juror scientific reasoning skills and discussion of scientific evidence during deliberation. In T.M.S. Neal (Chair), *Calibration in court: Jurors' use of scientific information*. [Symposium]. American Psych-Law Society, New Or., LA.
14. Denne, E.,\* Line, E.N.,\* Plantz, J.,\* Mathers, E.,\*\* Selman, S.,\*\* & **Neal, T.M.S.** (2020, March). What we can learn from jury note taking: A content analysis. In T.M.S. Neal (Chair), *Calibration in court: Jurors' use of scientific information*. [Symposium]. American Psychology-Law Society, New Orleans, LA.
15. Denne, E.,\* Stolzenberg, S., & **Neal, T.M.S.** (2020, March). *The effect of evidence-based testimony on perceptions of child sexual abuse cases involving recantation*. [Paper presentation]. American Psychology-Law Society, New Orleans, LA.
16. **Neal, T.M.S.**, Slobogin, C. Saks, M.J., Faigman, D., & Geisinger, K. (2020, February). Psychological assessments and the law: Are courts screening out "junk science?" In N. Newcombe (Chair),

- Psychological Science: Lessons for the Law* [Symposium]. American Assn. for the Advancement of Science, Seattle, WA.
17. Line, E.C., \* Neu, A., & Neal, T.M.S. (2019, August). *Enriching psychology and law scholarship with computer science* [Paper presentation]. American Psychological Association, Chicago, IL.
  18. Line, E.C., \* McCowan, K., \* Denne, E., \* & Neal, T.M.S. (2019, August). *Jurors have trouble discriminating high- from low-quality DNA evidence* [Paper presentation]. American Psychological Assn., Chicago, IL.
  19. Denne, E., \* Stolzenberg, S., & Neal, T.M.S. (2019, June). *Using expert testimony to reestablish child credibility in child sexual abuse cases involving recantation* [Paper presentation]. Law and Society Association, Washington, DC.
  20. Neal, T.M.S. & Pronin, E. (2019, Feb). Survey and Experimental Evidence of Cognitive Biases in Psychologists' Judgments. In N. Cheek (Chair), *Professional Bias and Prejudice: New Insights into Inequalities and Injustices* [Symposium]. Society for Personality and Social Psychology, Portland, OR.
  21. Neal, T.M.S. (2018, August). *When less is more: Brief focused assessments in child custody and parenting disputes* [Paper presentation]. American Psychological Association, San Francisco, CA.
  22. Neal, T.M.S. (2018, August). *Solving forensic psychology's grand challenge* [Paper presentation]. American Psychological Association, San Francisco, CA.
  23. Hamza, C.\* & Neal, T.M.S. (2018, August). *Using open science practices to conduct psycho-legal research* [Paper presentation]. American Psychological Association, San Francisco, CA.
  24. Neal, T.M.S. (2018, June). *Psychologists' reasoning in forensic cases is affected by cognitive biases* [Paper presentation]. Law and Society Association, Toronto, ON, CAN.
  25. Neal, T.M.S. (2018, March). *Forensic psychologists' diagnostic reasoning is susceptible to framing effects and confirmation bias* [Paper presentation]. American Psychology-Law Society, Memphis, TN.
  26. Neal, T.M.S., Philipp, C., \* & Goddard, H.N.\*\* (2018, March). *Daubert and psychological tests in forensic mental health evaluations* [Paper presentation]. American Psychology-Law Society, Memphis, TN.
  27. Kirshenbaum, J.M., \* Miller, M.K., Cramer, R.J., Neal, T.M.S., & Wilsey, C.N.\* (2018, March). *Development and validation of a general legal moral disengagement scale* [Paper presentation]. American Psychology-Law Society, Memphis, TN.
  28. Kirshenbaum, J.M., \* Trescher, S.A., \* Miller, M.K., DeBraga, F., \* & Neal, T.M.S. (2018, March). *Moral disengagement and support for controversial police procedures* [Paper presentation]. American Psychology-Law Society, Memphis, TN.
  29. MacLean, N., \* Neal, T.M.S., Morgan, R.D., & Murrie, D.C. (2017, March). Clinician recognition of real and "red herring" biases and debiasing strategies in forensic psychology. In T.M.S. Neal (Chair), *Confirmation bias, hindsight bias, and measuring bias in forensic psychology*. [Symposium]. American Psychology-Law Society, Seattle, WA.
  30. Neal, T.M.S., MacLean, N., \* Morgan, R.D., & Murrie, D.C. (2017, March). Robust evidence of confirmation bias in forensic psychologists' diagnostic reasoning. In T.M.S. Neal (Chair), *Confirmation bias, hindsight bias, and measuring bias in forensic psychology*. [Symposium]. American Psych-Law Society, Seattle, WA.
  31. Neal, T.M.S., Velez, R.E., \*\* Haas, J., \*\* Goddard, H., \*\* Quamme, C.M., \*\* & Krauss, D. (2017, March). *Can direct examination sensitize jurors to the scientific validity of expert mental health testimony?* [Paper presentation]. American Psychology-Law Society, Seattle, WA.

32. Neal, T.M.S. & Cramer, R.J. (2016, November). *Moral disengagement in legal judgments*. [Paper presentation]. Conference on Empirical Legal Studies, Duke Law, Durham, NC.
33. Neal, T.M.S. (2016, August). *Forensic psychology and correctional psychology: Distinct but related fields*. [Paper presentation]. American Psychological Association, Denver, CO.
34. Neal, T.M.S. & Cramer, R.J. (2016, June). *Moral disengagement and psychologists' involvement in competence for execution evaluations* [Paper presentation]. Society for the Psychological Study of Social Issues, Minneapolis, MN.
35. Neal, T.M.S. & Wylie, L.E. (2016, June). Trust in government when government "nudges" the public. In T.M.S. Neal & L.M. PytlikZillig (Chairs), *Trust: Deconstructing the relationship of institutions to the public they serve* [Symposium]. Society for the Psychological Study of Social Issues, Minneapolis, MN.
36. Shockley, E., PytlikZillig, L.M., Neal, T.M.S., Hamm, J.A., Fairchild, A.,\*\* & PytlikZillig, A. (2016, June). Helping institutions understand & assess public trust. In T.M.S. Neal & L.M. PytlikZillig (Chairs), *Trust: Deconstructing the relationship of institutions to the public they serve* [Symposium]. Society for the Psychological Study of Social Issues, Minn., MN.
37. Neal, T.M.S. & Saks, M.J. (2016, March). *The science of science offers solutions to cognitive bias in forensic psychology* [Paper presentation]. American Psychology-Law Society, Atlanta, GA.
38. Neal, T.M.S. & Wylie, L.E. (2016, March). *To approach good choices or to avoid bad choices? How 'nudge' policies affect public trust and policy support* [Paper presentation]. American Psych-Law Society, Atl., GA.
39. Neal, T.M.S. (2016, February). *Are forensic experts already biased before adversarial legal parties hire them?* [Paper presentation]. QuantLaw Third Annual Conference, Tucson, AZ.
40. Neal, T.M.S., Griffin, D.A., Parrott, C.T., & Griffin, M.P. (2016, January). *What negative emotions mediate exposure to graphic photographic evidence and juror verdicts?* [Paper presentation]. Social Psychology and Law Pre-Conference at the Society for Personality and Social Psychology, San Diego, CA.
41. Neal, T.M.S. & Grisso, T. (2015, March). *The cognitive underpinnings of bias in forensic mental health evaluations* [Paper presentation]. American Psychology-Law Society, San Diego, CA.
42. Zelle, H. & Neal, T.M.S. (2015, March). *Jurisprudent therapy: Framing the theoretical and ethical contours of competence restoration* [Paper presentation]. American Psychology-Law Society, San Diego, CA.
43. Neal, T.M.S. (2014, March). Markers of potential bias in a sample of forensic reports. In T.M.S. Neal (Chair), *Expert witness bias* [Symposium]. American Psych-Law Society, New Orleans, LA.
44. Neal, T.M.S. (2014, March). *Actuarial and structured professional judgments in forensic assessment* [Paper presentation]. American Psychology-Law Society, New Orleans, LA.
45. Neal, T.M.S., Nagle, J.E., Cramer, R.J., & Brodsky, S.L. (2014, February). *Being likeable is especially important for women expert witnesses* [Paper presentation]. Social Psychology & Law Pre-Conference at Society for Personality and Social Psychology, Austin, TX.
46. Cramer, R.J., Neal, T.M.S., & Clark, J. (2013, March). *Moral disengagement in the criminal justice system* [Paper presentation]. American Psychology-Law Society, Portland, OR.
47. Neal, T.M.S. & Brodsky, S.L. (2013, March). Women as expert witnesses: A review of the empirical literature. In T.M.S. Neal (Chair) *Women as expert witnesses* [Symposium]. American Psychology-Law Society, Portland, OR.



48. **Neal, T.M.S.** & Brodsky, S.L. (2013, March). Forensic psychologists' preexisting attitudes and capital case involvement. In D. C. Murrie & T.M.S. Neal (Chairs), *When and how are experts biased? Understanding adversarial allegiance in forensic assessment*. [Symposium]. American Psych-Law Society, Portland, OR.
49. Miller, S.L., **Neal, T.M.S.**, & Shealy, R.C. (2013, March). *The incremental validity of trait anger in violence risk assessments with forensic patients* [Paper presentation]. American Psych-Law Society, Portland, OR.
50. **Neal, T.M.S.** (2012, March). *The women of forensic psychology: A descriptive survey of the field* [Paper presentation]. American Psychology-Law Society, San Juan, Puerto Rico.
51. **Neal, T.M.S.**, Brodsky, S.L., Nagle, J.E., & Neal, P.J. (2012, March). *Strategies for bias correction in forensic evaluations: A mixed-method investigation* [Paper presentation]. American Psychology-Law Society, San Juan, Puerto Rico.
52. **Neal, T.M.S.** & Clements, C.B. (2010, June). *The psychological sequelae of prison rape: A call for research* [Paper presentation]. Society for the Psychological Study of Social Issues meeting, New Orleans, LA.
53. Hedge, K.A, Salekin, K., & **Neal, T.M.S.** (2010, March). *Taking adaptive behaviour measures to court: Scientific reliability limitations with multiple raters* [Paper presentation]. American Psychology-Law Society, Vancouver, Canada.
54. Adams, D.D., **Neal, T.M.S.**, & Brodsky, S.L. (2009, March). *The inconsistent "Backfire Effect" of substance abuse history: The influence of defendant and juror characteristics* [Paper presentation]. American Psychology-Law Society, San Antonio, TX.
55. Cramer, R.J., **Neal, T.M.S.**, Patty, E.F., Kelly, J., Ziemke, M.H., & Brodsky, S.L. (2009, March). The witness self-efficacy scale: Psychometrics and implications for witness preparation. In S.L. Brodsky (Chair), *Trial consultation: Present and future* [Symposium]. American Psychology-Law Society, San Antonio, TX.
56. **Neal, T.M.S.**, Brodsky, S.L, Cramer, R.J., & Ziemke, M.H. (2009, March). Ethics and privacy in the use of social networking sites for jury selection. In S.L. Brodsky (Chair), *Trial consultation: Present and future* [Symposium]. American Psychology-Law Society, San Antonio, TX.
57. Ziemke, M.H., Brodsky, S.L., **Neal, T.M.S.**, & Cramer, R.J. (2009, March). Credibility in the courtroom: How likeable should an expert witness be? In S.L. Brodsky (Chair), *Trial consultation: Present and future* [Symposium]. American Psychology-Law Society, San Antonio, TX.
58. Bornstein, B.H., Poser, S., Rodriguez, J.M., **Neal, T.**, & Laub, C.E. (2006, March). *Perceptions of procedural and distributive justice in the September 11<sup>th</sup> Victim Compensation Fund* [Paper presentation]. American Psychology-Law Society, St. Petersburg, FL.

#### **CONFERENCE POSTERS (PEER-REVIEWED)**

1. Line, E., \* Jaramillo, S., \* **Neal, T.**, & Horne, Z. (2020, July). *Prior beliefs about the evidentiary weight of crime scene data impacts juror verdicts* [Poster]. Cognitive Science Society [CogSci], Toronto, ON, Canada.
2. Girlinghouse, R., \* Switzer, R., Hess, D., **Neal, T.**, Harrison, E. (2020, March). *Decision making in the assessment of competency to stand trial* [Poster]. American Psychology-Law Society, New Orleans, LA.
3. Hamza, C., \* Hight, M., \* Siso, C., \*\* & **Neal, T.M.S.** (2017, May). *Different states of insanity: People with mental illnesses as prisoners or patients depends on jurisdiction* [Poster]. Association for Psychological Science, Boston, MA.



4. Hight, M.,\* Hamza, C.,\* Siso, C.,\*\* & **Neal, T.M.S.** (2017, April). *The effects of insanity verdict options & instructions on juror decisions in criminal responsibility cases* [Poster]. Western Psychological Association., Sacramento, CA.
5. Lawson, K.,\*\* Kellerman, K.,\*\* Busch, B.,\*\* Wilson, G.,\*\* **Neal, T.M.S.**, & Krauss, D. (2017, March). *Why are female jurors more punitive towards sex offenders? A test of a mediation model based upon perceived threat and moral outrage* [Poster]. American Psychology-Law Society, Seattle, WA.
6. Chaudoir, S. & **Neal, T.M.S.** (2016, August). *Early career leadership opportunities in Division 9: The Society for the Psychological Study of Social Issues* [Poster]. American Psych Association, Denver, CO.
7. **Neal, T.M.S.**, & Zelle, H. (2016, August). *Forensic psychology can be more than forensic assessment: Delineating the forensic treatment role* [Poster]. American Psychological Association, Denver, CO.
8. Kimbrough, C. D.,\* PytlikZillig, L.M., Shockley, E., **Neal, T.M.S.**, Hamm, J.A., Bornstein, B.H., Herian, M., & Tomkins, A.J. (2015, May). *A longitudinal and experimental study of knowledge and institutional trust* [Poster]. Association for Psychological Science, New York, NY.
9. Fairchild, A.,\*\* PytlikZillig, L.M., Shockley, E., & **Neal, T.M.S.** (2015, May). *Clarifying the nomological network of institutional trust* [Poster]. Association for Psychological Science, New York, NY.
10. **Neal, T.M.S.** & Wylie, L.E. (2015, March). *The transparency disinfected: How 'nudge' policies affect public trust* [Poster]. American Psychology-Law Society, San Diego, CA.
11. **Neal, T.M.S.** (2014, February). *The bias blind spot in forensic psychology* [Poster]. Society for Personality and Social Psychology, Austin, TX.
12. Hamm, J.A., Kimbrough, C.D., & **Neal, T.M.S.** (2014, February). *The antecedents of trust in a novel institution* [Poster]. Society for Personality and Social Psychology, Austin, TX.
13. Sams, D.M., **Neal, T.M.S.**, & Brodsky, S.L. (2013, June). *Avoiding jury duty* [Poster]. American Society of Trial Consultants, Las Vegas, NV.
14. Wilson, J.K., Titcomb, C., **Neal, T.M.S.**, & Brodsky, S.L. (2013, March). *Expert witness knowledge: What difference does it make?* [Poster]. American Psychology-Law Society, Portland, OR.
15. Brodsky, S.L., **Neal, T.M.S.**, & Wilson, J.K. (2012, March) *Withdrawal of forensic mental health experts* [Poster]. American Psychology-Law Society, San Juan, Puerto Rico.
16. Cramer, R.J., **Neal, T.M.S.**, Brodsky, S.L., & DeCoster, J. (2012, March). *The Observed Witness Efficacy Scale: A measure of effective testimony skills* [Poster]. American Psych-Law Society, San Juan, Puerto Rico.
17. Johnson, J.C., Cramer, R.J., **Neal, T.M.S.**, & Brodsky, S.L. (2012, March). *A trait-cognition approach to assessing perceptions of expert testimony* [Poster]. American Psych-Law Society, San Juan, Puerto Rico.
18. Nagle, J.E. & **Neal, T.M.S.** (2012, March). *Measuring abuse sequelae: Validating and extending the Trauma Symptom Checklist-40* [Poster]. American Psychology-Law Society, San Juan, Puerto Rico.
19. **Neal, T.M.S.**, Griffin, D.A., & Brodsky, S.L. (2012, March). *Educated mock-jurors evaluating defendant substance abuse evidence in capital trials* [Poster]. American Psych-Law Society, San Juan, Puerto Rico.
20. **Neal, T.M.S.** & Brodsky, S.L. (2011, May). *Can clinicians be objective in conducting psychological evaluations?* [Poster] Association for Psychological Science Annual Convention, Washington, DC.
21. **Neal, T.M.S.**, Guadagno, R.E., Eno, C.A., & Brodsky, S.L. (2011, March). *Warmth & competence on the witness stand: Implications for male & female expert witness credibility* [Poster]. American Psychology-Law Society, Miami, FL.

22. **Neal, T.M.S.** & Sellbom, M. (2011, March). *Examining the construct validity of the Self-Report Psychopathy Scale-III* [Poster]. American Psychology-Law Society, Miami, FL.
23. Ziemke, M.H., Griffin, D.A., & **Neal, T.M.S.** (2011, March). *Silencing the hired gun: Do juror perceptions of experts depend on who asks the tough questions?* [Poster]. American Psych-Law Society, Miami, FL.
24. Adams, D.D., **Neal, T.M.S.**, Titcomb, C., & Griffin, M.P. (2010, March). *Let emotions be the judge: Graphic evidence and need for affect in legal decision-making* [Poster]. American Psychology-Law Society, Vancouver, Canada.
25. Griffin, M.P., **Neal, T.M.S.**, & Adams, D.D. (2010, March). *Theory development for the video-assisted restoration to competency (VARC) program* [Poster]. American Psych-Law Society, Vancouver, Canada.
26. **Neal, T.M.S.** (2010, March). *Choosing the lesser of two evils: Considering the ethics of competence for execution evaluations* [Poster]. American Psych-Law Society, Vancouver, Canada.
27. **Neal, T.M.S.**, Adams, D., & Brodsky, S.L. (2009, March). *Physical and sexual abuse histories in mitigation* [Poster]. American Psychology-Law Society, San Antonio, TX.
28. Cramer, R.J., Brodsky, S.L., DeCoster, J., & **Neal, T.M.S.** (2008, March). *Witness self-efficacy: Development and validation of the construct* [Poster]. American Psychology-Law Society, Jacksonville, FL.
29. **Neal, T.M.S.** (2007, August). *Are men more credible than women? Examining the credibility of female versus male expert witnesses as a function of eye contact* [Poster]. American Psychological Association, San Francisco, CA.

#### PRESENTATIONS AT ASU

1. **Neal, T.M.S.** (2021, December). *Helping Courts Discern High Quality from "Junk" Psychological Assessment Evidence*. Title of expert conference, "Mental Health and the Courts: What can new science and technologies offer?" Law and Neuroscience Program at the Center for Law, Science and Innovation; ASU Sandra Day O'Connor School of Law.
2. Denne, E.\* & **Neal, T.M.S.** (2021, March). *Bias and the Bias Blind Spot Among Forensic Mental Health Experts: Conceptual Replication Across Two Decisions Contexts*. ASU-UNSW Joint Forensic Behavioural Science Lab Meeting. Virtual meeting by Zoom.
3. **Neal, T.M.S.** & Saks, M.J. (2020, March). *Recruiting research universities and major funding agencies to help solve the grand challenges of forensic science*. ASU-AUS Future of Forensic Science Working Group. ASU Skysong Center, Scottsdale, AZ.
4. **Neal, T.M.S.** (2020, February). *Current Research on Clinical and Legal Judgment*. Clinical Psychology Seminar, Department of Psychology.
5. **Neal, T.M.S.** (2019, October). *Problems in professional ethics: Overconfidence and the bias blind spot*. Lincoln Center for Applied Ethics, Undergraduate Lincoln Scholars Program faculty series.
6. **Neal, T.M.S.** (2019, September). *Developing an integrated model of bias in human judgment*. Psychology Colloquium Series. School of Social & Behavioural Sciences.
7. **Neal, T.M.S.** (2017, April). *Experts & bias: How current ethics training may actually make experts more biased*. Lincoln Center for Applied Ethics, Teaching & Ethics Brownbag series.
8. **Neal, T.M.S.** (2016, April). *Bias in clinical and legal judgments*. Keynote speaker at the ASU NCUIRE Undergraduate Research Symposium.

9. Salerno, J., Schweitzer, N., & Neal, T.M.S. (2016, February). *The brain on trial: Groundbreaking applications of psychological science to the legal context*. SSBS Symposium Series and ASU West 30<sup>th</sup> Anniversary celebration.
10. Neal, T.M.S. (2015, September). *The science of persuasion: Insights from expert witness effectiveness & jury decision making research*. Psychology Brownbag Series. School of Social & Behavioural Sciences.

#### POSTER PRESENTATIONS AT ASU

1. McCowan, K.\* & Neal, T.M.S. (2020, September). *Discerning evidence strength in civil sexual assault cases* [Poster]. ASU Institute for Social Science Research Graduate Contest, Tempe, AZ.
2. Plantz, J.,\*\* Mathers, E.,\*\* Milligan, R.,\*\* Velazquez, A.,\*\* Fatula, E.,\*\* Rincon, S.,\*\* McCowan, K.,\* Line, E.C.,\* Denne, E.,\* & Neal, T.M.S. (2019, April). *How jurors deliberate scientific evidence: Undergraduates assisting an NSF project (2018-2019)* [Poster]. ASU NCUIRE Research Symposium.
3. Plantz, J.\*\* & Neal, T.M.S. (2019, April). *Prison inmates' perception of treatment and treatment-seeking behaviours: A study proposal* [Poster]. ASU NCUIRE Research Symposium.
4. Denne, E.\* & Neal, T.M.S. (2018, November). *Exploring bias and the bias blind spot among expert witnesses in a simulated child abuse case* [Poster]. ASU Institute for Social Science Research Graduate Contest, Tempe, AZ.
5. Line, E.C.\* & Neal, T.M.S. (2018, November) *Judges' and attorneys' reactions to varying qualities of psychological assessment tools in court* [Poster]. ASU Institute for Social Science Research Graduate Contest, Tempe, AZ.
6. McCowan, K.\* & Neal, T.M.S. (2018, November). *Are jurors less biased than judges in discerning evidence strength in sexual assault cases?* [Poster]. ASU Institute for Social Sci Research Grad Contest, Tempe, AZ.
7. Hamza, C.\* & Neal, T.M.S. (2017, November). *The role of implicit and explicit social-cognitive biases on jurors' conceptualizations of insanity* [Poster]. ASU Institute for Social Sci Rsch Grad Contest, Tempe, AZ.
8. Hight, M.\* & Neal, T.M.S. (2017, November). *The effects of insanity verdict options and instructions on juror decisions* [Poster]. ASU Institute for Social Science Research Graduate Contest, Tempe AZ.
9. Siso, C.B.\*\* & Neal, T.M.S. (2017, April). *A comparison of three types of insanity defenses on juror decision-making* [Poster]. ASU Barrett Honors College Symposium & ASU NCUIRE Research Symposium.
10. Velez, R.E.,\*\* Hight, M.,\* Hamza, C.,\* Siso, C.,\*\* Oliveira, B.,\*\* Howatt, B.C.,\* & Neal, T.M.S. (2017, April). *Can direct examination sensitize jurors to the scientific validity of expert testimony?* [Poster]. ASU NCUIRE Research Symposium. (Poster won 1<sup>st</sup> place).
11. Hight, M.,\* Hamza, C.,\* Siso, C.B.,\*\* & Neal, T.M.S (2016, December). *The effects of insanity verdict option and instructions on juror decisions in criminal responsibility cases* [Poster]. ASU Institute for Social Science Research Graduate Contest, Tempe AZ.
12. Goddard, H.N.,\*\* Haas, J.R.,\*\* Marshall, S.R.,\*\* Velez, R.E.,\*\* Howatt, B.C.,\*\* Neal, T.M.S., Krauss, D., Quamme, C.M.,\*\* Ramos Jr., D.,\*\* & Philipp, C.\* (2016, April). *Can direct examination sensitize jurors to the scientific validity of expert testimony?* [Poster]. ASU NCUIRE Research Symposium, & ASU/ Glendale Community College Psi Chi/Psi Beta Broadening Perspectives Research Expo. (Poster won 3<sup>rd</sup> place).
13. Howatt, B.C.,\* Warner, M.,\* Marshall, S.R.,\*\* Velez, R.E.,\*\* Goddard, H.N.,\*\* Haas, J.R.,\*\* Ramos Jr., D.,\*\* Quamme, C.M.,\*\* Philipp, C.,\* & Neal, T.M.S. (2016, April). *Solving the Replication Crisis: A*

*Contribution to Open Science and the Registered Replication* [Poster]. ASU NCUIRE Research Symposium, and the ASU/Glendale C.C. Psi Chi/Psi Beta Broadening Perspectives Research Expo (Poster won 1<sup>st</sup> place).

#### TEACHING EXPERIENCE

I have taught nine different courses at ASU, eight of which I created as part of building the new suite of Law and Psychology programs. I teach across the curriculum: graduate and undergraduate, in-person and online, small and large, and core as well as specialty courses. My student evaluations are consistently excellent. I have received numerous teaching awards, have been invited to present in faculty teaching showcases, and have mentored my students to varied, successful outcomes.

#### COURSES TAUGHT AT ARIZONA STATE UNIVERSITY

Semester	Course*	Enrolled	Rating <sup>†</sup>	Type
Fall 2015	PSY 366: Abnormal Psychology	58	5	In-Person
Spring 2016	PSY 494: Special Topic: Forensic Psychology	33	5	In-Person
Fall 2016	PSY 494: Special Topic: Correctional Psych	23	4.9	In-Person
Fall 2016	PSY 598: Special Topic: Correctional Psych	6	5	In-Person
Spring 2017	PSY 368: Forensic Psychology	25	4.8	Online
Spring 2017	PSY 368: Forensic Psychology	24	4.9	Online <sup>‡</sup>
Spring 2018	PSY 546: Advanced Forensic Psychology	77	4.8	Online
Spring 2018	PSY 474: Correctional Psychology	101	4.9	Online
Fall 2018	PSY 547: Advanced Correctional Psychology	45	4.9	Online
Spring 2019	PSY 368: Forensic Psychology	59	4.9	In-Person
Fall 2019	PSY 546: Advanced Forensic Psychology	11	5	In-Person
Spring 2020	PSY 547: Advanced Correctional Psychology	151	5	Online
Fall 2020	PSY 474: Correctional Psychology	250	5	Online
Spring 2021	PSY 546: Advanced Forensic Psychology	230	4.9	Online

\*Classification of courses: 100–299 are for lower-division undergraduates; 300–499 are for upper-division undergraduates; 500–799 are graduate courses.

<sup>†</sup> Description of student rating of teaching scale: “I would rate the instructor’s overall performance in the course: (5 = highest rating, 1 = lowest rating).”

<sup>‡</sup> = Course taught online, but designed for students enrolled in in-person degree program.

#### COURSES TAUGHT IN PREVIOUS APPOINTMENTS

Intro to Psychology; Abnormal Psych; Social Psych; Psych of Gender; Psychology, Law, and Justice

#### ASU UNDERGRADUATE BARRETT HONORS ENRICHMENT CONTRACTS

Honors contracts provide opportunities for honors students taking non-honors courses to take on additional projects with the course instructor in order to have the course qualify for honors credit. These course enrichments allow instructors and students to interact in a tailored way about challenging academic topics. I always provide optional enrichment opportunities for students in my undergraduate courses, and many honors students (and a few non-honors students) choose to engage. [Here is one example](#). The number of students I have worked with individually on these intensive interactive activities each semester include:

Fall 2015: 5 students | Sp 2016: 8 | Fall 2016: 1 | Sp 2017: 3 | Sp 2018: 1 | Sp 2019: 4 | Fall 2020: 4

**STUDENT MENTORING****CHAired DISSERTATIONS**

Spring 2022 KM, *Moral foundations and prejudicial evidence: Helping jurors disregard inadmissible evidence*

**CHAired THESEs***ASU Psychology MS Theses*

Fall 2022 EM, *Neuropsychological assessment evidence in court*

Summer 2020 ED, *Bias & the bias blind spot among expert witnesses in a simulated child abuse case*

Spring 2020 EL, *Experts screening experts: Are courts effectively gatekeeping psychological assessment evidence?*

Spring 2020 KM, *Discerning evidence in civil sexual assault cases*

Spring 2018 CH, *The role of implicit social-cognitive biases in judgments of insanity*

Spring 2018 MH, *The effects of insanity verdict options and instructions on juror decisions in criminal responsibility cases.*

*ASU Psychology MS Applied Project*

Spring 2021 JP, *The Sentencing Goals Inventory*

*ASU Undergraduate Barrett Honors Theses*

Spring 2020 AV, *The bias blind spot among professional forensic psychologists*

Fall 2017 RV, *Laypeople's perceptions of expert bias in 26 domains*

Spring 2017 CS, *A comparison of three types of insanity defenses on juror decision-making*

**COMMITTEE MEMBERSHIPS (NON-CHAIR)***Committees Outside of ASU*

AW (Forensic Psychology Master Student, University of New South Wales, Sydney Australia)

EGD (Clinical-Forensic Psychology Doctoral Student, John Jay College of Criminal Justice)

RG (Clinical Psychology Doctoral Student, The Chicago School of Professional Psychology)

SVD (Expert Advisor to AP Research Student, Fontbonne Hall Academy High School, NYC)

*ASU Dissertation Committees*

Spring 2022 CA, *The bidirectionality of substance use and psychosis*

Spring 2022 ED, *Understanding children's reports of grooming and seduction in child abuse cases*

*ASU Psychology MS Theses or Applied Projects*

MA | MD | KD | JPG | RH | BH | SH | AP | KR | PS | AT | MW

*ASU Law School Co-Faculty Advisor for Journal Note (with Professor Michael Saks)*

NW

*ASU Undergraduate Barrett Honors Theses*

HA | KB | CH | AJ | RR | AT

**STUDENT GRANTS & AWARDS**

New College Outstanding Graduate Award (faculty nominator for JP [2021 winner], EL [2020 winner] and ATJ [2018 winner])

ASU Tripke Fellowship (faculty nominator and mentor for EL, awarded in 2020)

National Science Foundation Graduate Research Fellowship (faculty mentor to ED, awarded in 2019)

ASU Bidstrup Fellowship (faculty nominator and mentor to CS, awarded in 2017)

American Psych-Law Society Access Path to Psych & and Law Experience Scholarship (\$3,000 each)

2019: EL & AV  
2017: CS  
2016: RV

New College Undergraduate Inquiry & Research Experience (NCUIRE) Awards (range \$625-\$3000)

2020-2021 Fellow Award: EM  
*Implications of bias in forensic fingerprint examiners' judgments*

Spring 2020 Team: JB, RM, SS, AV  
*Jury deliberation project: Are jurors calibrated to evidence strength?*

2019-2020 Scholar Award: EM  
*Bias and the bias blind spot in forensic latent print experts' judgments*

Fall 2019 Research Assistant Award: RM  
*Jury deliberation project: Are jurors calibrated to evidence strength?*

Spring 2019 Team Award: EF, EM, RM, JP  
*Calibration in court: Jurors' use of scientific information*

Fall 2017 Research Assistant Award: RV  
*Perceptions of bias in forensic expert judgments in the legal system*

Summer 2017 Fellow Award: RV  
*Perceptions of bias in forensic expert judgments in the legal system*

Spring 2017 Research Assistant Award: CS, *The effects of insanity verdict options and instructions on juror decisions in criminal responsibility cases*

Spring 2017 Research Assistant Award: RV  
*Forensic scientists' perceptions of human factors in forensic science*

Fall 2016 Team Award: JH, HG, CS, RV  
*Can direct examination sensitize jurors to the scientific validity of expert testimony?: Research as part of the open science "Preregistration Challenge"*

Spring 2016 Team Award: HG, JH, SM, RV  
*The effects of clinical judgment, structured professional judgment, and actuarial expert testimony on juror decision making and understanding of evidence*

**OTHER RESEARCH LAB MENTORSHIP**

- I have mentored students in my lab (1 postdoc, 3 PhD, 6 MS, 1 law, & 18 undergrad students).
- My postdoc moved on to an academic position in England. My M.S. students have moved on to PhD programs (McGill U, U of Illinois, U. Southern MS) and jobs (audience support analyst in industry, psychology teacher at a public school). My undergraduate students have moved on to various graduate programs, law schools, and jobs (e.g., AZ Attorney General's Office, Phoenix Police Department).
- Hosted & mentored an undergraduate scholar from University of Arizona (AM, Summer 2018)
- Hosted & mentored an undergraduate scholar from Mt. Holyoke College (MI, Summer 2016)
- Hosted & mentored junior visiting psychology-law scholar from Switzerland (CP; Spring 2016).
- Students earned grant proposals (ED & KM: AP-LS Grants-in-Aid Award).
- Mentored in *Law and Human Behaviour's* student editorial mentorship program (2019-2020)

**SELECTED MEDIA COVERAGE**

- 2020 Psychological assessments in legal contexts: Are courts keeping “junk science” out of the courtroom?  
This paper was competitively selected for a special press briefing during the American Association for the Advancement of Science (AAAS) annual conference in Feb. 2020. The publisher of the paper (the Association for Psychological Science) coordinated with AAAS to publish at the same time as the press briefing. The work subsequently received widespread media attention, including by the [Associated Press](#), and was covered in many places, including:
- Newspaper stories in more than 500 international outlets, including *The New York Times*, *Washington Post*, *Washington Times*, *Toronto Star* (largest Canadian newspaper), *Dagens Nyheter* (largest Swedish newspaper), *U.S. News and World Report*, and local newspapers in more than 30 U.S. states (e.g., *Minneapolis Star-Tribune*, *Boston Herald*, *Kansas City Star*, *San Francisco Chronicle*).
  - Podcasts: National Public Radio’s (NPR) Short Wave science podcast (forthcoming), NPR’s Hidden Brain podcast (forthcoming), *The Economist’s* Babbage podcast (forthcoming), *Excited Utterance* (a podcast focusing on scholarship on evidence law and proof, forthcoming)
  - News Magazines: [Wired Magazine](#), [New Scientist](#) (British), *The Atlantic* (forthcoming), *Der Spiegel* (German, forthcoming)
  - Television: ABC National News and local television news stations in at least 20 U.S. states. Also covered internationally, such as by CTN News (Canadian Television Network, Canada’s largest and highest-rated network, and the Toronto City News). PBS Horizon (forthcoming).
  - Radio: [NPR Phoenix Affiliate \(KJZZ\)](#), dozens of local stations across the U.S., and several Canadian stations (e.g., News 1130 in Vancouver, BC; 660 News in Calgary, AL; 680 News in Toronto, ON)
  - Blogs: [Forensic Psychology](#), [PsychCentral](#), [Medical Daily](#), [Genetic Literacy Project](#), [IFL Science](#).
- 2018 AZ Central / Arizona Republic Newspaper (12/14/2018), “[This Program For Mentally Ill Defendants Mostly Focuses on Declaring Them Fit For Trial.](#)”
- 2017 Bloomberg BNA (8/31/17), “[Gender Gap for Female Experts Won’t be Easily Narrowed.](#)”
- 2017 Bloomberg BNA (8/28/17), “[Attorneys Faulted for Scarcity of Female Expert Witnesses.](#)”
- 2017 Nebraska Today (5/11/17), “[I think I know: How Institutions Can Build \(or Rebuild\) Trust.](#)”
- 2016 ASU Now (2/25/16), “[Implicit bias: When forensic experts are swayed by adversarial system.](#)”
- 2011 APA *gradPSYCH Magazine* (3/2011), “[Class act: Crime and Punishment](#)” story about my dissertation on bias in forensic evaluations in death penalty cases, 9(2), 36-38.

**SERVICE****SERVICE TO THE PROFESSION (OUTSIDE OF ASU)**

MD Office of the Attorney General’s Audit of MD Office of Medical Examiner (Consultant)	2021
NSF Award Consultant (#1748371), “Implicit Biases & Discretionary Prosecutor Decisions”	2018–20
<i>Service Committees</i>	
<i>Clinical Psychological Science</i> Open Science Advisory Committee	2021–25

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**REPORT TO MASS  
CASUALTY  
COMMISSION**

Committee on APA-Accredited Master's Program Process, Society for Personality Assessment		2021
Member-at-Large (elected position, voting member), American Psychology-Law Society		2016–19
Early Career Scholars Committee, Society for Psych Study of Social Issues (APA Div 9)		2015–18
Dissertation Award Committee, American Psychology-Law Society		2014–17
Professional Development of Women Committee, American Psychology-Law Society		2012–15
Conference Reviewer, American Psychology-Law Society		2007–Present
<i>Grant Reviewing</i>		
National Science Foundation panel reviewer		2018, 2019
Social Sciences and Humanities Research Council of Canada ad hoc reviewer		2021
Austrian Science Fund ad hoc reviewer		2018
National Science Foundation ad hoc reviewer		2018, 2020
<i>Journal Reviewing</i>		
Associate Editor	<i>Journal of Personality Assessment</i>	2018–23
	<i>Psychology, Public Policy, and Law</i>	2021–22
Special Issue Editor	<i>Journal of Personality Assessment</i>	2020–21
	"Personality Assessments in Legal Contexts"	
Editorial Board Member	<i>Psychology, Public Policy, and Law</i>	2017–20
	<i>Law and Human Behaviour</i>	2019–21
Student Editorial Experience	Law and Human Behaviour Student Board Member	2012–14
	<i>Social Issues and Policy Review</i> Student Board Member	2010–14
	<i>Law &amp; Psychology Review</i> Student Board Member	2007–11
Ad hoc Journal Reviewer	<i>Admin. &amp; Policy in Mental Health and MH Services Research</i>	
	<i>Applied Cognitive Psychology</i>	
	<i>Behavioural Sciences &amp; the Law</i>	
	<i>BMC Psychiatry</i>	
	<i>Clinical Psychological Science</i>	
	<i>Criminal Justice &amp; Behaviour</i>	
	<i>Ethics &amp; Behaviour</i>	
	<i>Forensic Science International: Mind and Law</i>	
	<i>Griffith Law Review</i>	
	<i>International Journal of Mental Health Nursing</i>	
	<i>Journal of Applied Social Psychology</i>	
	<i>Journal of Empirical Legal Studies</i>	
	<i>Journal of Forensic Sciences</i>	
	<i>Journal of Forensic Psychiatry &amp; Psychology</i>	
	<i>Journal of Forensic Psychology Research and Practice</i>	
	<i>Law and Human Behaviour</i>	
	<i>Legal and Criminological Psychology</i>	
	<i>Psychological Reports</i>	
	<i>Psychology, Crime, and Law</i>	
	<i>Science Advances</i>	



Ad hoc Book Reviewer      MacMillian  
    NYU Press  
    Oxford University Press  
    Routledge/Taylor & Francis  
    Wadsworth/Cengage Learning

**INSTITUTIONAL SERVICE***University-Level Service*

Member, Targeted Search Committee, School of Social & Family Dynamics	2020–21
Provost’s Graduate Faculty Mentor Academy, Permanent Inaugural Member	4/2020
Expert Panelist & Course Consultant, ASU President’s Office – Starbucks: “Bias & Police”	4/2020
ASU Online Faculty Showcase Presenter. Topic: “Student Peer Review as a Teaching Tool”	4/2018
Senior Sustainability Scientist, Julie Ann Wrigley Global Institute of Sustainability	2017–now
Invited faculty presenter at AZ Board of Regents/ASU Faculty Breakfast	2/2017
More to Explore presenter for student recruitment, Title: “Forensic Psychology at ASU”	2/2017
Faculty Affiliate in the ASU Center for Correctional Solutions	2017–now
ASU Summer Experience at West Program Presenter, “Law/Forensic Psychology”	6/2016
ASU Community & Municipal Relations presenter, “Research & Teaching in Forensic Psych.”	4/2016
Founding member of ASU’s Forensic Science Initiative (forensics.asu.edu)	4/2016
Founding member of ASU’s Program on Law and Behavioural Science (lawpsych.asu.edu)	8/2015

*New College Service*

ASU New College (SSBS & SMNS partners) content update for forensics.asu.edu website	2020
ASU New College “Forensic Behavioural Science/ Forensic Science Visioning 2.0” planner/host	2019
ASU New College Faculty Internal Seed Grant committee	2018
ASU New College Summer Community Read committee	2016–18
ASU West Childhood Conference committee member	2016–17
ASU West 1 <sup>st</sup> Annual Forensic Science Day volunteer	3/2016
ASU New College Faculty Ambassador	2015–now

*School of Social & Behavioural Sciences Service*

Search Committee for Senior Lecturer (Forensic Psychology)	2020–21
Search Committee for Lecturer (Forensic Psychology)	2020–21
Working to establish a University-State Partnership in Forensic Behavioural Science	2019–20
Search Committee for Tenured Full Professor (Forensic Psychology)	2019–20
Interim Program Director, Law and Psychology PhD degree program	Fall 2019
Interim Program Director, Master of Science in Forensic Psychology degree program	Fall 2019
Interim Area Liaison, Forensic Psychology	Fall 2019
Search Committee for Tenure-Track Assistant Professor (Forensic Psychology)	2018–19
Search Committee for Clinical Assistant Professor (Forensic Psychology)	2018–19
Search Committee for Lecturer (Forensic Psychology)	2018–19
Search Committee for Lecturer (Forensic Psychology)	2016–17

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**REPORT TO MASS  
CASUALTY  
COMMISSION**

Member, Ad Hoc Committee for Psychology Faculty Mentoring Plan	2017–18
Broadening Perspectives Research Expo Advisor/Coordinator	4/2016
Psi Chi/ Psychology Club Faculty Advisor (under my leadership, we became the first chapter to induct qualified online students into Psi Chi International Honor Society)	2016–18

**EXTERNAL COMMUNITY SERVICE**

Fox10Phoenix interview, <a href="#">Lori Vallow committed to mental health facility by Idaho judge</a>	6/2021
ABC 15 Arizona interview about the infamous unsolved Robert Fisher case <a href="#">1</a> , <a href="#">2</a> , <a href="#">3</a>	4/2021
NPR's <a href="#">Hidden Brain podcast</a> about the psych assmt evidence in the Fred Clay case	2020
<a href="#">Master's in Psychology podcast</a> about ASU's programs in law & psych	2020
Invited presenter on bias at the Arizona Supreme Court's Committee on Character & Fitness	2021
New America interview about ASU's public education access and flexibility in pandemic	2020
Consultant to Arizona Supreme Court <a href="#">Committee on Mental Health &amp; the Justice System</a>	2019–20
Planning committee, AZ Supreme Court Legal Competency and Restoration Conference	2019
Invited presenter about the psychology of judgments, <a href="#">Phoenix Arts &amp; Cultural Salon Group</a>	5/2016
NPR affiliate KJZZ's 'The Show' about <a href="#">public fear and anxiety in the I-10 shooter case</a>	9/2015
Volunteered for Equal Justice Initiative, a non-profit human rights organization	2007–08
Volunteered as a Guardian <i>Ad Litem</i> in Nebraska for children involved with the court system	2005

**PROFESSIONAL WORKSHOPS PRESENTED**

**Neal, T.M.S.** (2021, September). "Psychologists' Judgments in Legal Contexts (NSF Study + Workshop)." Virtual workshop for the American Psychology-Law Society.

**Neal, T.M.S.** & Zervopolous, J. (2021, September). "Do Experts Know Their Own Biases?" Forensic Group of Dallas, supported by SMU's Dedman School of Law, TX.

Murrie, D.C. & **Neal, T.M.S.** (2017, March). "Reducing Bias in Pursuit of More Objective and Accurate Forensic Evaluations." Workshop at the American Psychology-Law Society conference, Seattle, WA.

Bornstein, B.H., Tomkins, A., **Neal, T.M.S.**, & Shockley, E. (2014, April). Co-Coordiators of NSF-Funded Workshop, "Institutional Trust and Confidence: An Interdisciplinary Workshop." (Neal & Shockley also helped coordinate the conjoint 62<sup>nd</sup> Annual Nebraska Symposium on Motivation, "Cooperation and Compliance with Authority: The Role of Institutional Trust." University of Nebraska, Lincoln, NE.

Hanson-Richardson, R., **Neal, T.M.S.**, & Durham, M. (2012, May). "Dialectical Behaviour Therapy: A Clinical Introduction." Workshop presented the Boston University Graduate School of Nursing, Boston, MA.

**Neal, T.M.S.** (2011, August). "Strategies for Objective Forensic Evaluations." Presented at the annual State of AL Certified Forensic Examiner training, Taylor Hardin Secure Med. Facility, Tuscaloosa, AL.

**PROFESSIONAL MEMBERSHIPS**

American Association for the Advancement of Science  
 American Psychological Association (APA)  
 American Psychology-Law Society (APA Division 41)  
 American Academy of Forensic Sciences  
 Association for Psychological Science (APS)  
 Behavioural Science & Policy Association  
 European Association of Psychology and Law (EAPL)  
 Law and Society Association (LSA)  
 International Assoc of Forensic Mental Health Services  
 Heterodox Academy  
 Society for Personality and Social Psychology (APA Div 8)  
 Society for Empirical Legal Studies  
 Society for Psychological Study of Social Issues (APA Div 9)  
 Society for a Science of Clinical Psych. (SSCP)  
 Society for Judgment and Decision Making (SJDM)  
 Society for Personality Assessment (SPA)  
 Society for the Improvement of Psych. Science (SIPS)  
 Society for Teaching of Psych (APA Div 2)

**CLINICAL EXPERIENCE**

Part-time Private Practice (Forensic Psychological Scientists, LLC) 07/2021–present

I maintain a small private practice in which I do a few forensic evaluations a year. I take cases involving adults and specialize in assessments related to Competence to Stand Trial, Mental State at Time of Offense (Criminal Responsibility), Violence Risk, Aid-in-Sentencing, and Civil Torts alleging psychological or emotional harm.

Settings:

- Public sector inpatient hospital (state hospitals, maximum security forensic hospitals)
- Public sector outpatient (hospital-based and university-based clinics)
- Correctional (corrections-operated jails, prisons, and secure hospitals)
- Court clinics and juvenile court (screening evaluations conducted in courthouses)
- Private practice (assisted with and observed private forensic evaluations)

Types of clinical evaluations conducted across various settings:

- General diagnostic, competency to stand trial, criminal responsibility, aid-in-sentencing, violence risk, problematic sexual behaviour risk, civil commitment, disability, fire-setting risk, suicide risk, post-conditional employment evaluations for police officers, child custody, child protection

Individual and group psychotherapy provided across various settings. Special treatment interests in:

- Dialectical Behaviour Therapy for people with symptoms of Borderline Personality Disorder
- Competency Restoration treatment for forensic populations adjudicated Incompetent to Stand Trial

**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Rigorous Forensic Psychological  
Assessment Practices  
Part II**

**Kristy A. Martire**  
University of New  
South Wales, Sydney

**Tess M.S. Neal**  
Arizona State  
University

June 2022

[masscasualtycommission.ca](http://masscasualtycommission.ca)

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## Glossary

The following terms appear in ***bold italicized*** text in the body of the report and are defined here:

***Accuracy*** – How often a method or subjective reasoning process results in a correct opinion or conclusion.

***Behavioural profile*** – An investigative technique used by law enforcement, psychologists, consultants, and academics to predict or approximate the personality patterns, behaviours, and demographic characteristics of undetected offenders from characteristics of offences and victims.

***Best practice*** – An aspirational and optimal, but non-enforceable level of practice that exceeds the minimum *Standards of practice*.

***Bias*** – Any systematic factor that determines judgment other than the truth.

***Commission*** – Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty, also referred to as the Mass Casualty Commission.

***Field validity*** – Whether a tool or method is *Accurate*, *Repeatable*, and *Reproducible* under routine practice conditions typical of real-world work. Field validity should be empirically demonstrated rather than assumed.

***Forensic psychological assessment*** – A form of *Psychological assessment* undertaken in a legal context to address legal, contractual, or administrative matters.

***Foundational validity*** – Whether a tool or method is, in principle, *Accurate*, *Repeatable*, and *Reproducible*. Foundational validity should be empirically demonstrated rather than assumed.

***Interrater reliability*** – see *Reproducibility*.

***Proficiency*** – A practitioner’s ability to apply a *Foundationally valid* tool or method to come to the expected outcome for the tool or method itself (and ultimately, an accurate opinion).

***Psychological assessment*** – An evaluation conducted to assess a person’s prior, current, or future emotional, behavioural, or cognitive functioning.

***Psychological Autopsy*** – A method used to clarify mode of death in equivocal cases by investigating psychological factors surrounding the death and the deceased. Capitalized as a proper noun in this report in reference to the document titled “Psychological Autopsy” dated 2020-06-03 by Matt Logan, Carl Sesely, and Jamie De Wit, Behavioural Sciences Branch, Royal Canadian Mounted Police (Commission Reference: COMM0021142).

**Psychometric tool** – An approach to measuring people’s emotional, behavioural, or cognitive functioning employing varying degrees of structure and standardization.

**Quality assurance** – A management method involving administrative and procedural standards to prevent mistakes and avoid problems in service or product delivery.

**Repeatability** - Probability that a method or practitioner consistently produces the same results when used to analyze the same materials on subsequent occasions.

**Reproducibility** – Probability that a method consistently produces the same results when used by different practitioners to analyze the same materials.

**Risk assessment** - An evaluation conducted to identify, analyze, and mitigate the effects of potential future events, used in psychology to evaluate a person’s propensity to engage in a future behaviour of interest and strategies for managing those risks.

**Standards of practice** – The minimum level of practice required in a field, such as laid out in legal or administrative rules and ethics codes, and which may be enforceable.

**Structured actuarial assessment** - A form of psychological evaluation based on information derived from formalized psychometric tool(s) with statistically determined rules for what particular values or scores mean on the measure(s) and how those values should be interpreted.


**Unstructured clinical judgment** – A form of psychological assessment that tends to be subjective, flexible, and intuitive and is based on the practitioner’s clinical reasoning rather than psychometric tools.

**Validity as Applied** - Whether a *Foundationally valid* tool or method is, in practice, *Accurate*, *Repeatable*, and *Reproducible*. This can be established via *Field validity* and *Proficiency*.

## I. Representations to the Commission

1. The undersigned **Kristy Martire** and **Tess Neal** make the following representations to the Commission, as required per the Nova Scotia Civil Procedures Rule 55.04 1 a-e:
  - a) The expert is providing an objective opinion for the assistance of the Commission, even if the expert is retained by a party;
  - b) The witness is prepared to testify at the trial or hearing, comply with the directions of the Commission, and apply independent judgment when assisting the commission;
  - c) The report includes everything the expert regards as relevant to the expressed opinion and it draws attention to anything that could reasonably lead to a different conclusion;
  - d) The expert will answer written questions put by parties as soon as possible after the questions are delivered to the expert;
  - e) The expert will notify each party in writing of a change in the opinion, or of a material fact that was not considered when the report was prepared and could reasonably affect the opinion, as soon as possible after arriving at the changed opinion or becoming aware of the material fact.

X   
\_\_\_\_\_  
Kristy Martire  
Associate Professor

X   
\_\_\_\_\_  
Tess M.S. Neal  
Associate Professor



## II. Our Opinion

2. In our opinion, the **Psychological Assessment**<sup>1</sup> under consideration by the **Commission** (specifically, the **Psychological Autopsy/Behavioural Profile/Risk Assessment**)<sup>2</sup> is best described as “somewhat” consistent with the eight **best practice** considerations for rigorous **forensic psychological assessment** described in Part 1 of our report to this Commission (dated 8 March 2022). We formed this conclusion based our qualitative assessment of the Psychological Autopsy using the 108 evaluative questions described in Part 1 of our report. Although most of the best practice items were coded as “not at all” addressed, some of them were somewhat addressed, and thus we conclude that the assessment is overall “somewhat” consistent with the best practices.
  
3. Specifically, 76 of the 108 items were coded as “not at all” present in the Psychological Autopsy; 22 were “somewhat” present; 5 were “definitely” present; 3 could not be coded; and 2 were not applicable. Of note, the 5 “definitely” present items were in the bias section in which the direction was reversed as compared to the other items. That is, these 5 “definitely” codes reflect negatively on the Psychological Autopsy rather than positively. In sum, 81 of the 103 (78.6%) items that could be coded were rated as negatively as the coding allowed for regarding best practices in forensic assessment in the Psychological Autopsy.

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<sup>1</sup> Terms in **bold italics** are defined in the Glossary.

<sup>2</sup> The referral question that the psychological assessment report addressed was not clearly defined. It appears to have been in part a Psychological Autopsy, in part a retrospective Behavioural Profile, and in part a retrospective Risk Assessment. In this report, we refer to it primarily as “the Psychological Autopsy,” as that is the title of the report.

4. Overall, we (Martire and Neal) independently agreed how to code 76 of the 108 items (70.4%). The coding for the remaining items was resolved through discussion. Detailed information about our independent (initial) and integrated (final) coding is available on our [Open Science Framework](#) webpage associated with this report.<sup>3</sup> Further details about our methods and coding process, including an assessment of its **interrater reliability**, appear in the [Evaluating the Validity of Our Approach](#)<sup>4</sup> section of this report.
5. In the process of using the 108 questions to evaluate the Psychological Autopsy for this report, we also identified nine additional best practice issues that were not adequately captured by our original 108 questions. These additional items relate to communication practices. Because all of these new issues related to communication, we broadened Best Practice #5 (previously “Opinion Expression”) to include “Communication of Data and Opinion.” In this Part 2 report, those new questions are labeled Q109–Q117 and appear in the subsection [9. New Issues](#) under the III. Basis for Our Opinion section to make it clear what is new since our Part 1 report for the Commission. However, we conceptualize these new items as part of Best Practice #5.<sup>5</sup>

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<sup>3</sup> Available at [https://osf.io/brz2c/?view\\_only=7ffe2fa7325144fd8cf40e6f23b35302](https://osf.io/brz2c/?view_only=7ffe2fa7325144fd8cf40e6f23b35302).

<sup>4</sup> Text appearing in *underlined italics* indicates a linked cross-reference to another part of this report. Ctrl+Click on the underlined text to follow.

<sup>5</sup> We posted on the Open Science Framework an updated excel file template of the new questions embedded with Best Practice #5. In this new template, the order of questions changed to accommodate the new additions. The new template was not used in this analysis but rather generated *from* it. We used the original template as submitted with Part 1 of this report to analyze the Psychological Autopsy.

### III. Basis for Our Opinion

6. In the following sections of our report, we discuss the Psychological Autopsy in reference to the eight best practices for rigorous forensic psychological assessments described in Part 1, and the 108 example questions provided to assist the Commission in evaluating a psychological autopsy or behavioural profile. The method we use in Part 2 is described in detail in the [Evaluating the Validity of Our Approach](#) section of this report and resulted in a classification describing the extent to which each of the 108 items was present in the Psychological Autopsy: “not at all” (coded as “0” in the accompanying coding records accessible on the [Open Science Framework](#)<sup>6</sup>), “somewhat” (coded as “1”), “definitely” (coded as “2”), and “not applicable” or “cannot code without breaking blind” (coded separately).
7. We note that it would be inappropriate to simply add up the scores for the items to derive a measure of adherence to best practices. This is for two reasons. The first is that there is some overlap between the questions, so summing the values would result in double counting. Second, the questions are designed to be used qualitatively – to provide insights about areas of strength and weakness – rather than quantitatively.

#### 1. Foundational Validity

8. Questions (Q) 1–9 address best practices relating to **foundational validity** in general terms, while Q10–Q16 specifically address **accuracy**, Q17–Q21 address **repeatability**, and Q22–Q27 address **reproducibility**.

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<sup>6</sup> Available at [https://osf.io/brz2c/?view\\_only=7ffe2fa7325144fd8cf40e6f23b35302](https://osf.io/brz2c/?view_only=7ffe2fa7325144fd8cf40e6f23b35302).

9. In relation to Q1–Q9, six of the nine items (66.7%) were “not at all” addressed in the report. Specifically, the authors did not at all:
- Provide evidence that the method or process used in the report had been measured (Q1).
  - Refer to empirical studies showing the methods to be accurate, repeatable, and reproducible at levels appropriate to the intended application (Q2).
  - Support each assertion made in the report by citing research or professional literature (Q5).
  - Provide data about the psychometric performance of their methods (Q6).
  - Summarize what is known about the performance of the tools used in their assessment (Q7).
  - Provide evidence about the validity of their approach by referring to reliability, generalizability, standard errors, and other relevant psychometric indices (Q8).
10. The remaining items (Q3, Q4, Q9) were “somewhat” addressed. The authors:
- Cited some studies to support some of their methods and processes, though they were not necessarily empirical studies (Q3).
  - Relied on one psychometric test as part of their evaluation and cited the manual for that test but did not directly cite the scientific studies specific to the intended use (Q4).
  - Relied on a **psychometric tool** (the Psychopathy Checklist-Revised; PCL-R) with generally favorable measurement properties (Q9).
11. Prior to discussion and resolution of differences, Martire and Neal independently agreed in their classification of seven out of nine of these items (77.8%). All disagreements were satisfactorily resolved through discussion. Interrater agreement prior to resolution was Krippendorff alpha<sup>7</sup> = 0.59 for the basic foundational validity items. This level of agreement is considered poor, on a scale in which 0.0 indicates no agreement, 1.0 indicates perfect agreement, and -1.0 indicates perfect

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<sup>7</sup> Hayes, A.F. & Krippendorff, K. (2007). Answering the call for a standard reliability measure for coding data. *Communication methods and measures*, 1(1), 77–89. Available at [https://www.tandfonline.com/doi/pdf/10.1080/19312450709336664?casa\\_token=3j1BgsuDin0AAA:15r-jcHGcCSWFKxeqxI36Mm83X3IMr6SXLot6-cE\\_N3VTgHcMOvgyh84Rvq6nKz6Fj8ieL0uCV1F](https://www.tandfonline.com/doi/pdf/10.1080/19312450709336664?casa_token=3j1BgsuDin0AAA:15r-jcHGcCSWFKxeqxI36Mm83X3IMr6SXLot6-cE_N3VTgHcMOvgyh84Rvq6nKz6Fj8ieL0uCV1F).

disagreement.<sup>8</sup> Further details about our methods and coding process appear in the [Evaluating the Validity of Our Approach](#) section of this report.

#### ACCURACY

12. In relation to Q10–Q16 about accuracy, six of the seven items (85.7%) were “not at all” addressed in the report. The authors did not at all:
- Provide credible evidence that psychological assessments like theirs are likely to produce objectively correct results (Q10).
  - Cite published empirical studies showing assessments like theirs can be highly or at least sufficiently accurate (Q11).
  - Provide credible evidence that there are methods for completing assessments like theirs that are likely to produce objectively correct results (Q12).
  - Cite published empirical studies showing particular methods or tools result in highly or at least sufficiently accurate assessments like theirs (Q13).
  - Complete an assessment that, in principle, is likely to have higher rather than lower accuracy (e.g., by examining a current mental state of a living person) (Q15).
  - Provide evidence about the accuracy of assessments of past mental states (Q16).
13. The remaining item (Q14) was “somewhat” addressed because the authors did rely on a **structured actuarial assessment** tool (the PCL-R), but other unstructured methods were also used, and the appropriateness of this tool for the task at hand was not examined.
14. Prior to discussion and resolution of differences, Martire and Neal independently agreed in their classification of all of these items (100.0%). Interrater agreement was

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<sup>8</sup> Krippendorff, K. (2004). *Content analysis: An introduction to its methodology*. Thousand Oaks, CA: Sage.

Krippendorff alpha<sup>9</sup> = 1.0 for the foundational validity accuracy items. This level of agreement is considered perfect.<sup>10</sup>

#### REPEATABILITY

15. Q17–Q21 addressed repeatability. Four of the five items were “not at all” addressed in the report. The authors did not at all:

- Provide credible evidence that the same practitioner given the same information would be able to produce the same type of psychological assessment result on a second occasion (Q17).
- Refer to published empirical studies showing that the same practitioner can produce highly or at least sufficiently consistent assessments of the type completed (Q18).
- Describe standardized methods or tools that could in principle assist a practitioner to produce the same result if given the same information on a second occasion (Q19).
- Refer to published empirical studies showing that particular methods or tools generally result in the same practitioner producing highly or at least sufficiently consistent psychological assessments of this type (Q20).

16. The remaining item (Q21) was “somewhat” addressed because the use of the PCL-R adds an objective, standardized, and structured element to the methods used by the practitioner, but the PCL-R was one component of a broadly unstandardized assessment process relying primarily on *unstructured clinical judgment*.

17. Prior to discussion and resolution of differences, Martire and Neal independently agreed in their classification of four out of five of these items (80.0%). The point of disagreement was satisfactorily resolved through discussion. Interrater agreement

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<sup>9</sup> Hayes & Krippendorff, 2007.

<sup>10</sup> Krippendorff, 2004.

prior to resolution was Krippendorff alpha<sup>11</sup> = 0.61 for the foundational validity repeatability items. This level of agreement is considered poor.<sup>12</sup>

#### REPRODUCIBILITY

18. Q22–Q27 addressed reproducibility. Four of the six items were “not at all” addressed in the report (66.7%). The authors did not at all:

- Provide credible evidence that different practitioners given the same information would be able to produce the same type of psychological assessment result (Q22).
- Refer to published empirical studies showing that different practitioners can produce highly or at least sufficiently consistent assessments of the type completed (Q23).
- Describe standardized methods or tools that could in principle assist different practitioners to produce the same result if given the same information (Q24).
- Refer to published empirical studies showing particular methods or tools generally result in different practitioners producing highly or at least sufficiently consistent psychological assessments of this type (Q25).

19. The remaining items (Q26 and Q27) were “somewhat” addressed. The authors:

- Used the PCL-R, which is a tool that adds an objective, standardized, and structured element to the methods and could therefore improve standardization between practitioners. However, the PCL-R was just one component of a broader unstandardized assessment approach (Q26).
- Provided some information to justify the threshold for psychopathy cut-offs as determined by the PCL-R but did not provide information about the thresholds for diagnosing other psychological disorders (e.g., Antisocial and Borderline Personality Disorders) and did not justify or state thresholds for the forensically-relevant outcome (Q27).

20. Prior to discussion and resolution of differences, Martire and Neal independently agreed in their classification of five out of six of these items (83.3%). The point of disagreement was satisfactorily resolved through discussion. Interrater agreement

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<sup>11</sup> Hayes & Krippendorff, 2007.

<sup>12</sup> Krippendorff, 2004.

prior to resolution was Krippendorff alpha<sup>13</sup> = 0.72 for the foundational validity reproducibility items. This level of agreement is considered low but adequate.<sup>14</sup>

## 2. Validity as Applied

21. Questions 28–34 address the **proficiency** component of **validity as applied**. Q35–Q49 address the **field validity** component.

### PROFICIENCY

22. Overall, in relation to proficiency (Q28–Q34), seven out of seven items were “not at all” addressed in the report (100.0%). Specifically, the authors did not at all:
- Provide credible evidence that their own psychological assessments are likely to produce objectively correct results (Q28).
  - Provide credible evidence of participation in or the results of testing, where the ground-truth was known and showing their psychological assessments are highly or at least sufficiently accurate (Q29).
  - Provide credible evidence that their psychological assessments are materially better than laypeople (e.g., that their opinions are more accurate than novices) (Q30).
  - Describe earned credentials that require demonstration of relevant proficiencies (e.g., objectively correct administration of particular psychometric tools, board certification by the American Board of Professional Psychology or other highly regarded board for which a requisite qualification is criterion-referenced, high-quality administration of psychological assessments; Q31).
  - Detail their qualifications, certifications, authorizations, etc. that are demonstrably associated with highly or at least sufficiently accurate psychological assessment results (Q32).
  - Provide credible evidence of operating in an environment where they receive routine, systematic, and objectively correct feedback about the accuracy of their performance (Q33).
  - Provide credible evidence of their proficiency, such as those detailed in the above questions, beyond simply asserting their “years of experience” (Q34).

<sup>13</sup> Hayes & Krippendorff, 2007.

<sup>14</sup> Krippendorff, 2004.



23. Prior to discussion and resolution of differences, Martire and Neal agreed in their coding of six out of seven items (85.7%) in the proficiency component of validity as applied. The point of disagreement was satisfactorily resolved through discussion. Interrater agreement prior to resolution could not be calculated for the proficiency items. This is because there was no variability in one of the coder's ratings (i.e., all of the items were coded by one rater as "0" ("not at all present"). Further detail about how validity is calculated and why the lack of variability in the data affected interrater reliability is provided in the [Evaluating the Validity of Our Approach](#) section of this report.

#### FIELD VALIDITY

24. Overall, in relation to field validity (Q35–Q49), twelve of fifteen items were "not at all" addressed in the report (80.0%), two were "somewhat" addressed in the report, and one was "not applicable" to the report. Specifically, the authors did not at all:
- Provide credible evidence that psychological assessments conducted under routine practice conditions typical of real-world work are likely to produce objectively correct results (Q35).
  - Refer to published field studies that show psychological assessments are highly or at least sufficiently accurate (Q36).
  - Provide credible evidence that there are methods or tools for completing psychological assessments under routine practice conditions typical of real-world work that produce objectively correct results (Q37).
  - Provide evidence that the methods, process, or tools employed were appropriate for the person and conditions in this case (Q40).
  - Clearly describe using a highly structured method or tool that involves little discretion and is likely to result in repeatable and reproducible psychological assessment (Q41).
  - Employ standardized methods and tools, or provide sufficient detail about their psychological assessment so that they or another practitioner could faithfully reproduce the assessment to reach the same result. Even though the PCL-R was

used, no detail was provided about the approach or on what basis particular items were scored (Q42).

- Explain whether, and if so, why they use the same method in all similar cases or if it varies from case to case (Q43).
- Provide justification or independent support for the approach they took in this case as compared to the approach they took in other cases (Q44).
- Describe whether the conditions of the assessment were similar to those in which any foundational validity studies were conducted, nor provide evidence that the particular administration conditions of the evaluation as they differ from the controlled laboratory studies nevertheless have applied validity (Q45).
- Describe how well the evaluatee fit the characteristics of the normative sample for the norm-referenced psychometric tools used – that is, how well any validity evidence for the tool as established for the sample upon which the tool was created fit for the particular evaluatee in this case (Q46).
- Provide peer-reviewed, published data about the validity of the tool for the population(s) to which the evaluatee belongs (e.g., culturally, ethnically, with regard to gender, age, reading level, language, etc.) (Q47).
- Provide evidence to support their use of a test or method to answer a forensic question for which the test or method was not explicitly designed or validated (Q48).

25. Items (Q38 and Q39) were “somewhat” addressed. The authors:

- Used an empirically supported method or tool in this case that is likely to result in a sufficiently accurate psychological assessment. Specifically, the PCL-R and DSM-5 were used, and both are based on at least some empirical support. But it is not clear the extent to which they are appropriate for retrospective use for deceased persons as they were used in this case (Q38).
- Attempted to use a standardized method to define, analyze, synthesize, combine information, or make inferences in the case through the use of the PCL-R, even though the rest of the evaluation process was unstandardized (Q39).

26. One item (Q49) was “not applicable”:

- A battery of several different psychometric tests was not used as part of the evaluation process in this case, and thus attention to the performance of the battery is not applicable (Q49).

27. Prior to discussion and resolution of differences, Martire and Neal agreed in their

coding of ten out of fifteen items (66.7%) in the field validity component of validity as

applied. All disagreements were satisfactorily resolved through discussion. Interrater agreement prior to resolution was Krippendorff alpha<sup>15</sup> = 0.29 for the field validity items. This level of agreement is considered poor.<sup>16</sup>

### 3. Bias

28. Questions 50–63 address **bias**. Overall, of the fourteen items, five were “definitely” relevant to the report,<sup>17</sup> four were “somewhat” relevant in the report, and five were “not at all” relevant in the report.
29. Specifically, the following items were “definitely” relevant to the assessment:
- The practitioners knowingly worked with or for a party who may have a vested interest in a particular psychological assessment outcome. Specifically, the report appears to be written by employees of the Royal Canadian Mounted Police (RCMP) – an agency that led the critical incident response to the mass casualty (a potential conflict of interest). Members of this agency were also victims in this same critical incident (another potential conflict of interest) (Q50).
  - The practitioners had a conflict of interest regarding an aspect of the case that could lead them to have a vested interest in a particular outcome of the case. This was rated as “definitely” because of the phrase “could lead them” in this item, as it is clear that the process could lead to bias even though we do not know if the outcome was in fact biased. The issues identified in the above item are relevant here, as is the fact that one of the authors of the report is a co-author of Dr. Robert Hare, the author of the PCL-R, who received royalties from the use of the instrument. Though this last issue might not be a conflict of interest, it could have been acknowledged as a potential conflict of interest by the report authors (Q51).
  - The practitioners operated in a role or had access to information that might increase the chances of some form of cognitive bias (e.g., adversarial allegiance, hindsight bias, confirmation effects). For example, the report authors are employees of the Royal Canadian Mounted Police – the same agency that policed and investigated the critical incident and its aftermath – and they also knew details about the outcome of the events prior to undertaking the assessment (Q53).

<sup>15</sup> Hayes & Krippendorff, 2007.

<sup>16</sup> Krippendorff, 2004.

<sup>17</sup> The framing of the questions in the Bias section was different from other sections of the report. In the context of bias, our questions sought information about the potential for bias, and so higher scores/“definitely” classifications indicate areas of concern rather than strengths.

- The report authors completed their psychological analysis knowing the eventual outcome of the events in question – a situation that increases the risk of hindsight bias, confirmation effects, and other potential psychological biases. This report was written retrospectively, after the events in question unfolded. The report explicitly considered the events themselves and how they unfolded along with their outcomes while simultaneously completing the psychological analysis. There appears to have been no attempt to reduce the potential effects of hindsight bias, such as blinding to some of the details of the outcomes or having the evaluation completed by someone who did not know the details of the outcomes (Q54).
  - Information available at earlier stages of the psychological assessment (e.g., outcome of the case, contact and discussions with other employees of the policing agency employing the evaluators) could have either knowingly or unknowingly influenced the perception, attention, evaluation, or interpretation of information considered at later stages of the psychological assessment (Q60).
30. The following items were “somewhat” present. The authors somewhat:
- Engaged in some partisan presentation of unrepresentative, incomplete, or inaccurate evidence that could mislead finders of fact. Specifically, while we cannot verify the accuracy of information given that we only have access to this report and no other information about the case, there is evidence of partisanship in that the report appears to be aligned with victims (e.g., being dedicated to the member of their agency who was killed in the critical incident, as well as to the memory of all those who were murdered) and contains highly emotive language, which is unusual for formal forensic psychological assessment reports (Q52).
  - Approached the psychological assessment with some belief or expectation about its likely outcome. Specifically, the authors are employees of the same agency that the public may see as bearing some responsibility for the tragedy unfolding as it did. The agency’s employees conducting this evaluation likely had an expectation that the report would find that the events were “difficult to predict,” which is how the conclusion of the report reads. In addition, knowing that there were 22 victims killed would be likely to establish an expectation of some psychological trait or problem with a person who could undertake such an act (Q55).
  - Disclosed what they knew, from whom, and when they knew it in the context of their psychological assessment. The report does refer to some sources of particular information but does not include timelines or when the information was uncovered or dated, and sources of information are inconsistently attributed (Q57).
  - Relied on structured decision processes (e.g., actuarial or structured clinical judgment methods rather than unstructured methods) to reduce discretion and try to reduce the possibility of bias affecting their judgments. Specifically, the authors used the Psychopathy Checklist-Revised (PCL-R) in this case, in addition to other unstructured methods. But whether the PCL-R’s measurement properties

fit for this context is less clear (i.e., file-based scoring of the PCL-R in a retrospective behavioural analysis) (Q62).

31. The remaining items (Q56, Q58, Q59, Q61, and Q63) were “not at all” present. The authors did not:

- Describe the information they were provided and instructions they were given by the party commissioning their work to help understand how and when contextual information might have influenced their decision-making. While the authors describe the broad outline of the sources they relied upon, the referral question and instructions provided by the referent were not communicated. Nor were the data provided by the referent: there is a list of exhibits, but it is vague and difficult to infer its potential effects on decision making (Q56).
- Document efforts to avoid biasing information, such as through blinding procedures, linear sequential unmasking, or case management procedures when information with known biasing potential was present (Q58).
- Differentiate between “task relevant” and “task irrelevant” information or prioritize the “task relevant” information in what they sought and relied on in their decision processes and conclusions (Q59).
- Rely on any standard operating procedures or practice guidelines to introduce structure, reduce discretion, and try to reduce the possibility of bias affecting their judgments (Q61).
- Describe employing any other methods or procedures for managing or mitigating cognitive bias in their psychological assessment, such as seeking independent peer review, stating rival hypotheses and counterfactuals, or using archival self-monitoring (Q63).

32. Prior to discussion and resolution of differences, Martire and Neal agreed in their coding of nine out of fourteen items (64.3%) in the bias section. All disagreements were satisfactorily resolved through discussion. Interrater agreement prior to resolution was Krippendorff alpha<sup>18</sup> = 0.55 for the bias items. This level of agreement is considered poor.<sup>19</sup>

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<sup>18</sup> Hayes & Krippendorff, 2007.

<sup>19</sup> Krippendorff, 2004.

#### 4. Quality Assurance

33. Q64–Q72 address **quality assurance** best practices. Overall, eight of nine questions were “not at all” addressed in the report (88.9%), and one could not be coded.
34. Specifically, the authors did not at all:
- Identify and follow administrative or procedural **standards of practice** or identify and report using best practices to ensure the quality of their psychological assessment (Q64).
  - Cite and rely on authoritative practice guidelines (e.g., those published by the Canadian Psychological Association, Australian Psychological Society, or American Psychological Association with regard to psychological assessment practice in general and forensic assessment practice in particular) to try to improve the quality of their assessment (Q65).
  - Report systematic monitoring or measurement of their performance in psychological assessment, alongside a comparison against a target goal, with an associated feedback loop to reduce error in their work (Q66).
  - Provide evidence that they are appropriately licensed, credentialed, and in good standing in their profession (Q67).
  - Identify and follow ethical rules, codes of conduct, and legal procedural and evidence admissibility rules that offer guidance and suggestions for how psychologists should behave in their forensic psychological assessment work. The authors might have followed their relevant ethical rules, codes of conduct, legal rules, but they are not identified or discussed in the report (Q68).
  - Offer evidence of credentialing (e.g., board certification by the American Board of Forensic Psychology or the American Board of Police & Public Safety Psychology) or certification by law or policy (e.g., state or jurisdictional models) in forensic psychological assessment or whether these certification processes require proficiency testing (Q70).
  - Appear to encourage quality assurance assessment of their own work, such as seeking peer review of their evaluation, report, or testimony or by carefully detailing the limitations and assumptions as well as alternative views and disagreements associated with their assessment (Q71).
  - Cite and rely on the Standards for Educational and Psychological Testing. Note that it is not a requirement for psychological assessments to cite these standards, but they are an excellent resource and seeing a report cite and rely on them would be an indicator of quality assurance (Q72).
35. Finally, this item could not be coded without us breaking our blind:

- We cannot code whether the practitioner’s behaviours in this case met at least the minimum standards of practice in the field, as laid out in and potentially enforceable under ethics codes, because the report authors do not specify their qualifications or professional memberships by which ethics codes they might be bound. For example, if they are licensed as a psychologist in a particular jurisdiction, they are bound by the rules of that particular jurisdiction. If they are members of the Canadian Psychological Association, they are bound by the relevant Ethics Code. We might be able to discover the professional qualifications and memberships of the authors through searching for information about the authors, but we did not do so in order to preserve our method and approach to this current report in which we did not expose ourselves to any information outside of that which we have systematically described in this process (Q69).

36. Prior to discussion and resolution of differences, Martire and Neal agreed in their coding of eight out of nine items (88.9%) in the quality assurance section – it was the “cannot code” item that we had some trouble with initially. The disagreement was satisfactorily resolved through discussion. Interrater agreement prior to resolution was Krippendorff alpha<sup>20</sup> = 0.49 for the quality assurance items. This level of agreement is considered poor.<sup>21</sup>

#### *5. Opinion Expression/Communication of Data and Opinion*

37. Q73–Q80 address the communication of data and opinions. Overall, four of the eight items were “somewhat” addressed in the report (50.0%). To some extent the authors:

- Referred to conventions for reporting aspects of their assessment. Specifically, the PCL-R, Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM-5) and International Classification of Diseases 11th Revision (ICD-11) all include proscribed forms of expression relating to the diagnosis and classification of mental illnesses and disorders. However, the authors did not describe the generally accepted conventions associated with the use of these tools or clearly apply them (Q73).

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<sup>20</sup> Hayes & Krippendorff, 2007.

<sup>21</sup> Krippendorff, 2004.

- Provided definitions of the terms reported in their assessment (e.g., “displacement homicides”<sup>22</sup>), but many terms and acronyms were not defined or explained. For example, the terms “active shooter,” “causative” versus “contributing” factors,<sup>23</sup> and “Machiavellianism”<sup>24</sup> were not defined. Acronyms including DSM-5, ICD-11, HRP, and CRA were also not explained (Q75).
  - Used expressions of uncertainty when communicating results, inferences, and opinions (e.g., “it is highly likely that...,” “there are indications that...,” “[EVALUEE]<sup>25</sup> likely considered...”). However, the report also contains numerous examples of definitive forms of expression (e.g., “He did not ‘snap’...,” “He was not mentally ill...,” “There are always pre-incident indicators and warning signs to these incidents...,”<sup>26</sup> “We have not, to date, seen the phenomenon with both parents, but it exists”<sup>27</sup>) (Q78).
  - Provided modest and qualified conclusions (see Q78 above). But other times the authors used a level of certainty that is not commensurate with scientific methods or forensic psychological assessments (e.g., “The ‘Snap Theory’ is truly a fallacy...,” “...certainly not the case here...,” “His ability to dehumanize and see a person as a ‘piece of meat’ would simplify his ability to calmly execute another human being”) (Q79).
38. Three items (Q74, Q76, and Q77) were “not at all” addressed by the authors, who did not:
- Provide information about whether the reporting conventions or methods associated with standardized tools had been empirically tested to establish their efficacy (Q74).
  - Explain why they chose particular terminology to express their results, opinions, and conclusions (Q76).
  - Reproduce reporting scales, proscribed terminology, or explain that the information could not be reproduced due to copyright (Q77).
39. One item in this section (Q80) was classified “not applicable” (coded as “N/A”) because the authors did not rely on a battery of several psychometric tests; they used only one psychometric test, the PCL-R.

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<sup>22</sup> Logan, Sesely & De Wit, 2020, 6.

<sup>23</sup> Logan et al., 2020, 6.

<sup>24</sup> Logan et al., 2020, 44.

<sup>25</sup> We have used descriptive labels rather than reproducing the names of persons throughout.

<sup>26</sup> Logan et al., 2020, 40.

<sup>27</sup> Logan et al., 2020, 46.



40. Prior to discussion and resolution of differences, Martire and Neal independently agreed in their classification of three of the eight items (37.5%). All points of disagreement were satisfactorily resolved through discussion. Interrater agreement prior to resolution was Krippendorff alpha<sup>28</sup> = 0.07 for the opinion expression items. This level of agreement is considered poor.<sup>29</sup>

#### 6. Limitations and Assumptions

41. Limitations and assumptions are addressed in Q81–Q96. Of these sixteen items, twelve were “not at all” addressed in the report (75.0%). Specifically, the authors did not:

- Disclose any assumptions they relied on when completing their assessment or state that there were no assumptions (Q83).
- Provide any information about the likelihood, cause, or magnitude of disagreement between practitioners who provide the same type of assessment (Q86).
- Provide any information about the likelihood, cause, or magnitude of disagreement across repeated applications of the same techniques (Q87).
- Disclose deviations from standard operating procedures or documented and validated methods (Q88).
- Explicitly consider the implications of deviations from best practice for the validity of their approach and conclusions (Q89).
- Acknowledge the potential for bias and transparently describe the steps taken to mitigate those risks (Q90).
- Provide information to understand limitations regarding the intent, imprecision, and interpretation of uncertain terms (Q91).
- Describe or account for limitations to the quality of the data they relied on in their assessment (Q92).
- Disclose data that is inconsistent with or disconfirming of their opinions or explicitly state there was no such data (Q93).

<sup>28</sup> Hayes & Krippendorff, 2007.

<sup>29</sup> Krippendorff, 2004.

- Describe case-specific factors that may decrease the quality or value of their assessment in this case or explicitly state that no such factors were present (Q94).
- Describe the likely impact of the evaluatee being deceased on the quality and veracity of the information available for conducting the assessment (Q95).
- Declare limitations associated with the quality of information obtained from collateral sources like friends, family, survivors, or archival records.

42. The remaining items (Q81, Q82, Q84, and Q85) were “somewhat” addressed. The

authors:

- Included a statement that raises the possibility of weaknesses associated with the assessment and prediction of future violence:

Assessment and the prediction of potential violence entails evaluating observable individual traits and situational indicators that are known to be consistent with previous violent acts. It requires deductions and subjective opinions and as such, violence may be over predicted or under predicted in some cases. Risk for violence is a dynamic phenomenon. It changes with variations in the offender’s thinking and circumstances. The accuracy depends upon the completeness, currency and accuracy of the information provided for analysis.<sup>30</sup>

However, the authors did not explain or explore these limitations for readers, so it is unclear how they apply to the assessment at hand or how significant their implications might be (Q81).

- Disclosed some limitations associated with the assessment and prediction of future violence as quoted above but did not explain how the limitations applied to this specific assessment (Q82; see also Q81 above)
- Provided some information about the limitations of the foundational validity of their approach as quoted above (Q84; see also Q81 and Q82).
- Provided some information about the limitations to the validity as applied of their approach by suggesting that something was unusual about this report and process: “Without the luxury of an interview or recent assessment of [EVALUEE]...”<sup>31</sup> But this statement does not explain what was actually done in this case or how that process was limited by what we infer was the unavailability of an interview or recent assessment (Q85).

43. Prior to discussion and resolution of differences, Martire and Neal independently

agreed in their classification of eight of the sixteen items (50.0%). All points of

<sup>30</sup> Logan et al., 2020, 4, 44.

<sup>31</sup> Logan et al., 2020, 40.

disagreement were satisfactorily resolved through discussion. Interrater agreement prior to resolution was Krippendorff alpha<sup>32</sup> = -0.15 for the limitations and assumption items. This level of agreement is considered poor.<sup>33</sup>

#### 7. Alternative Views or Disagreements

44. Q97–Q104 address alternative views or disagreements. Seven of these eight items were “not at all” addressed in the report (87.5%). The authors did not:

- Refer to any critical scholarship or authoritative commentary relating to the type of assessment they conducted (Q97).
- Consider the implications of relevant critical scholarship for the quality and value of their own psychological assessment (Q98).
- Acknowledge that different practitioners may take a different approach or reach a different conclusion if they were to complete their own assessment of the same case (Q100).
- Acknowledge that there are various perspectives or “schools of thought” on how to complete assessments of this type (Q101).
- Explain why there may be differences between practitioners completing the same assessment or what the implications of those differences are for the quality and value of their own assessment (Q102).
- Offer rival hypotheses or counterfactuals that could be relevant to this case (Q103).
- Acknowledge the realistic possibility of disagreements about the validity of unstandardized assessment approaches compared to highly structured actuarial judgments (Q104).

45. The remaining item (Q99) was “somewhat” addressed because the authors disclosed that some practitioners (investigators) use a PCL-R cut-off score of 25, while noting that the score 30 has also “proven useful.”<sup>34</sup> This suggests there may be differing views about which cut-off to use but doesn’t explain what cut-off is

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<sup>32</sup> Hayes & Krippendorff, 2007.

<sup>33</sup> Krippendorff, 2004.

<sup>34</sup> Logan et al., 2020, 44.

recommended in the PCL-R manual, what cut-off was used, whether this was best practice, or how any modifications to standard/best practice should be understood by readers.

46. Prior to discussion and resolution of differences, Martire and Neal independently agreed in their classification of six of the eight items (75.0%). All points of disagreement were satisfactorily resolved through discussion. Interrater agreement prior to resolution was Krippendorff alpha = -0.04<sup>35</sup> for the items about alternative views or disagreements. This level of agreement is considered poor.<sup>36</sup>

#### *8. Ethical Obligations and Codes of Conduct*

47. Q105–Q108 address ethical obligations and codes of conduct. Of these four items, only two could be coded based on information contained within the report. Both of these items were “not at all” addressed (50%). Specifically, the authors did not:
- Describe whether they held appropriate licences, accreditation, and/or authorizations as necessary to complete the work described beyond stating their current job role (Q105).
  - Describe whether they maintain memberships of professional organizations and societies that govern the ethical conduct of the work described (Q106).
48. Without knowing more about the authors and the broader reporting/case context, it was not possible for us to determine:
- Whether the practitioners’ work complies with relevant ethical, professional, and licensure requirements (Q107), because we do not know what memberships and/or licences the practitioners hold.
  - Whether legal procedural rules apply to the psychological assessment in this case and therefore whether the assessment complied with those rules (Q108).

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<sup>35</sup> Hayes & Krippendorff, 2007.

<sup>36</sup> Krippendorff, 2004.

49. Prior to discussion and resolution of differences, Martire and Neal agreed in their coding of two of these four items (50%). All points of disagreement were satisfactorily resolved through discussion. Interrater agreement prior to resolution was Krippendorff alpha<sup>37</sup> = 0.53 for the items about ethical obligations and codes of conduct. This level of agreement is considered poor.<sup>38</sup>

### 9. New Issues

50. When reading and working through the coding for the 108 items regarding the Psychological Autopsy, we identified the following additional items that were not adequately addressed in our original list of questions. Following on from the existing list, we now add questions numbered Q109 to Q117, all relating to Best Practice #5 (Opinion Expression). To accommodate this change, we have broadened this category label to “Communication of Data and Opinion.” We provide a rationale for each new question in turn and consider how each is addressed in the report.<sup>39</sup>

**Q109 Is the forensic referral question clearly identified?**

51. In forensic psychological assessments, the specific psycholegal question to be addressed should be clearly stated.<sup>40</sup> This question should guide the entire assessment process, and the report should be organized to answer that question.

<sup>37</sup> Hayes & Krippendorff, 2007.

<sup>38</sup> Krippendorff, 2004.

<sup>39</sup> We posted on the Open Science Framework an updated Excel file template of the new questions embedded with Best Practice #5. In this new template, the order of questions changed to accommodate the new additions. The new template was not used in this analysis but rather generated from it. We used the original template as submitted with Part 1 of this report to analyze the Psychological Autopsy.

<sup>40</sup> Witt, P.H. (2010). Forensic report checklist. Open Access Journal of Forensic Psychology, 2, 233 – 40, <https://abpp.org/BlankSite/media/Forensic-Psychology-Documents/ABFP-Forensic-Report-Checklist.pdf>.

The question is often defined by regulation, case law, or statute within the jurisdiction where the report is generated, and the evaluator should be clear about what question they are answering so that only relevant information is included in the assessment process and report.

52. In the current case, the purpose of the psychological assessment was never explicitly stated. The report is entitled “Psychological Autopsy,” but includes elements of a retrospective behavioural profile as well as a retrospective risk or threat assessment. Because of this, it is unclear how the analysis and conclusions served the aims of the assessment. For example, it was not clear how some conclusions were relevant to the task at hand:

... there appears to be a complex combination of behaviours and interactions with bystanders that may often occur in the days, weeks, and months leading up to an attack...<sup>41</sup>

**Q110 Does the practitioner use only objective, neutral language in their report?**

53. Ethical requirements,<sup>42</sup> codes of conduct,<sup>43</sup> and critical scholarship<sup>44</sup> all reinforce the importance of actual and perceived impartiality in forensic psychological (and other expert) assessments. Consequently, the language used in reports should be unbiased and neutral rather than emotive and/or judgmental.

<sup>41</sup> Logan et al., 2020, 54.

<sup>42</sup> See, e.g., Canadian Psychological Association. (2017). *Canadian code of ethics for psychologists*, [https://cpa.ca/docs/File/Ethics/CPA\\_Code\\_2017\\_4thEd.pdf](https://cpa.ca/docs/File/Ethics/CPA_Code_2017_4thEd.pdf).

<sup>43</sup> See, e.g., NSW Expert Witness Code of Conduct, Schedule 7, Uniform Civil Procedure Rules, 2005, [http://www5.austlii.edu.au/au/legis/nsw/consol\\_reg/ucpr2005305/sch7.html](http://www5.austlii.edu.au/au/legis/nsw/consol_reg/ucpr2005305/sch7.html).

<sup>44</sup> Grisso, T. (2010). Guidance for improving forensic reports: A review of common errors. *Open Access Journal of Forensic Psychology*, 2, 102–15, <https://www.oajfp.com/blank-8>.

54. The authors of the Psychological Autopsy did not use only objective and neutral language in their report. Some examples of non-objective language include:

The authors of this report are aware of the horrific impact these shootings have had on victims, survivors, families, and communities here in Nova Scotia. We extend our deepest sympathies to those who have suffered. We remain committed to doing everything possible to prevent future attacks. Although much work remains, we present this report as a step towards disrupting those who would seek to inflict mayhem on other communities.<sup>45</sup>

The trigger point or final straw that initiated the rampage was also not the fault of his partner.<sup>46</sup>

There was a storm brewing for many years and the circumstances that created what Maritimers refer to as “the perfect storm” finally struck on April 18/19, 2020.<sup>47</sup>

... amassed the perceived arrows of affliction and insult and turned them inward until they boiled over into rage...<sup>48</sup>

**Q111 Is the report clearly and coherently organized?**

55. Clear communication is a vital component of rigorous forensic psychological (and expert) reporting. Regulators and commentators note that audience understanding can be improved through the use of a logical, coherent, and transparent reporting structure.<sup>49</sup>
56. Some elements of the Psychological Autopsy were designed to improve transparency and facilitate understanding – specifically, the inclusion of a table of contents and associated section headings,<sup>50</sup> as well as the list of materials considered.<sup>51</sup> However,

<sup>45</sup> Logan et al., 2020, 2.

<sup>46</sup> Logan et al., 2020, 6.

<sup>47</sup> Logan et al., 2020, 6.

<sup>48</sup> Logan et al., 2020, 6.

<sup>49</sup> National Research Council. (2009). *Strengthening forensic science in the United States: A path forward*. National Academies Press, <https://doi.org/10.17226/12589>; Grisso, 2010; Witt, 2010; Howes, L.M. & Kemp, N. (2017). Discord in the communication of forensic science: Can the science of language help foster shared understanding? *Journal of Language and Social Psychology*, 36(1), 96–111, <https://doi.org/10.1177/0261927X16663589>.

<sup>50</sup> Logan et al., 2020, 3.

<sup>51</sup> Logan et al., 2020, 5.

there were several elements of the report that were not logical, transparent, or coherent. Some examples include:

- The author's opinion was not clearly labelled as such; instead it appeared under the heading "Abstract."<sup>52</sup>
- Some conclusions were made before the basis for those conclusions was presented. For example, the "well documented" evidence referred to on page 27 was not reported until page 38 of the report under the heading "Relationship History":
 

It is well documented that [EVALUEE] harboured a deep hatred for his parents as a result of the emotional and physical abuse he perceived they had subjected him to as a child.<sup>53</sup>
- Elements of the DSM-5 diagnostic criteria for Antisocial Personality Disorder and Borderline Personality Disorder appear to have been reproduced under the headings "Antisocial Traits" and "Borderline Traits" respectively,<sup>54</sup> but the source of this text and the purpose of their statement was not explained for the reader. This made it difficult to know how the information should be understood.
- The purpose of the analyses under the headings "Similarities/Differences in Comparison with other Mass Shooters"<sup>55</sup> and "Bifurcated Mass Homicide"<sup>56</sup> was not explained.

**Q112 Is every source of information clearly identified and dated to make clear exactly what information was relied upon in the evaluator's judgment process?**

57. Every source of information relied upon in in the assessment process should be clearly labeled and identified concretely (e.g., with title, date, time if relevant), ideally in a clearly labeled "sources of information" section near the beginning of the report.<sup>57</sup> This transparency is important for understanding and evaluating what information the evaluator had (and did not have) in forming their opinion in the case.

<sup>52</sup> Logan et al., 2020, 6.

<sup>53</sup> Logan et al., 2020, 27.

<sup>54</sup> Logan et al., 2020, 39.

<sup>55</sup> Logan et al., 2020, 54.

<sup>56</sup> Logan et al., 2020, 55.

<sup>57</sup> Melton, G.B., Petrila, J., Poythress, N.G., Slobogin, C., Otto, R.K., Mossman, D., & Condie, L.O. (2017). *Psychological evaluations for the courts: A handbook for mental health professionals and lawyers* (4th ed.). Guilford Press; Grisso, 2010.



This is important because differences between evaluators can arise when different people form opinions on the basis of different information.<sup>58</sup>

58. In this case, the authors provided an outline of their sources of information but without sufficient detail to know exactly what information the evaluators were exposed to. For instance, they noted reviewing “various documents and letters”<sup>59</sup> but did not provide further detail. As such, it would be impossible to replicate the examiners’ decision process. In addition, it would be difficult to discern what information the examiner did not have access to but should have in order to ensure they considered all of the essential information needed for the evaluation.

**Q113 Does the report consistently and accurately refer to relevant literature?**

59. Referencing is a fundamental component of the communication of scholarly and scientific knowledge. Citations link data, results, theories and conclusions to their epistemic foundations; allow readers to access and evaluate the original sources underpinning the work; and ensure that the authors and owners of the information relied upon are properly credited.<sup>60</sup> Conversely, unsourced statements or the inclusion of irrelevant sources can cause confusion and may misdirect readers about the scope and basis of the author’s work. Thus, the accurate and conscientious

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<sup>58</sup> Guamera, L.A., Murrie, D.C., & Boccaccini, M.T. (2017). Why do forensic experts disagree? Sources of unreliability and bias in forensic psychology evaluations. *Translational Issues in Psychological Science*, 3(2), 143–52, <https://doi.org/10.1037/tps0000114>.

<sup>59</sup> Logan et al., 2020, 5.

<sup>60</sup> Penders, B. (2018). Ten simple rules for responsible referencing. *PLoS Computational Biology*, 14(4), e1006036, <https://doi.org/10.1371/journal.pcbi.1006036>.

attribution of information to its source is a key aspect of rigorous scientific assessment.

60. The Psychological Autopsy includes a number of relevant and appropriate in-text citations to support elements of the assessment, as well as an accompanying reference list. However:

- Unattributed claims appear throughout the report. Some examples include:
  - Countless studies have demonstrated that even mild rejections lead people to take out their aggression on innocent bystanders.<sup>61</sup>
  - ... disruption of the mother-infant bonding process early in the child's life is thought to result in more callous, affectionless, unempathic, psychopathic-like interpersonal behaviour...<sup>62</sup>
  - Both dehumanization and objectification are linked to physical violence towards woman [sic] and extreme victim blaming.<sup>63</sup>
- The abbreviated references cited in-text do not always appear in expanded format in the reference list. For example, Dietz, 2009;<sup>64</sup> Monahan, 2006;<sup>65</sup> Dutton, 1988<sup>66</sup> do not appear in the reference list. A complete citation is generally needed to locate a specific source.
- Some references in the reference list were not cited in the body of the report. Specifically, the work of Knoll & Pies, 2019; Leary, Twenge & Quinlaven, 2006; Levy, Ayduk & Downey, 2001; Toch, 1992 appear in the reference list without an accompanying in-text citation. It is unclear if these additional references were meant to be cited in the report but were unintentionally omitted, or if these references were meant to be deleted from the list prior to submission. Generally, only explicitly cited sources appear in reference lists.

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<sup>61</sup> Logan et al., 2020, 47.

<sup>62</sup> Logan et al., 2020, 48.

<sup>63</sup> Logan et al., 2020, 51.

<sup>64</sup> Logan et al., 2020, 40.

<sup>65</sup> Logan et al., 2020, 43.

<sup>66</sup> Logan et al., 2020, 48.

**Q114** Is all of the information, data, and conclusions contained in the report clearly relevant to the assessment?

61. Scholars have noted that psychological assessments can sometimes stray widely from their intended purpose.<sup>67</sup> The inclusion of irrelevant information or content with questionable relevance is problematic because it can increase the risk for bias,<sup>68</sup> introduce due process and incrimination issues,<sup>69</sup> and can intrude unnecessarily into the privacy of the evaluatee,<sup>70</sup> among other issues.
62. In this case it is somewhat difficult to determine what was and was not objectively relevant given the ambiguity surrounding the purpose of the Psychological Autopsy. Nevertheless, there are a number of examples where the specific relevance of information, data, and conclusions was either ambiguous or unstated. This leaves readers to make their own inferences about relevance and meaning. Some examples include:

We are aware of the CBS Drama *FBI: Most Wanted* series which aired prior to April 18th and featured a police officer named Gabriel Clark who went on a shooting spree, setting a house on fire. As far as [NAMED INTERVIEWEE] knows, [EVALUEE] did not watch this program.<sup>71</sup>

Leistico, Salekin, DeCoster, & Rogers (2008) cautioned that the predictive utility of Factor 1 may be underestimated because it reflects “interpersonal charm, exploitative manipulation, and self advancing deceitfulness, which are likely associated with duping the system and escaping documentation of antisocial conduct” (p. 40).<sup>72</sup>

The term “malignant narcissism” was introduced by psychologist Eric Fromm who described it as “the quintessence of evil” and added that it was

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<sup>67</sup> Grisso, 2010; Witt, 2010.

<sup>68</sup> Neal, T.M.S. & Grisso, T. (2014). The cognitive underpinnings of bias in forensic mental health evaluations. *Psychology, Public Policy, and Law*, 20(2), 200–11, <https://doi.org/10.1037/a0035824>.

<sup>69</sup> Witt, 2010.

<sup>70</sup> O’Connell, M.E. (2009). Mandated custody evaluations and the limits of judicial power. *Family Court Review*, 47(2), 304–20.

<sup>71</sup> Logan et al., 2020, 50.

<sup>72</sup> Logan et al., 2020, 44.

“the most severe pathology and the root of the most vicious destructiveness and inhumanity” (1964, p. 37).<sup>73</sup>

Mission-oriented shooters make many decisions, including the types of weapons they will use, where to obtain them, the clothes they will wear, who the victims will be, and what they will do at the location(s) of the shootings (O’Toole, 2014).<sup>74</sup>

[EVALUEE] had an interest in transsexual pornography (male to female).<sup>75</sup>

**Q115 Does the report consistently distinguish facts from opinions and inferences?**

63. Psychological assessments and expert opinions usually involve a process of inference. This process involves reasoning from information that is known to have happened or has been shown to be true (i.e., facts), to subjective beliefs, opinions, and conclusions about those facts. As such, facts and inferences have fundamentally different properties – one is known or agreed to be true, while the other is a belief based on the application of relevant training, study, and experience to what is known or agreed. Thus, rigorous psychological assessments must clearly differentiate facts and inferences<sup>76</sup> to ensure that readers understand what is known and can be accepted, versus what is believed and should be evaluated. In fact, forensic evaluators are encouraged to report data and inferences in separate sections of the report, with only data reported in a data-based section of the report preceding a separate inferences and opinions section of the report that relies on the earlier data but introduces no new facts.<sup>77</sup>

<sup>73</sup> Logan et al., 2020, 44.

<sup>74</sup> Logan et al., 2020, 50.

<sup>75</sup> Logan et al., 2020, 51.

<sup>76</sup> Grisso, 2010; Ireland, J.L. (2012). Evaluating expert witness psychological reports: Exploring quality (summary report). University of Central Lancashire. <http://netk.net.au/Psychology/ExpertReports.pdf>; Melton, et al., 2017; Witt, 2010.

<sup>77</sup> Grisso, 2010.

64. The Psychological Autopsy contains a number of examples where opinions are clearly differentiated from facts, such as:

...we believe that he wanted to transport her in the back of that police car and make her watch as he killed people...<sup>78</sup>

...we are of the opinion that they were Grievance Based Targets.<sup>79</sup>

...we are of the opinion that they were targeted by [EVALUEE] based on his displaced anger towards his own parents.<sup>80</sup>

Our view is that a person with a high need to control his/her functioning might feel a loss of control...<sup>81</sup>

However, there are also frequent examples of opinions and beliefs being presented as though they are facts, including:

As such, his targeting [NAMED VICTIM] was reactive in that he needed to eliminate the threat she posed to him.<sup>82</sup>

As such, the reactive target was selected by [EVALUEE] due to his belief that the target would interfere with his "mission."<sup>83</sup>

The burning of his prize cottage and warehouse resonated with [EVALUEE] in that he was destroying "his possessions" so nobody else could have them. It also represented a point of no return...<sup>84</sup>

...the drive by a prison on the 18th during the day was solidifying in his mind that he could not do time in there as his [NAMED FAMILY MEMBER] had years before.<sup>85</sup>

There are also examples where the distinction between facts and inferences is unclear. This ambiguity is in part due to the inconsistent attribution of information to sources (see also Q112 above). Although the authors list a number of collateral sources under the heading "Material Considered," these sources were not routinely or clearly linked to the information in the report, making it difficult to establish whether

<sup>78</sup> Logan et al., 2020, 6.

<sup>79</sup> Logan et al., 2020, 11.

<sup>80</sup> Logan et al., 2020, 19.

<sup>81</sup> Logan et al., 2020, 49.

<sup>82</sup> Logan et al., 2020, 31.

<sup>83</sup> Logan et al., 2020, 46.

<sup>84</sup> Logan et al., 2020, 48.

<sup>85</sup> Logan et al., 2020, 48.

information is known or agreed to be true or was a belief held by the authors or by a collateral source. For example:

He was a very good liar and that's how the affair lasted for about 1.5 years.<sup>86</sup>

This combined with small acts of kindness ingratiated him to her after the abuse that set up the fear of reprisal.<sup>87</sup>

[EVALUEE] was a jealous man who felt that it was fine for him to be unfaithful but was vigilant of his partner and always suspicious and paranoid.<sup>88</sup>

The first indication was his stated interest in going to kill his parents when his father would not remove his name from [EVALUEE's] property deed.<sup>89</sup>

**Q116 Is the basis for each opinion clearly articulated?**

65. Following on from the previous discussion about evidence-based inferences, it is important for rigorous psychological assessments to clearly articulate the factual and empirical basis for each opinion or inference.<sup>90</sup> In fact, doing so is required by ethical and practice guidelines for forensic mental health reports.<sup>91</sup>

66. The Psychological Autopsy contains a number of examples where the basis of an opinion is clearly articulated, such as:

Given the fact that there was an apparent grievance with the [NAMED VICTIMS] and the manner in which [EVALUEE] attended their residence to execute [NAMED VICTIMS], we are of the opinion that they were Grievance Based Targets.<sup>92</sup>

Given the fact that there was no known grievance between the [NAMED VICTIMS] and [EVALUEE] and the effort [EVALUEE] made attend [sic] their

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<sup>86</sup> Logan et al., 2020, 37.

<sup>87</sup> Logan et al., 2020, 42.

<sup>88</sup> Logan et al., 2020, 37.

<sup>89</sup> Logan et al., 2020, 46.

<sup>90</sup> Resnick, P.J. & Soliman, S. (2012). Planning, writing, and editing forensic psychiatric reports. *International Journal of Law and Psychiatry*, 35(5-6), 412-17, <https://doi.org/10.1016/j.jilp.2012.09.019>.

<sup>91</sup> American Psychological Association (2013). Specialty guidelines for forensic psychology. *American Psychologist*, 68, 7-19, <https://doi.org/10.1037/a0029889>; Heilbrun, K., Marczyk, G.R., & DeMatteo, D. (2002). *Forensic mental health assessment: A casebook*. Oxford University Press.

<sup>92</sup> Logan et al., 2020, 11.

home, we believe the [NAMED VICTIMS] were Displacement Based Targets.<sup>93</sup>

There are two main reasons for our belief that [EVALUEE] killed some of his victims as a displaced crime symbolic of killing his mother or father or both...<sup>94</sup>

However, there are also examples where the basis for an opinion or belief is opaque or unstated, for example:

The exact timing of when [EVALUEE] shot [NAMED VICTIM] isn't known, however, we believe that [EVALUEE] engaged [NAMED VICTIM] on his return from the [SECOND NAMED VICTIM] residence.<sup>95</sup>

We are of the opinion that [EVALUEE] wasn't "good friends" with the [NAMED VICTIMS] as suggested by [REDACTED]...<sup>96</sup>

Traits particularly relevant to [EVALUEE] include conning/manipulative, poor behavioral controls, lack of remorse or guilt, callous/lack of empathy, and grandiosity.<sup>97</sup>

**Q117 Are there typographical or editorial errors or oversights?**

67. We acknowledge that even the most conscientious and careful authors will occasionally make mistakes. Nevertheless, rigorous psychological assessments will have been thoroughly checked for factual, spelling, and grammatical errors that could impact upon the accuracy or comprehensibility of the report.
68. In reading the Psychological Autopsy, we noted some errors and inconsistencies that impacted our understanding of the report:
- On page 20 the same victim was described both as an "Incidental Target" and a "reactive target." Based on the definitions provided on page 9, these terms do not appear to be interchangeable.
  - Capitalization was also used inconsistently within and between psychological disorders and concepts described in the Psychological Autopsy. For example,

<sup>93</sup> Logan et al., 2020, 23.

<sup>94</sup> Logan et al., 2020, 46.

<sup>95</sup> Logan et al., 2020, 20.

<sup>96</sup> Logan et al., 2020, 22.

<sup>97</sup> Logan et al., 2020, 44.

“psychopathy,”<sup>98</sup> “Psychopathy,”<sup>99</sup> “Narcissistic rage,”<sup>100</sup> “Narcissistic Rage,”<sup>101</sup> “sadism,”<sup>102</sup> “reactive target,”<sup>103</sup> “Grievance Based Targets,”<sup>104</sup> “Stockholm Syndrome.”<sup>105</sup> The American Psychological Association (APA) recommends not capitalizing the names of diseases, disorders, therapies, treatments, theories, concepts, principles, and models.<sup>106</sup> It was unclear when reading whether the usage variations in the report were intended to denote distinct meanings or were editorial oversights.

#### IV. Evaluating Our Opinion

69. We provide the following information to assist the Commission in evaluating the opinion we provide in Part 2 of our report.

#### Sources Informing Our Opinion

70. Our above opinion was based on the information and content of our own report in Part 1 as applied to the document “Psychological Autopsy,” dated 2020-06-03 by authors Matt Logan, Carl Sesely, and Jamie De Wit (Commission Reference: COMM0021142). The document was provided to us by the Commission on 17 March 2022 in order to:

...apply the principles set out in the draft report [i.e., Part 1] to the documents provided by the Commission, and [to] produce an additional portion of the report [i.e., Part 2] that explains any new issues arising from these documents, including an evaluation of the extent to which the Psychological Autopsy reflects evidence-based techniques and reflects best practices set out in the initial draft report.<sup>107</sup>

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<sup>98</sup> Logan et al., 2020, 43.

<sup>99</sup> Logan et al., 2020, 43.

<sup>100</sup> Logan et al., 2020, 45.

<sup>101</sup> Logan et al., 2020, 45.

<sup>102</sup> Logan et al., 2020, 45.

<sup>103</sup> Logan et al., 2020, 20.

<sup>104</sup> Logan et al., 2020, 11.

<sup>105</sup> Logan et al., 2020, 41.

<sup>106</sup> See the APA webpage Diseases, Disorders, Therapies, and More, <https://apastyle.apa.org/style-grammar-guidelines/capitalization/diseases-disorders-therapies>.

<sup>107</sup> Contractor Responsibilities, 30 November 2021.



### Evaluating the Validity of Our Approach

71. Our approach involved several elements to allow for the evaluation of its validity. We did what we could to address accuracy, repeatability, and reproducibility both in principle and in practice. Regarding accuracy, we have been transparent that the objective correctness of our approach in principle and in practice is difficult to estimate – a problem that is not specific to us but rather plagues forensic psychological assessment more generally given the nature of the tasks involved.<sup>108</sup> We were better able to address repeatability and reproducibility: we developed a structured method that other people could follow in other cases or in this specific case and that we could follow again in other cases, as well as in this specific case. Our repeatable coding method included a series of 108 (updated to 117 after revision) explicit questions to consider, with defined coding terms.
72. Regarding reproducibility, our coding method could also be used to evaluate how well people agree with one another in evaluating other cases or this specific case. We measured our interrater reliability between ourselves as independent raters to estimate how well one might be able to use our method and reach the same conclusions (and how well we did in this specific instance). Our approach to interrater reliability was standard for processes like this:<sup>109</sup> we created the coding approach before beginning the coding, including defining the categories of 0 = “not at all” present in the report, 1 = “somewhat,” 2 = “definitely,” and a separate “not

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<sup>108</sup> Guarnera et al., 2017.

<sup>109</sup> Syed, M. & Nelson, S.C. (2015). Guidelines for establishing reliability when coding narrative data. *Emerging Adulthood*, 3(6), 375–87, <https://doi.org/10.1177/2167696815587648>; Krippendorff, 2004.

applicable” category. We independently did all of the coding and then resolved each discrepancy using coding definitions and debate.

73. Although our independent percent rate of agreement across all of the 108 items was 70.4%, our interrater reliability was Krippendorff alpha<sup>110</sup> = 0.43, a poor level of agreement on a scale in which 0.0 indicates no agreement, 1.0 indicates perfect agreement, and -1.0 indicates perfect disagreement.<sup>111</sup> The smaller analyses by groupings of items into best practice categories as described throughout this report were similar: our observed percent rate of agreement was often notably higher than the chance-corrected interrater reliability estimates. This situation can occur in small sample sizes and when there is low variability in the data,<sup>112</sup> both of which affected our coding.
74. Specifically, there were only two raters here – and in those analyses where we only looked at reliability for a grouping of four or five items, the sample sizes were quite low. This problem is a traditional statistical power issue: the power of reliability tests to adequately perform estimation depends on the frequency of informative values,<sup>113</sup> the only remedy for which is to increase the sample size of the reliability data.<sup>114</sup> Additionally, for some of the groupings of items, there was no variability in the data (e.g., the proficiency items, which one rater coded as entirely absent from the Psychological Autopsy). When there is no variability in the data, there is no evidence

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<sup>110</sup> Hayes & Krippendorff, 2007.

<sup>111</sup> Krippendorff, 2004.

<sup>112</sup> Krippendorff, K. (2011). Agreement and information in the reliability of coding. *Communication Methods and Measures*, 5(2), 93–112, <https://doi.org/10.1080/19312458.2011.568376>.

<sup>113</sup> Krippendorff, 2004.

<sup>114</sup> Krippendorff, 2011.

that the coders exercised their ability to distinguish among units. Reliability is calculated based on the extent to which variation in the data is explained by variation in the nature of the units measured; without variation, reliability statistics cannot estimate the degree to which a measuring instrument can respond to differences among items should they occur.<sup>115</sup> An analogy is that a broken thermometer still shows a numerical value; but a thermometer's value does not indicate anything useful unless it changes values in response to a changed temperature.<sup>116</sup>

75. One final note about the reliability of our coding is that several of our initial differences in coding decisions had to do with the original language of the items themselves rather than actual differences of position. As we worked through the items and coded the report with them, we revised the language of some of the items in ways that clarify and simplify how to code and that likely will improve future interrater reliability statistics if this coding measure is used again. For example, several items were initially worded such that the coder would have to possess knowledge not provided in the report to rate the item. In our initial coding, the two coders took a systematically different approach to these items, with one coder deciding these items could not be rated and the other attempting to rate them as best they could. In the discussion and resolution of coding differences process, we decided to systematically code based on what is in the report, rather than our own existing knowledge or information we would have to find by doing additional research

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<sup>115</sup> Krippendorff, 2011.

<sup>116</sup> Krippendorff, 2011.

beyond the report itself. And we also edited all of the items themselves to make that clear for future use.

76. Regarding other validity-related considerations, we have been clear that there are no empirical or peer-reviewed studies supporting the approach we used, as we developed it in the course of this analytic process. However, our approach was carefully developed based on the research and professional literatures, with careful citations for our assertions.

### Our Proficiency

77. Kristy Martire and Tess Neal have published qualitative analyses of expertise in peer-reviewed journals.<sup>117</sup> Although publication in peer-reviewed outlets does not guarantee quality or proficiency,<sup>118</sup> it does indicate that our methods and performance have survived a form of independent external scrutiny. Ultimately, there is no objective ground truth regarding our ability to analyze and critique the rigour of a forensic psychological assessment. As a result, the Commission may need to

<sup>117</sup> Martire, K.A. & Montgomery-Farrer, B. (2020). Judging experts: Australian magistrates' evaluations of expert opinion quality. *Psychiatry, Psychology and Law*, 27(6), 950–62, <https://doi.org/10.1080/13218719.2020.1751334>; Bali, A.S., Edmond, G., Ballantyne, K.N., Kemp, R.I., & Martire, K.A. (2020). Communicating forensic science opinion: An examination of expert reporting practices. *Science & Justice*, 60(3), 216–24, <https://doi.org/10.1016/j.scjus.2019.12.005>; Edmond, G., Martire, K., & San Roque, M. (2017). Expert reports and the forensic sciences. *UNSW Law Journal*, 40, 590; Neal, T.M.S., Slobogin, C., Saks, M.J., Faigman, D.L., & Geisinger, K.F. (2019). Psychological assessments in legal contexts: Are courts keeping “junk science” out of the courtroom? *Psychological Science in the Public Interest*, 20(3), 135–64, <https://doi.org/10.1177/1529100619888860>; Neal, T.M.S. & Brodsky, S.L. (2016). Forensic psychologists' perceptions of bias and potential correction strategies in forensic mental health evaluations. *Psychology, Public Policy, and Law*, 22(1), 58–76, <https://doi.org/10.1037/law0000077>; Neal, T.M.S. & Brodsky, S.L. (2014). Occupational socialization's role in forensic psychologists' objectivity. *Journal of Forensic Psychology Practice*, 14(1), 24–44, <https://doi.org/10.1080/15228932.2013.863054>.

<sup>118</sup> Smith R. (2006). Peer review: A flawed process at the heart of science and journals. *Journal of the Royal Society of Medicine*, 99(4), 178–82, <https://doi.org/10.1177/014107680609900414>.

consider whether the methods we have employed and the indicators of quality are sufficient to increase the likelihood that our assessment is accurate in this case.

#### **Bias Management, Quality Assurance, and Communication of Data and Opinion**

78. We took a number of steps to manage the potential for bias in our assessment. In particular, we ensured that: we only saw the psychological assessment in question (in this case, the Psychological Autopsy), without exposure to any other information about or from the case; we refused access to other documents available to and from the Commission; we formalized our coding scheme prior to viewing the report; we intentionally did not discuss the report with each other prior to each of us independently coding our classifications for the 108 items; we finalized our method of recording our responses prior to viewing the report and drafted the structure of this report prior to viewing the Psychological Autopsy; and we did not discuss the case or undertake any background research about it to ensure we remained blind to any information that could potentially bias our evaluation. While we both had some prior expectation that the Psychological Autopsy report may be lacking in terms of its rigour, given the Commission's interest and the fact of the public inquiry, we did not know (and do not know) whether the report itself is the central object of the Commission's inquiry or whether it is some small part of the inquiry process.
79. Given the best practices we identified in Part 1 of our report and the questions we proposed to explore them (based on ethical guidelines for psychologists, the principles of open science, and critical scholarship from forensic science and psychology about what makes for a good scientific approach to answering forensic questions), we feel we had a solid foundation for our evaluation that was clearly

structured and explicit prior to viewing the report. After we independently read and coded the Psychological Autopsy on the 108 items originally proposed, we then measured how well we could independently come to the same conclusion without discussion. This process of independent coding, examining the interrater reliability of our independent processes, and then resolving discrepancies through discussion is a quality assurance process that increases the transparency of our approach and lends insight into its quality. Our transparent sharing of our coding reliability encourages critical evaluation of our own process by the Commission. We also discuss the various limitations and assumptions of our approach below.

80. In addition, we are both trained in clinical/forensic psychology, psychological assessment, and forensic applications of psychology. We are licensed as psychologists and both hold certifications in forensic psychology, as detailed in Part 1 of this report. These quality assurance indicators, among others, suggest we are sufficiently qualified to undertake the current analysis.
81. In our communication of methods and results in this report, we have approached writing with as much organization and clarity as we can, including a table of contents and a structure that was as similar as possible to Part 1 to aid in readability by the Commission. We worked to avoid the use of jargon and included a glossary to help define possibly difficult terms. We have transparently shared the items we used to consider the characteristics of the Psychological Autopsy. We have retained nuance and conservatism in our conclusions, recognizing the possibility for error while doing what we could to minimize it. We have also endeavoured to use neutral,

objective language throughout and to ensure the basis and sources for our opinions are transparent.

### **Limitations and Assumptions**

82. As with any process, our approach carries limitations and was based on certain assumptions that should be considered by the Commission in evaluating our analysis. The most significant of these could be the fact that we know little about this case – we know only what was provided in the Psychological Autopsy and the broad outline of the case from our initial conversations with Professor Emma Cunliffe, Research and Policy Director for the Commission when we considered taking this assignment. While we intentionally designed our method this way to limit biasing influences on our assessment of the Psychological Autopsy in question, we recognize that our lack of knowledge of other factors relating to the Commission’s inquiry could be limiting. This lack of information about the broader picture of the Commission’s inquiry could affect our testimony in the public hearing process: we can imagine a situation in which we are asked in the public hearing something about the incident beyond what is described in the Psychological Autopsy that we may not know – and which could negatively impact perceptions of us as experts involved in this process. We will communicate clearly why we know what we know and especially why we do not know whatever might come up in the testimony examination process to try to mitigate the effects of this potential limitation.
83. Related to this limitation is the fact that, because we have intentionally not examined any collateral documentation about the case, we do not know if the information in the Psychological Autopsy accurately reflects the sources of information in that

report. Additionally, we could not reach a definitive opinion about whether the Psychological Autopsy was sufficiently rigorous for its purpose. This is in part because we do not know exactly what the purpose of the evaluation was because it was not clearly defined in the evaluation report. But it is also in part because we intentionally do not know where or how this Psychological Autopsy fits into the broader context of the case and incident in question. We could consider the report itself and describe its characteristics and quality within those pre-defined areas we identified – but we could not and cannot provide an opinion about its appropriateness to the incident as we have limited information about its purpose in context.

84. Regarding the limitations of our coding itself, first, we did not subject our 108 items to empirical evaluation and thus cannot speak to their validity. We can use our questions qualitatively – as we have done – but this approach is limited and cannot provide definitive answers. We can also form our opinion based on this approach for the Commission to consider in the inquiry process, but as with any expert opinion, there are limitations that should be considered along with the opinion itself.
85. A second limitation of our coding process itself is that we had variable interrater reliability on the independent initial coding. While we were able to independently code some of our categories of items with perfect reliability, other groups of items had poor reliability. Imperfect coding reliability is almost inevitable, but some of our coding was low enough to be considered problematic for one person to code alone without further development of the items and an associated coding manual. Because our process involved the subsequent step of discussion and resolution of coding



differences, these independent reliability concerns are reduced, but they are nevertheless worth keeping in mind as a limitation of our approach.

#### **Alternative Views and Disagreements**

86. Our qualitative characterizations of the extent to which each of the 108 questions from Part 1 were addressed in the Psychological Autopsy were subjective. Fundamentally, this means that the qualitative characterizations represent our own opinions and, as such, may differ from the opinions of others. We believe we have provided sufficient evidence to justify our classifications, and our use of an independent coding methodology accompanied by discussion and resolution adds rigour to our approach. Nevertheless, we anticipate that other practitioners could reasonably have taken a different approach to assess the rigour of a forensic psychological assessment.

#### **Ethical Obligations and Codes of Conduct**

87. We have the appropriate licences (as psychologists), qualifications (in forensic assessment), and authorizations (published in this field) to complete this analysis. We have complied with our ethical obligations as licensed psychologists and members of the major psychological associations in the United States and Australia. Further detail about our backgrounds and qualifications to do this work, as well as our ethical obligations due to our professional memberships and the jurisdictions in which we work, is provided in Part 1 of this report.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Understanding the Links between  
Gender-Based Violence and Mass  
Casualty Attacks: ‘Private’ Violence  
and Misogyny as Public Risk**

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**April 2022**

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# UNDERSTANDING THE LINKS BETWEEN GENDER-BASED VIOLENCE AND MASS CASUALTY ATTACKS: ‘PRIVATE’ VIOLENCE AND MISOGYNY AS PUBLIC RISK

March 2022 | Jude McCulloch and JaneMaree Maher

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## I. Introduction

Over the previous decades Western countries have witnessed an increase in mass casualty attacks and the deadliness of such attacks. Overwhelmingly, these attacks have been committed by men (Densley & Peterson 2019; Issa 2019). Coinciding with the growing threat, there has been an increase in attention and research by policymakers, law enforcement, and security agencies aimed at preventing, responding to, and understanding these events and the men who commit them. At the same time, there has been increased recognition of the harms of gender-based violence, also overwhelmingly committed by men, and a similar rise in attention (see Fitz-Gibbon et al. 2018; Marganski 2019; Rozdilsky & Snowden 2021). Mass casualty attacks and

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gender-based violence have typically been seen as separate phenomena. However, with recent attention to the gendered nature of mass casualty attacks, the connections have become increasingly apparent. Men who commit gender-based violence are often the same men who commit mass casualty attacks, and specific women, particularly intimate partners, are often the first victims of such attacks. Misogyny, the hatred of women, also features as a motivator, wholly or in conjunction with other forms of hate, in some mass casualty attacks (Tomkinson et al. 2020; Wilson 2020).

This report examines the connections between gender-based violence and mass casualty attacks, adding to the small but growing body of literature that considers mass casualty attacks through a gendered lens. Until recently the siloed approach to understanding gender-based violence and mass casualty attacks meant the connections have often been hidden. The dichotomous approach to these two types of violence is underpinned by a longstanding and pervasive division between what is considered discretely as private and public violence. The division is grounded in historical patriarchal social, legal, and cultural understandings of the different roles and attributes of men and women and, based on these, the accepted and assumed character of relationships between men and women across society and in the home between intimate partners in particular. Gender-based violence, particularly domestic and family violence, has long been considered a form of private violence, while mass casualty attacks, particularly when an attack is not limited to intimate partners and family members, are located squarely in the frame of public violence.

The dichotomous approach to private and public violence undermines the ability to understand, prevent, and respond to mass casualty attacks. Failing to fully investigate and articulate the connections simultaneously reinforces the tendency to deny, minimize, excuse, and

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normalize gender-based violence. However, before setting out the growing evidence for and value of considering the connections between violent phenomena typically considered separately, it is important to acknowledge the differences between gender-based violence and mass casualty attacks. Understanding the discontinuities alongside the continuities is necessary to fully appreciate the advantages of a less siloed approach as well as the policy challenges and opportunities of embedding a better understanding of gender-based violence in approaches to the prevention of mass casualty attacks.

Gender-based violence is ubiquitous. Intimate partner violence, the most common type of gender-based violence, is arguably the most frequent form of violence dealt with in many Western criminal justice systems (Goodmark 2018). Mass casualty attacks, on the other hand, are relatively rare. While gender-based violence is an everyday and often invisibilized reality, mass casualty attacks represent an obvious rupture to daily life, provoking widespread public anxiety. The nature of mass casualty events, involving multiple homicides in a short time period and in a geographically concentrated area, understandably garners widespread attention. Yet intimate partner homicide typically accounts for more deaths and casualties than mass casualty attacks in any given year (Marganski 2019; Walklate et al. 2019a: 66–67). When intimate partner homicides are reported in the media, they are typically presented as isolated events rather than as part of a pattern, and as a result, the high toll of such violence is not kept in clear view (Fairbairn & Dawson 2013). Finally, although many mass casualty attackers are often perpetrators of gender-based violence (Iratzoqui & McCutcheon 2018; Issa 2019), the overwhelming majority of men who commit gender-based violence do not commit mass casualty attacks.

The result of the differences between ‘private’ and ‘public’ violence, combined with the dichotomous approach to understanding each, is that the connections between gender-based



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violence and mass casualty attacks are often hidden. Specific gendered analyses of mass casualty attacks are remarkably absent from the literature (but see Issa 2019; Marganski 2019; McCulloch et al. 2019; Silva et al. 2021; Smith 2019; Windisch 2020; Zeoli & Paruk 2020). Despite this lacuna, it is clear that a better understanding of the continuities between private and public violence is an important tool in preventing mass casualty attacks.

The following section focuses on the dichotomy between private and public violence, how this dichotomy has affected the understanding of mass casualty attacks, and the feminist scholarship that reveals continuities between violent phenomena typically considered separate. This discussion is followed by a detailed examination of the evidence of connections between mass casualty attacks and gender-based violence, before addressing the need for further gender-focused research and the policy implications to be drawn from the extant research. Three case studies are utilized to illustrate the connections between gender-based violence and mass casualty attacks, the way that connections are downplayed or misinterpreted, and the implications of this ‘looking away’.

## **II. Challenging the Dichotomy between Private and Public Violence**

There is a longstanding division in how ‘private’ and ‘public’ violence is approached. The division reflects a worldview that sees violence committed in homes and involving intimate partners and family members as private. While gender-based violence is now widely considered a public issue, it is nevertheless seen as different and separate from violence that takes place in public between strangers. This separation is founded on outmoded but resilient ideas around gendered relations of power that consider women as male property (Scutt 1990: 444–98; see also Cockburn 2012; Kelly 1987). These arcane attitudes persist today at an individual level and in social, political, and legal structures, including criminal justice systems, national security

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priorities, the media, and research agendas. As Dake (1992: 33) has argued, shared worldviews ‘provide powerful cultural lenses, magnifying one danger, obscuring another threat, selecting others for minimal attention or even disregard’. Gender-based violence, especially domestic and family violence, is typically studied separately from public violence. Iratzoqui and McCutcheon (2018) have suggested:

Within criminological research, domestic violence has been treated as a separate entity, because domestic violence is largely seen as a ‘uniquely female’ phenomena, since females are overwhelmingly the victims of this form of violence . . . (147).

The siloed approach to research on domestic and family violence, and gender-based violence more generally, is relevant to the range of disciplines that study violence.

Gender-based violence is not consistently given a high priority in policing in Western jurisdictions (see Dowling et al. 2018 for a review of policing practice in Australia, Canada, New Zealand, and the United Kingdom; see HM Inspectorate of Constabulary and Fire Rescue Services 2021 for an extensive gendered analysis of policing in the United Kingdom). In Canada, Barrett et al. (2011) have found that most intimate violence incidents where police became involved were due to self-reporting rather than police action/investigation; and Saxton et al. (2021) have found that many women did not report to police and sometimes received dismissive responses when they did. Perpetrators of intimate partner violence are typically seen as less culpable than other offenders; and victims are often seen as responsible for provoking violence and are not always fully recognized as victims (Fairbairn & Dawson 2013: 6–7; Smith 2019: 223–25). A reflection of this diminished culpability is that often men who kill intimate partners are not seen as ordinary killers but as ordinary men driven to spontaneous acts of violence in moments of passion (Dobash et al. 2004: 577). This perspective remains influential despite evidence that male-committed intimate partner homicides are often planned (Bitton & Dayan 2019; Dawson 2006: 1443; Polk 1994: 31).

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The seeming dichotomy between private and public violence influences the way mass casualty attacks are researched and reported. Many studies of mass shootings, for example, exclude shootings in which the sole victims were family members or which took place exclusively in private spaces such as homes, regardless of the number of people killed or injured (Huff-Corzine & Corzine 2020; Silva et al. 2021: 2168–69). Studies on lone-actor terrorism consider the targeting of specific women in such attacks as ‘trigger events’ rather than as part of the events themselves, even when the circumstances often indicate that the ‘trigger’ and the mass casualty attack are continuous or proximate in time. In addition to this, studies typically seek to discover what made such attackers *turn* violent. This frame of analysis overlooks or downplays the history of gender-based violence in the biographies of attackers that indicates that they didn’t turn violent but were instead violent men (McCulloch et al. 2019). Typically, studies of terrorism have excluded attacks motivated by misogyny because hatred of women tends to be treated differently from, for example, race-based hatred (Anti-Defamation League 2018; Lawrence et al. 2021; see below for further discussion).

Media reports of mass casualty attacks in which only family members were victims are reported differently from mass ‘public’ casualty attacks. In the former cases, killers are often described as ‘good guys’ (Gilmore 2019: 107 & 111). Over-identification with perpetrators is also found in commentary that suggests female intimate partners are responsible for familicide—a homicide where a spouse and one or more children are killed (Wilson et al. 1995). In 2020 in Australia, for example, a woman and her three young children were set on fire and murdered by her estranged husband who then committed suicide. The perpetrator had a domestic and family violence protection order against him. The police investigator in the case commented:

[T]here are probably people out there in the community that are deciding which side, so to speak, to take in this investigation. Is this an issue of a woman suffering significant domestic violence, and her and her children perishing at the hands of the husband? Or is

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it an instance of a husband being driven too far by issues that he's suffered by certain circumstances into committing acts of this form? (Powell 2020)

Feminist researchers and activists, however, have long challenged the private–public dichotomy, arguing instead that there is a continuum of violence that connects the dots between violence of different types and scales, and that these events ‘can be perceived as a series, a succession of events that have something in common and may be causally linked’ (Cockburn 2012: 1).

Scholarship that connects intimate partner violence and terrorism utilizes this concept of a continuum of violence. Morgan (1982) has considered ‘wife abuse’ and the fear it produces as ‘everyday terrorism’, arguing that husbands use violence to threaten and harass their wives in ways that are similar to terrorists who threaten those they kidnap. Johnson (1995; 2008) has posited the notion of ‘intimate terrorism’ whereby a male intimate partner is violent and controlling. More recently, Pain (2012) has connected the ‘everyday terrorism’ of domestic and family violence with the more widely recognized public security threat of global terrorism. Framing gender-based violence as a type of terrorism locates women’s everyday security in the same frame as the ‘public’ violence associated with national security (Walklate et al. 2019a).

Joan Smith (2019: 6) has pointed out that ‘male violence doesn’t stay in neat categories’ but spills between the private and public. The statement made on pirate radio by a man who subsequently killed three Pittsburgh police officers and wounded others exemplifies how male rage and violence can readily cross and disrupt the assumed boundaries of private and public. He claimed then to ‘want to kill my ex-girlfriend, her mother, her pets, my father, people I don’t like’, and, in a random measure, a couple members of the Pittsburgh police (quoted in Hamm & Spaaij 2017: 201). As demonstrated throughout this report, mass casualty attacks and gender-based violence are not separate but intimately connected.

### **III. Gender-based Violence, Misogyny, and Mass Casualty Attacks**

Research focusing specifically on the connections between gender-based violence and mass casualty attacks has only just begun to emerge. This research tends to draw heavily on US data (e.g., Issa 2019; Silva et al. 2021; Windisch 2020). Studies beyond the United States tend to be qualitative rather than quantitative and draw more heavily on case studies (e.g., Hoffman et al. 2020 in Canada and the United States; McCulloch et al. 2019 in Australia; Smith 2019 in the United Kingdom). Investigative journalists have made an important contribution to exposing the connections between gender-based violence and mass casualty attacks by revealing the histories of gender-based violence in the biographies of attackers and highlighting the targeting of specific women, often intimate partners, and tracing this pattern across multiple incidents (see, e.g., Freeman 2017; Saltman 2016; Stephenson 2017; and Talbot 2016 in the United Kingdom; Taub 2016 in the United States). These journalistic contributions are especially important because data collected on mass casualty attacks has often excluded information on gender-based violence. Given this gap, scholars (e.g., Issa 2019; Windisch 2020) and civil society organizations (such as Everytown for Gun Safety) that conduct analysis on the connections between gender-based violence and mass casualty attacks rely on media reports to build or supplement police records and data bases.

It is important to note that the data on mass casualty attacks is fractured, overlapping, and incomplete (Huff-Corzine & Corzine 2020). Data are siloed between studies on terrorism and mass shootings (but see Fridel 2021). Terrorism is broadly defined by the political motive of actors rather than the number of casualties inflicted. However, given that terrorists often do inflict mass casualties and almost always plan or attempt to inflict mass casualties (Marganski 2019; Silver et al. 2018), studies on terrorism are relevant. Mass shootings and terrorist attacks

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also significantly overlap, in that an act of terrorism may involve firearms and mass casualties, and a mass shooting may be committed by an attacker with a recognized political motive and thus be considered terrorism (LaFree et al. 2018). There are also gaps in the data. Some attacks—for example, one in which an actor with no (known or recognized) political motivation uses a vehicle or edged weapon in an attempt to kill—may not be captured as either a mass shooting or a terrorist attack and, as a result, not be included in any systematically compiled data base. In 2017 in Melbourne, Australia, for example, a 26-year-old man deliberately drove his car into pedestrians in the busy central business district, killing six and injuring dozens of others. The attack was not politically or ideologically inspired and so not considered an act of terrorism, and it did not involve a firearm (Rychter & Mullan 2017). In addition, the definitions and frameworks of analysis used in the study of both mass shootings and terrorism often adhere to the private–public dichotomy so that gender-based violence is typically not highlighted.

Despite the limitations of the extant research linking mass casualty attacks and gender-based violence, there is nevertheless strong evidence pointing to connections, which will be examined further below. These connections can be found in the targeting of specific women, often as the first victim, and the history of gender-based violence in the backgrounds of men who commit such attacks. They can also be discerned in the explicit misogynist motivation of some mass casualty attackers and the intersection of misogynistic motivations with other types of violent extremism, such as white supremacy, that are more widely recognized as motivation for mass casualty attacks. Bjarnegård et al. (2020) have recently reviewed research on the links between sexism and misogyny in existing research, arguing that those holding misogynistic views are more likely to participate in public acts of violence and reinforcing the need to further investigate these connections.

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**1. Specifically-targeted Women as Victims in Mass Casualty Attacks**

The targeting of specific women, particularly intimate partners, often as the first victims, is a common theme in mass casualty attacks. According to US research that examined mass casualty attacks of all types, familicide is the most common type of mass casualty attack, with perpetrators being mainly husbands and fathers and the victims being intimate partners, children, and other relatives (Fridel 2021). In 2015, *HuffPost* did an analysis of five years of data (2009–15) collected by Everytown for Gun Safety (Chemaly 2015). According to its analysis, 64 percent of mass shooting victims overall were women and children, although women typically made up only 15 percent of total gun violence homicide victims, and children only 7 percent. Beyond this data, the *HuffPost*'s analysis found that in the 57 percent of mass shootings that involved an intimate partner or another family member victim, 81 percent of the victims were women and children. Based on this it argued:

The untold story of mass shootings in America is one of domestic violence. It is one of men (yes, mostly men) targeting and killing their wives or ex-girlfriends or families. The victims are intimately familiar to the shooters, not random strangers. This kind of violence is not indiscriminate—though friends, neighbors and bystanders are often killed alongside the intended targets (Jeltsen 2015).

A later analysis of twelve years of mass shootings in the United States (2009–20) concluded that mass shootings are often 'intermingled with acts of domestic violence' (Everytown for Gun Safety 2021). This study defined mass shootings as those with at least four fatalities (excluding the attacker). Based on media and police reports of 262 incidents, it found that in most mass shootings (at least 53 percent), the attacker shot a current or former intimate partner or family member during the attack and that 'domestic violence-related mass shootings' accounted for almost half of all mass shooting deaths. The overwhelming majority of these shootings involved at least one victim in a private home (93 percent) and did not move into a public space (80 percent). Overall, the study found that 61 percent of mass shootings occurred

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exclusively in the home, and nine percent occurred partially in a home and in public, meaning that less than one third of mass shootings occurred exclusively in public. The report notes that ‘while mass shootings in public places tend to receive more media attention, the majority of these shootings actually occur in private homes’ (2021: 6). Duwe (2020) has observed:

[B]ecause familicides and felony-related massacres are less newsworthy and thus much less likely to have been used as typifying examples, proposals to curb the incidence and/or severity of mass murder are seldom focused on domestic violence, drug policy, or urban crime (20).

Silva et al. (2021) have examined gender-based mass shootings in the United States from 1966 to 2018. Most relevant here are their findings on specifically-targeted women. They defined mass shootings as those involving at least four casualties (gun fatalities or injuries) and at least some victims who were chosen at random or for their symbolic value. Familicide, regardless of the number of victims, was specifically excluded, as were shootings occurring solely in private space (Silva et al. 2021: 2168–69). The study was thus limited to mass ‘public’ shootings (2168). In focusing exclusively on incidents in which the targeting of a specific woman was part of a mass ‘public’ shooting, the study usefully illuminates the connection between the ‘private’ and ‘public’ aspects of mass shootings. The study is also significant for being one of the few quantitative studies (and to date, the largest) that explicitly examined the connection between gender-based violence and mass shootings. The study found that what it defined as gender-based mass ‘public’ shootings are a significant subcategory of mass shootings. The study identified 311 mass shootings between 1966 and 2018, of which 106 or 34 percent were defined as gender-based (2172). If the study had included mass ‘private’ shootings such as familicides that occurred in the home, the percentage of mass shootings found to be gender-based would have been significantly higher, given that most familicides are committed at home by men against women and children (see above; and Everytown for Gun Safety 2021).



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Silva et al.'s recent study (2021) defined gender-based mass shootings as those motivated by grievances against women and divided these shootings into categories based on whether a specific woman or women in general were targeted, as well as whether the attacker directly targeted the woman who was the source of the attacker's grievances. It found that the targeting of a specific woman against whom the attacker had a grievance, such as 'girlfriend, wife, or a woman who rejected their advances' (2170), was the most common category of gender-based mass shootings. Specific woman-targeted attacks consistently made up the majority of gender-based mass shootings (38–66 percent), except during the 1970s (Silva et al. 2021: 2172). Over the total study period, specific woman-targeted attacks made up 47 per cent of the gender-based mass shootings (2172). Again, by defining mass shootings as events that involve members of the public and that take place at least partly in public, the study underestimated the number of mass shootings in which specific women were targeted because, as the Everytown for Gun Safety report (2021) makes clear, specific women-targeted mass shootings often take place exclusively in homes and/or as part of incidents of familicide.

As well, research on terrorism indicates that the targeting of specific women is a persistent recurring theme in attacks. Over the previous decade, lone-actor attacks have come to be considered the most serious type of terrorist threat (Hamm & Spaaij 2017: 1; Hewitt 2021: 5; Pantucci et al. 2015: 1; Richman & Sharan 2015). In contrast to attacks undertaken by terrorist groups, attacks by lone actors are more likely to be motivated by what has been referred to as a mix of 'personal vendettas' and political grievances (Hamm & Spaaij 2017: 9, 66; Hewitt 2021: 4). These personal motives are linked to the targeting of specific women. Hamm and Spaaij's (2017) study on 'lone-wolf terrorism' in the United States between the 1940s and mid-2016 is particularly useful. Drawing on previous research and open access sources, the study included

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123 cases—the most extensive database on lone-actor terrorism (Hamm & Spaaij 2017: 24). The authors have suggested that violence against women is often a ‘precursor crime’ to lone-actor terrorism (11). Their study, similar to those on mass shootings, highlighted the targeting of specific women as a common feature of these terrorist attacks, concluding ‘that for some of the most lethal lone-wolf terrorists, interpersonal conflicts with women can act as a triggering event’ (53). As their case studies demonstrate, the phrase ‘interpersonal conflicts with women’ often includes a history of assaults on the specifically-targeted woman prior to the attack, and what they have referred to as triggering events are often the violent, sometimes deadly, assaults on the targeted woman. Their study did not quantify the number of attacks that included targeting a specific woman, but they have referred to multiple case studies that describe such attacks. In numerous of the case studies, an intimate partner or woman whom the attacker stalked and harassed was the first target. For example, one attack in Florida involving multiple fatalities began three hours earlier when police attempted to arrest the perpetrator for an assault on his wife at their home (129–30). In another attack that took place in California, the attacker’s ex-girlfriend was the first of four of the attacker’s former co-workers he shot and killed (168; see also Bailey & Fields 2001).

Hamm and Spaaij’s (2017) study helpfully recognizes the close connection between lone-actor terrorist attacks and gender-based violence. At the same time, it highlights the problematic frames of analysis employed when analyzing gender-based violence and its connection to terrorism and other types of mass casualty attacks. Maintaining that ‘conflict with a woman’ is a ‘trigger’ for attacks implicitly mutualizes the violence by suggesting that there is a problem *between* the man and the woman (McCulloch et al. 2019: 442). The idea of the ‘conflict’ with a woman being a ‘trigger’ suggests that the woman caused or provoked the violence. It also tends

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to obscure the targeting of the ‘trigger woman’ in the terrorist attack. In the California case, for example, Hamm and Spaaij (2017) have described the attack on co-workers as ‘triggered by a breakup with his girlfriend’ but have not specified that the girlfriend was killed in the attack (168). The idea of a woman as a trigger suggests a sequence in which there is a ‘trigger’ and then an attack. It is clear, however, that in many cases, the attack on a specific woman is not simply a prelude to the attack—rather, it is integral to it. Though specifically-targeted women are often killed/attacked first, case narratives indicate that the attacks against specifically-targeted women and members of the public are often temporally closely connected. Silva et al.’s (2021) study on gender-based mass shootings reinforces this point. It found that specific woman-targeted mass shootings are significantly more likely than other gender-based shootings to be spree attacks in which there is no ‘cooling-off’ period between killings (2174).

The dichotomy between private and public violence that underpins the frameworks of analysis used by researchers undermines the recognition that in many cases, violence against a specifically-targeted woman, often an intimate partner, is not a trigger or a precursor to a mass casualty attack but part of a continuum of violence that includes both women known to the attacker and members of the public.

## **2. A Background of Gender-based Violence in the History of the Attacker**

There is strong and growing evidence of gender-based violence, including intimate partner violence, stalking, sexual assault, and harassment in the biographies and backgrounds of mass casualty attackers. But it remains difficult to quantify the number of mass casualty attackers with histories of committing gendered violence. Apart from the issue of the comprehensiveness and siloing of data, often these histories of violence are not sought out by researchers and investigators (see Smith 2019: 3–9, who documents this tendency). Evidence of witnessing or

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being subject to gender-based violence during childhood, which may be relevant to an attacker's history, is even less investigated and cited. Still today, and even more so historically, gender-based violence, particularly domestic and family violence, is hidden, unreported, or not recorded.

Regardless of the often-hidden nature of gender-based violence, a history of gender-based violence in the backgrounds of men who commit mass casualty attacks is so common that Marsha Robertson of Futures without Violence, a United States group committed to ending domestic and sexual violence, has characterized the disclosure of such histories as 'Day 3' of mass casualty attacks:

[T]he shooting occurs and the press has only the bare bones of the incident. On Day 2, the media has access to much more biographical information. On Day 3, further inquiry has confirmed that the shooter had a history of [committing] domestic violence (quoted in Issa 2019).

While the media often describe these histories, it is only very recently that this information has started to be more systematically evaluated. Histories of gender-based violence are often present when specific women were targeted in mass casualty attacks. Everytown for Gun Safety's report (2021) on 262 mass shootings over twelve years found that in at least 27 percent of these cases, the shooter had a known previous history of committing domestic and family violence. In 78 percent of those cases, the shooter shot and killed an intimate partner or family member in his attack. Silva et al.'s study (2021) of gender-based mass casualty shootings has noted that when an attacker engaged in a specific woman-targeted shooting, he was at least twice as likely to have a history of domestic violence (56 per cent) than other shooters in (2021: 2174).

Beth Windisch (2020) has drawn on and augmented Hamm and Spaaij's (2017) dataset of lone-actor terrorists with a layer of focused gendered analysis. Her study of 68 cases between 2001 and 2016 found that in 28 of the cases (or 41 percent of the cases included in her study),

[the attackers] were reported as perpetrators or alleged perpetrators of gender-based violence. Of the 28 individuals, intimate partner violence was most prevalent, appearing in 16 instances. Of the 16 lone-actor terrorists with reports of committing intimate

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partner violence, two individuals also engaged in child sexual exploitation, and one individual committed sexual assault and engaged in stalking behavior. Other cases of gender-based violence included sexual assault, sexual harassment, family violence, and violating orders of protection (45).

It is worth noting that in seven of these cases, this history of gender-based violence was not captured in the original dataset but uncovered through further research.

Zeoli and Paruk's study (2020) of mass shootings in the United States between 2014 and 2017, defined as the fatal shooting of four or more people (excluding the offender) in the one event, found that 28 (around 32 percent) of the shooters in their dataset of 89 were suspected of committing domestic and family violence, and 17 of these had previously been in contact with the justice system for domestic and family violence.

Similar to the study by Windisch on lone-actor terrorism (2020), Issa's examination of mass shootings in the United States (2019) found that, in addition to intimate partner violence, stalking, rape, and harassment featured in the backgrounds of a number of mass shooters. Focusing on mass shootings in the years 2015–18, she found that these gender-based crimes and behaviours featured in the histories of mass shooters with already documented histories of domestic and family violence and also in cases in which the attacker had not been charged with such gender-based offences (Issa 2019: 681–82). Apart from the above examples, there are other cases that suggest a connection. The shooter in the 2007 Virginia Tech mass shooting had a history of stalking and harassing female students, the latter by using his phone to take photographs under their desks, a behaviour commonly known as 'up-skirting' (Smith 2019: 232–33).

Despite the evidence of gender-based violence in the histories of many of the men who have committed mass casualty attacks, the 'turning point' frame of analysis remains prominent in studies of lone-actor terrorism. This turning point approach looks for triggers—events or

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experiences that lead men to turn to terrorist violence. This framework relies on a binary between private and public violence, making a distinction between pre-existing histories of gender-based violence in the private sphere and the violence of terrorist attacks. If a history of gender-based violence were fully appreciated as violence, it follows that those engaging in terrorist attacks who had histories of gender-based violence would not be considered men who *turned* violent but rather *violent men* who continued, escalated, and extended their violence to include members of the public (McCulloch et al. 2019).

In stark contrast to the turning-point frame of analysis, Joan Smith's book *Home Grown: How Domestic Violence Turns Men into Terrorists* (2019) has looked to the continuities of male violence from the private to the public sphere. Smith has argued that 'men who are used to beating, kicking, choking and stabbing women at home are considerably further along the road towards committing public acts of violence' (6). She contends that understanding the 'close link between *private* and *public* violence' is the key to better understanding and preventing terrorism (3, emphasis in original). Mobilizing the feminist concept of a continuum of violence, she has asserted:

If extreme domestic abuse shares features with terrorism, we should not be surprised by cases in which violence against intimate partners acts as a species of rehearsal for public acts of carnage (Smith 2019: 52).

Her case studies of recent terrorist attacks (by lone actors and by groups) in Western countries have documented the ties between gender-based violence and terrorism. In a chapter titled 'How Abusers Become Terrorists' (63–119) she has explored ten terrorist attacks that occurred in 2016 and 2017 across the United Kingdom, France, Spain, the United States, and Australia. Seven of the attacks involved lone men, two involved small gangs of men, and one involved two brothers. The weapons used to carry out the attacks included vehicles, knives, guns, and bombs. The number of fatalities in each attack, excluding perpetrators, ranged between one and 85, though in

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each of the attacks (apart from one in which a politician was assassinated), it was clear that the aim was to kill and injure as many as possible. In summarizing the attackers' biographies, Smith has concluded:

*[A]ll of the men . . . displayed symptoms of insecurity, resentment and rage before they turned to terrorism, suggesting that the extremist ideology they discovered was a 'justification' for acting on pre-existing violent impulses. In most cases, the first victims of those impulses were their wives, ex-wives and children—but eventually they were transferred into the public sphere . . . (Smith 2019: 119, emphasis in original).*

Interestingly, Smith has noted recent separation from intimate partners in the history of three of the attackers. She found that each of the three men 'had been thrown out by their partners in the weeks or months before they committed a terrorist attack, a humiliating blow that also deprived them of their primary victims' (119). She has argued:

*It has long been clear that women who leave their violent partners are at risk of death or serious injuries. What hasn't sufficiently been recognized until now is that abusers who can no longer hurt members of their own families, might in a small number of cases, pose a lethal threat to complete strangers (118–19).*

The history of violence in the background of mass casualty attackers may also include a history of witnessing or being subjected to gender-based violence as a child. While there has been no systematic investigation of the frequency of this connection, research investigating links between men who witness family violence as children and adult perpetration of intimate partner violence (Fulu et al. 2017; Kimber et al. 2018) is a signpost towards a potential connection. Smith's (2019) book sets out numerous case studies of terrorists who were exposed to abuse in the home and witnessed violence between parents, typically a father's violence, usually against a mother (121–67). Although such histories are not yet routinely captured or documented, Windisch's study nevertheless found that in four of the 68 cases she examined,

*the lone actor terrorists reportedly witnessed domestic violence in their childhood homes, with three cases of having witnessed their fathers abusing intimate partners and, in one case, the father abusing a sister (2020).*

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Hewitt's (2021) study too of nineteen cases of lone-actor terrorism in Canada between 1868 and 2018 found that in two of these cases there was a known history of intergenerational family violence. Again, this is likely to be an underestimate given that such histories are often undocumented. This dataset includes the 1989 attack on the Montreal Polytechnic. Hewitt records that the Montreal attacker's 'father was abusive and disrespectful toward women, with a view that a woman's purpose was to serve men; he beat his wife and [the attacker]' (34). Further systematic attention to such histories in analysis of mass casualty attacks is clearly warranted.

New research commissioned by Counter Terrorism Policing UK (2021) has revealed a 'striking prevalence' of domestic abuse in the lives of those referred to the government's 'Prevent' program as being vulnerable to radicalization. The research found that 1076 of a sample of 3045 people (just over one third) referred to the program in 2019 had links to domestic abuse incidents, either as offender (mainly males), victim (mainly females), witness (mainly children), or a combination of all three. The research indicates a clear over-representation of domestic and family abuse in the lives of those referred to the program.

The mass casualty attack that comprises our first case study took place decades ago and is widely considered the 'first' contemporary mass shooting in the United States (Silva et al. 2021: 2169). It remains a paradigmatic example of the way gender-based violence frequently intersects with mass casualty attacks.

*Case Study 1: Texas Tower Sniper Shooting*

On August 1, 1966 at approximately 11.30 AM, a 25-year-old man travelled to the University of Texas campus in Austin, where he was a student. Carrying multiple firearms, the attacker, a trained marksman, climbed to the 28th floor of a clock tower and opened fire on random passersby. The shootings lasted 96 minutes before police shot and killed him. Fourteen people were fatally shot on that day, and another person died thirty-five years later of the injuries sustained on that day. In addition, more than 30 people were shot and injured in the attack. Before he travelled to the university, the attacker killed his mother and wife. Just after midnight



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on the day of the university attack, he drove to his mother's home and fatally stabbed her; a couple hours later, he drove to the home he shared with his wife and fatally stabbed her.<sup>1</sup>

Though these events took place more than 50 years ago, they remain instructive in the ways gender-based violence frequently exists in the background and history of the attacker and in the commission and circumstances of mass 'public' shootings and other mass casualty attacks. Four months prior to the attack, at the urging of his wife, the attacker had attended the university health service. He told the psychiatrist that he had assaulted his wife on two occasions (Lavergne 1997: 64). These assaults were not reported to police, and there is little detail about what occurred. This is unsurprising given the social context at the time. The attacker's main concern on seeing the psychiatrist were the negative feelings about his father that had become more intense after his mother left the marriage after twenty-five years. The attacker was raised in 'a culture of abuse'. The father was known to physically and emotionally abuse his wife and children. The father once said, 'Yeah, I [beat my wife] but I loved her' (Lavergne 2017). In the visit to the psychiatrist, the attacker raised concern that he was just like his father, especially in the way he treated his wife (Lavergne 1997: 64).

A note written by the attacker, addressed 'To whom it may concern' and left on the body of his murdered mother, maintains that 'the intense hatred I feel for my father is beyond description. My mother gave that man the 25 best years of her life and because she finally took enough of his beatings, humiliation, degradation, and tribulations that I am sure no one but she will ever know—to leave him' (Lavergne 1997: 91). In another note left in the marital home, he wrote, 'I was witness to [my mother] being beat at least one [sic] a month' (Lavergne 1997: 94).

Like many of the mass casualty attacks that have occurred since, specific women, in this case, an intimate partner in addition to the attacker's mother, were the first victims. Again, consistent with the common themes in the biographies of mass casualty attackers, the attacker was a perpetrator of intimate partner violence. He had also witnessed his father's violence against his mother as a child, in addition being emotionally and physically abused himself by his father. As this case demonstrates, the link between gender-based violence, particularly intimate partner violence, and mass casualty attacks has been present for many decades, though it is only recently that these connections have begun to be investigated in any systematic way. The continued failure over more than fifty years to investigate more fully the connections between gender-based violence and mass casualty attacks points to the potency of the false dichotomy between what is considered 'private' violence targeted at specific women and the public violence of mass 'public' shootings and mass casualty attacks more generally.

### 3. Misogyny as a Specific Motivator for Mass Casualty Attacks

Some mass casualty attacks have been motivated explicitly by a hatred of women in general.

Mass casualty attacks motivated by a general hatred of women are more likely than other types of mass casualty attacks to specifically target women at large, but such attacks may also include

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<sup>1</sup> For a detailed account of the shooting and the surrounding events, see Lavergne 1997.

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random men and women and/or a specific woman as victims. Mass casualty attacks motivated by a general hatred of women include attacks committed by participants in the online ‘manosphere’ (Everytown for Gun Safety 2022), such as ‘incels’ (see Hoffman et al. 2020; and discussion below) and other men who are explicitly antifeminist and/or generally angry at women for what they perceive as their own victimization or rejection (see Baele et al. 2019; Everytown for Gun Safety 2022). One mass casualty attack understood as explicitly motivated by misogyny and predated incel occurred in Canada in 1989. A male engineering student shot and killed fourteen female engineering students and wounded fourteen other people at the Polytechnique Montreal before committing suicide. He specifically targeted women, separating the male and female students before fatally shooting the women. The attacker’s suicide letter indicated that he was motivated by a hatred of women, particularly feminists (Hewitt 2021: 34–35). Yet until recently, there has been reluctance to consider such terrorism among researchers and law enforcement (Brewster 2018). According to the Anti-Defamation League,

Every day, as virulent white supremacists make their hatred known, we immediately and rightly call them extremists. We have not been nearly as unequivocal in our condemnation when it comes to men who express violent anger toward and loathing for women (2018: 5).

What has been labelled ‘male supremacist terrorism’ is considered a growing security threat in Western countries (DeCook & Kelly 2021). This threat is particularly associated with incel-related attacks (Hoffman et al. 2020; Tomkinson et al. 2020; Wilson 2020). Incel (which originally denoted someone who was ‘involuntarily celibate’ (Glance et al. 2021) is a largely online movement that advances an ideology of male supremacy, hatred of feminism, and a general belief that men deserve sex from women. According to a 2020 survey of incels.co forum-users, they are mainly young men who live with their parents and have never had meaningful or

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intimate relationships with women (Hoffman et al. 2020: 568; see also Everytown for Gun Safety 2022).

The first mass casualty attack recognized as being linked to the incel movement occurred in the United States in 2014, when a 22-year-old man attempted to attack a sorority house at the University of California. Prior to this, he had stabbed and killed three men when they arrived separately at his apartment. After failing to gain entry to the sorority house, he targeted random people on the streets of Isla Vista, shooting, stabbing, and ramming them with his vehicle before he shot and killed himself. He killed six people and injured fourteen others. Only two of the six killed were women. He left a lengthy manifesto that cited a ‘war on women’, his anger over rejection by women, and his inability to lose his virginity. He also posted numerous misogynistic videos outlining his serial rejection and resulting hatred of women (Hoffman et al. 2020: 569–70). There is increasing attention to online forums promoting and supporting misogynistic violence and the presence in those forums of people who commit or plan mass casualty attacks (Baele et al. 2019; Glace et al. 2021)

Hoffman et al.’s study (2020) on the incel threat maintains that such attacks are ‘predominantly a US and Canadian phenomena’, with total fatalities climbing to nearly 50 since 2014 (565), averaging almost eight fatalities per attack over half a dozen or so incidents (569). Since that study, there have been at least two more incel-related attacks: one in Canada in 2020 and one in the United Kingdom in 2021. The Canadian attack involved the stabbing death of a woman and the injury of a man and a second woman in Toronto (Lim 2020). The UK attacker fatally shot five people, including his mother, before taking his own life (Casciani & De Simone 2021).

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The study of gender-based mass shootings in the United States (1966–2018) by Silva et al. (2021) found that 20 percent were motivated by grievances against women in general, with about half of these attacks also targeted at women in general (2172). Recent attacks by incels, as well as the longer history of misogyny-motivated attacks, highlight the relationship between misogyny, gender-based violence, and mass casualty attacks. There is growing recognition of misogyny as a form of violent extremism that cuts across extremist ideologies. Hoffman et al. (2020) have noted the connections between incel and the far right:

A particularly worrisome trend is how seamlessly the militant incel community has been integrated into the alt-right tapestry, with common grievances and intermingling membership bringing the two extremisms closer together (572; see also Silva et al. 2021: 2166).

A study by Lawrence et al. (2021) has identified a particular overlap between antisemitism and misogyny:

Most far-right ideologies ultimately aim to establish identity and status for white men who feel aggrieved. As far-right ideologies view the world as divided into strict hierarchies, the project of restoring status for white men revolves around subjugating women and minoritized ethnic communities. In the contemporary far right, dominance over women is achieved through both ‘protecting’ and attacking them, with both approaches overlapping, in differing respects, with antisemitism (8).

Moreover, the Anti-Defamation League has argued:

[A] deep-seated loathing of women acts as a connective tissue between many white supremacists, especially those in the alt right, and their lesser-known brothers in hate like incels (involuntary celibates), MRAs (Men’s Rights Activists) and PUAs (Pick Up Artists). This cross-pollination means the largely anonymous outrage of the men’s rights arena acts as a bridge to the white supremacist and anti-Semitic ideology of the alt right (Anti-Defamation League 2018: 5).

Sparrow (2019) has noted the interplay between extremist ideology and the 2019 mass shooting in Christchurch, New Zealand, in which a lone gunman killed more than 50 people at a mosque and in a nearby Islamic centre. Like many other right-wing extremists, the shooter had been radicalized solely online, in forums that were popular with misogynists and white supremacists. Wilson (2020) has examined the manifestos or statements by incels and white nationalist attackers, concluding:

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[T]hese waves of white genocide-inspired and incel violence stem not from two separate extremist ideologies. Instead . . . they are all driven by the same contemporary form of ‘racist misogyny’. The two ideologies are not merely complementary and overlapping, but interact to create a more volatile worldview, one which makes its proponents more prone to the use of violence. Misogyny and white genocide are synergistic, their effect greater than the sum of their parts (Wilson 2020: 8).

Recognition of misogyny as a form of violent extremism has been recently embedded in Canada with the addition of misogynist groups to listings of terrorist entities (FINTRAC Special Bulletin 2021). Recently, the United Nations Development Programme (2021) has called for misogyny to be more clearly understood as a ‘gateway’ to terrorism. The UNDP urges greater attention to misogyny and its interrelationship to all other forms of terrorism.

Beyond the various strands of right-wing extremism, white supremacy, and antisemitism, research indicates that hostility towards women is linked to other forms of violent extremism. A research brief by Bjarnegård et al. (2020) reviewing research on violence by male political activists in Thailand, as well as large-scale research on the attitudes and activities of both men and women carried out in Bangladesh, Indonesia, the Philippines and Libya, has explored the links between sexism and violent extremism, finding that:

Individuals—both men and women—with hostile attitudes towards women, and towards gender equality in general, are not just more prone to violent extremist views and to intolerance towards other nationalities and religious groups; they are also more likely to actually support violent groups and to participate in political violence (Bjarnegård et al. 2020: 1).

The case study below demonstrates the intersection of misogyny, antisemitism, and white supremacy in a ‘racist misogynist’ attack. It also highlights the way that misogyny can go unrecognized or be underplayed when considering the worldview and motivation of violent extremists.

*Case Study 2: Neo-Nazi Attack in Massachusetts*

On January 21, 2009, a 21-year-old self-described neo-Nazi visited the apartment of a 20-year-old Cape Verdean woman he had met at a local gym. Prior to attending the apartment, X had

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propositioned the woman at the gym but was rejected (Hamm & Spaaij 2017: 77 & 167). The woman was not home, but her 22-year-old sister answered the door. X threatened her with a gun, forced his way in, handcuffed and brutally raped her. When the younger sister arrived home during the attack, X shot her three times as she tried to run away, killing her before shooting the older sister seven times. Despite being shot, the older sister managed to escape onto the street, pursued by the attacker. Two men came to her rescue, one a man of colour. X fired at the man of colour but missed and drove away. X then shot and killed a Cape Verdean man he saw on the street before driving towards a synagogue, where according to the statement he gave police, he intended to kill as many 'Jews, blacks and Hispanics as humanly possible' before killing himself (quoted in Hamm & Spaaij 2017: 78). X was intercepted by police as he drove towards the synagogue. X fired on the police, who pursued him before he crashed into two other vehicles and was captured (Hamm & Spaaij 2017: 78).

Hamm and Spaaij's book (2017) on lone wolf terrorism in the United States includes a case study of this attack. They have noted that X had developed his racist and antisemitic beliefs online by reading postings on a neo-Nazi website *Passmate* (78–79). The intersection of white supremacy, antisemitism, and misogyny can be detected in both the nature of the attack and those who were targeted. X's attack began with the rape of one and the shooting of two women in their home and continued to include people of colour in general and a foiled attempt to attack a synagogue. It is clear that both the gender-based violence he committed and the more public attacks were planned. X attended the apartment of the two sisters with a 'rape kit', two hundred rounds of ammunition, and a firearm (Hamm & Spaaij 2017: 78). The statements X made to police also demonstrate a worldview in which racist ideology and misogyny intermingle. According to Hamm and Spaaij, X told police that 'he was angry about black men raping and killing white women on a "genocidal scale" and that the "Jew-controlled media" had done nothing to report it' (2017: 78). As those who have studied the relevant online sites and activities have argued, the concept of 'white genocide' and misogyny go hand in hand (Wilson 2020).

Hamm and Spaaij's case study, however, underplays the misogynist aspects of X's attack and worldview in the way it characterizes his interaction with the woman at the gym who he subsequently shot and killed. It does this firstly by describing his interaction with her as him making 'romantic advances' (2017: 77) and maintaining that the 'rejection of romantic overtures by a woman of color was the immediate trigger event' to the subsequent attack (167). An understanding of the intersection of racism, antisemitism, and misogyny contradicts the conclusion that X's interaction with the woman at the gym was 'romantic'. A newspaper report, not cited in Hamm and Spaaij's case study, states that X told police he had been turned down '100,000 (expletive) times' by women and that he did not want to die a virgin (Staff Reporter 2014). The statement fits the worldview of incels, who feel embittered by sexual rejection and whose adherents have been responsible for a number of mass casualty attacks. It is difficult to imagine that X's rejected advances towards the woman he would go onto murder were anything other than abusive, coercive, entitled, and intimidating demands that amounted to sexual harassment. Strengthening this conclusion is the fact that the woman X was rejected by was Cape Verdean, and X was a neo-Nazi who hated people of colour. It seems unlikely then that any romantic interests X may have harboured would extend to any woman of colour. The conflation of sexual harassment with romance in Hamm and Spaaij's case study obscures the

issue of the attacker's misogyny and misses the interplay between misogyny, racism, and antisemitism. The world view of X, expressed in his statements to police, his identification as a neo-Nazi, and his actions, including the brutal rape and the targeting of women, suggests that X's attempt to inflict mass casualties, was driven by a combination of racism and misogyny.

#### **IV. Further Research on the Connection between Gender-based Violence and Mass Casualty Attacks**

The connection between all types of gender-based violence and mass casualty attacks warrants further investigation. Recent research has laid the groundwork for exploring the connections, but further gender-focused data and analysis are needed to more fully explore these dimensions. Extant databases are incomplete in relation to the range of issues, histories, and characteristics that pertain to gender-based violence. In order to support further research, data collection needs to include information on the history of gender-based violence in attackers' backgrounds. This information should include any evidence of the commission of gender-based violence by the attacker and whether the attacker was exposed to gender-based violence in childhood. Data gathered should include any history of intimate partner violence and other forms of domestic and family violence, sexual assault, stalking, and harassment. Given the extent to which gender-based violence remains hidden and unreported, investigation of such histories should extend beyond formal reports to police or other government agencies. Such investigations should encompass any relevant statements made by the attacker (prior to or after the attack), as well as the recollections of friends, neighbours, relatives, intimate partners, or others who may have knowledge of or have been victims of gender-based violence at the hands of the attacker. There also needs to be full documentation of the status of any relationship between the attacker and victims of mass casualty attacks.

There is need as well for further research that focuses on mass casualty attacks, regardless of whether the attack was politically motivated or involved firearms. Siloed data needs

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to be integrated and augmented with the types of mass casualty attacks that are typically excluded in order to provide a fuller understanding of such attacks and attackers. (Such synthesis can be found in recent work by Huff-Corzine and Corzine 2020 and Marganski 2019.) It is important to note, however, that there is value in retaining categorical data collection. The research on mass shootings, for example, has been crucial in providing a firm evidence base to support policies that seek to deny access to weapons to those who commit domestic and family violence and other forms of gender-based violence (see Issa 2019; Zeoli & Paruk 2020). Likewise, the role of misogyny as a feature of extremist ideologies and as a form of extremism itself also warrant further focused research attention.

There are also opportunities to open up new areas of studies on mass casualty attacks, following the lead of gender-informed studies. There is, for example, literature that demonstrates the heightened risk of intimate partner violence as a result of disasters, such as bushfires in Australia (Parkinson & Zara 2013). Research is emerging that shows a relationship between the global pandemic, particularly lockdowns, and a heightened prevalence of intimate partner homicide. Moffitt et al (2020) has focused on these increases in rural and remote areas of Canada; Humphreys et al. (2020) in Australia; and Usher et al. (2020) has reviewed global patterns. Given the close links between mass casualty attacks and intimate partner violence, research could be broadened to investigate any links between disaster and mass casualty attacks.

Future research on mass casualty attacks should also consider the potential gender bias in defining the scope and methodology of such studies. Studies on mass shootings that exclude those that occur exclusively in private space or involve only family members as victims reinforce the common misconception that mass casualty attacks mainly take place in public and involve



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random members of the public. As Huff-Corzine and Corzine (2020) have pointed out, such exclusions distort data and limit effective responses.

In studies on terrorism, there is a need to reconsider the theoretical frames that position women as ‘triggers’ of violence and look to what turns men violent. The former proposition implies that specific women have some responsibility for the violence when, like members of the public, they are often victims in attacks. The turning-point approach fails to fully recognize the evidence that many men who engage in terrorist violence are violent men who have escalated and expanded their violence from intimate partners and other women to include more random and public targets. In addition, close attention should be paid to gender bias in the classification of misogynistic motivated mass casualty attacks. It should not be assumed that such attacks do not meet the criteria for terrorism in studies in this field (see further discussion below).

**V. The ‘Public’ Consequences of the Failure to Understand ‘Private’ Violence**

As discussed above, specific women are often the first targets in mass casualty attacks, and attackers often have histories of violence against the specific women targeted and/or gender-based violence more generally. In retrospect it may be possible to discern the pathway to mass casualty attacks in attackers’ previous histories of gender-based violence. However, it remains almost impossible to predict that a particular person with a particular history of gender-based violence will engage in a mass casualty attack (see Cassam 2018: 204). Nonetheless, it is critical that police and security services are alive to the evidence that many men who commit mass casualty attacks have histories of gender-based violence. This recognition should prompt them to take such histories into account when assessing and managing an individual’s risk. Security agencies and police units charged with assessing the risk of mass casualty attacks and responding to such attacks need to include specific expertise in gender-based violence and be broadly

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educated in relation to the evidence of the links between what continues to be widely construed as discrete private and public violence. The following case study points to lack of gender-based violence expertise amongst those in charge of assessing public risk and responding to a siege and the consequences of this in assessing risk and responding to threats.

*Case Study 3: Sydney Lindt Café Siege*

On December 15, 2014, a 50-year-old man armed with a shotgun took eighteen staff and customers hostage during a seventeen-hour siege at the Lindt Café in Sydney, Australia. X claimed to be inspired by the terror group ISIS. He declared (falsely) that he had a bomb and was in contact with others who had bombs, which they would detonate if his demands were not met. During the siege, most hostages escaped on their own initiative. Several of them urged police to rescue the remaining hostages, believing that X would carry out his threats to kill them. Police raided the cafe after X executed the cafe manager. A second hostage was fatally wounded by police fire, as was X. Three other hostages were also seriously wounded by police fire.

Police were subsequently criticized for not entering the cafe prior to the execution of the manager. Deborah Snow (2018) in her book on the siege states:

It became clearer as the inquest [into the siege] went on that senior commanders had radically underestimated the threat ... [X] represented. They were lulled into thinking that the gunman was incapable of committing violence at his own hand. It was a deeply flawed understanding based on misreading the cues coming out of the cafe and his past (256).

X had an extensive history of gender-based violence. At the time of the siege he was on bail for 40 sexual offences between 2002 and 2010 against seven different women (State Coroner of NSW 2017: 65). He was also on bail for being an accessory (before and after the fact) to the brutal 2013 murder of his estranged wife, Helen Lee, by his new partner, Anastasia Droudis (Snow 2018: 50, 58–59). Prior to her murder, Lee complained to police that X had threatened to shoot her (56). Prior to the siege, X had come to the attention of national security agencies for matters unrelated to his perpetration of gender-based violence. His known history of gender-based violence was not considered relevant to the agencies' risk assessment. A review undertaken after the siege considered the risk assessment. It states:

[X's] acts of *personal violence* were exclusively directed towards women who he knew in one capacity or another, rather than towards the public at large. National security agencies assessed there was nothing to suggest [X] . . . was involved in terrorist-related activities (Dept. of the Prime Minister 2015: 62, our emphasis).

The thinking that 'personal' and public violence are separate phenomena was also apparent amongst those charged with responding to the siege. The following is taken from a recorded conversation between police negotiators and the psychiatrist during the siege:

Lead negotiator: He's not a violent man as such, he just likes a bit of power.

The psychiatrist acknowledges danger exists but asks: Does he have the ticker for it?

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A negotiator replies: I don't think he does.  
 'Because he got his missus to kill his other one.'  
 Lead negotiator: He doesn't do it. He gets someone else to do it.  
 (Australian Broadcasting Corporation 2017)

The conversation suggests being involved in the murder of a former partner is not a violent act in and of itself. It also suggests a fundamental misunderstanding of the dynamics of intimate partner violence and a lack of expertise in gender-based violence. Where there is evidence that a man has threatened to kill his former partner, and she is killed by his new partner, the man's history of gender-based violence should be closely scrutinized. In particular, the possibility that the new partner has herself been subjected to psychological and physical abuse by him should be strongly suspected. Criminal proceedings subsequent to the siege confirmed that X had abused his new partner. In 2016, Droudis was found guilty of Lee's murder. The judge maintained in the sentencing remarks that 'there was a level of abuse in the relationship between [X] and [Droudis], so his psychological persuasion of the Offender was fortified by a level of physical abuse' (*R v Droudis (No. 16)* [2017] NSWSC 20).

The (mis)characterization of the 40 prior sexual assaults likewise indicates a lack of insight into gender-based violence. The lead police negotiator said at the inquest: 'there was no anger or weapons used [in the assaults]. It was a passive sexual assault environment' and further that '[t]here's no violence there' (Australian Broadcasting Corporation 2017). The psychiatrist who provided advice during the siege repeatedly referred to the sexual assaults as 'acts of seduction' in his evidence at the inquest, demonstrating a failure to understand the distinction between seduction—which denotes a consensual interaction between parties—and sexual assault, which is a crime. Lack of consent is a defining feature of sexual assault. The Coroner investigating the siege deaths concluded X 'coerced [the victims of sexual assault] to submit to his demands without ever using physical force' (State Coroner of NSW 2017: 66; see also Snow 2018: 256). The misunderstanding of X's known history of gender-based violence as not really violence at all meant that the threat he presented when he came to the attention of the security agencies and later when he took hostages at the Lindt Café was not fully appreciated.

### 1. Policy and Practice Directions and Considerations

While gendered expertise and understanding are critical to better assessing the risk of and responding to mass casualty attacks, accurately assessing which individuals are at risk of carrying out such attacks will likely prove impossible. The key then to preventing the significant proportion of mass casualty attacks that are linked to gender-based violence is to better prevent gender-based violence. As Silva et al. (2021) have pointed out in their study of gender-based mass shootings, prevention efforts must target potential offenders *before* the initial event (i.e., before killing the specific victim) because when a mass casualty attacker targets a specific

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woman, there is typically no ‘cooling-off’ period between the killing or assault of the specific woman and the subsequent attack on others (Silva et al. 2021: 2178–79). Prevention efforts need to look to prevent gender-based violence before it occurs (primary prevention) and to better respond to gender-based violence when it does occur to reduce the risk of such violence escalating to homicide. (For extensive discussion of family violence prevention, see Royal Commission into Family Violence 2016.)

Gender inequality is widely recognized as the overarching driver of gender-based violence (see UN 2021). Primary prevention requires addressing gender inequality in all its dimensions—economic, educational, social, political, and cultural. There is no downside to such an approach. Human rights for all citizens and reduced incidence of gender-based violence, whether or not connected to mass casualty attacks, are consistent with inclusive and egalitarian societal aspirations.

Improved responses to gender-based violence, particularly intimate partner violence and intimate partner homicide, and connected to this improvement, the better prevention of mass casualty attacks, require a shift in policing organization’s priorities and practice. A recent UK report on violence against women and girls (HM Inspectorate 2021) has argued that while police cannot ‘solve’ such violence, they ‘have unique powers and responsibilities to protect victims from further harm, pursue perpetrators and prevent crime’ (1). Noting the inconsistent police response to violence against women and girls, the Report has argued that other areas of policy, such as terrorism and organized crime, ‘are generally marked by a clearer focus, better funding, a relentless pursuit of perpetrators and a clear sense that these are urgent national policing priorities’ (HM Inspectorate 2021: 2). The Report therefore has recommended elevating the priority given to policing violence against women and girls.

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Such reprioritization should not be equated with the allocation of more resources to policing generally, with additional police powers, or with the creation of new criminal offences. The evidence indicates that such approaches to gender-based violence risk the further criminalization of minoritized communities, particularly First Nations peoples, as well as the criminalization of women victims who are misidentified as perpetrators (see Goodmark 2018; Reeves & Meyer 2021; Walklate et al. 2019a).

The issue with inconsistent and inadequate police responses to gender-based crimes is not typically lack of resources, police powers, or lack of specific laws but rather failure to consistently implement extant policies and practice guides. The Australian Institute of Criminology (AIC) has conducted a metanalysis of research and data on policing responses in Western jurisdictions and found that specialist teams, secondary police follow-up to incidents, and more consistent investigative responses enhance outcomes for those experiencing domestic violence (Dowling et al. 2018). The consistent implementation of policy and practice should be supported by robust internal and external accountability mechanisms including attention to workforce training and development (Dowling et al. 2018; HM Inspectorate 2021). Research in Canada examining police responses and victim survivor experiences (Cormier & Woodworth 2008; Dawson & Hotton 2008; Peirone et al. 2021; Saxton et al. 2021) have identified the importance of training to challenge stereotypes and gender biases, and affirmative and consistent police responses to achieving both victim satisfaction and safety. Programs targeted at identifying and prosecuting perpetrators who abuse multiple women in serial intimate partner relationships should be implemented (Hamilton et al. 2021). Finally, police organizations should ensure that women (including women of colour and gender-diverse people) are strongly represented amongst police and in positions of leadership. Brown and Silvestri (2020) have

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focused on UK policing, offering evidence that such diversity significantly enhances policing responses.

Policing organizations also need to ensure that members who perpetrate gender-based violence—whether in the workplace or outside—do not use their position in law enforcement to avoid accountability and are appropriately sanctioned (see Pearson & Estcourt 2021). Finally, police organizations need to ensure that effective training is provided to all police about the dynamics of gender-based violence (see Segrave et al. 2018; and Jahirul Islam and Mazerolle 2022 in Australia; and reports by HM Inspectorate of Constabulary 2014; 2015 in the United Kingdom). In part, this training should emphasize that public statements that suggest, implicitly or otherwise, that gender-based violence might be justifiable, that victims are responsible for such violence, or that ‘private’ violence is less harmful or separate from public violence are inappropriate and dangerous. Such statements can encourage violence by adding to a sense of grievance and impunity amongst gender-based violence perpetrators. (For discussion on the danger of victim-blaming commentary, see Tomkinson et al. 2020: 159–61.) Media coverage of crime routinely includes police comment. Any shift in police statements about gender-based violence and mass casualty attacks will influence reporting. However, it is also important that media be given guidance on how to appropriately report gender-based violence and mass casualty attacks in order to avoid reinforcing the private–public violence dichotomy, including avoiding victim-blaming language and over-identification with perpetrators (see Gilmore 2019).

Intimate partner violence is the most common type of gender-based violence, and intimate partner homicide is the apex of this type of violence (Walklate et al. 2019b). Better prevention of such violence will require increased funding to programs and services that are designed to expertly assist the safe escape of victim/survivors and their children, including social

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services, health services, child support, disability, housing programs, and culturally diverse and culturally safe support programs (Davis 2020; Rauhaus et al. 2020; White et al. 2019).

With increasing recognition of the gender bias implicit in the exclusion of misogynist ideology from the extremist ideologies that are considered as political motivation, there is a shift towards classifying misogynistic attacks as terrorism (Hewitt 2021; Hoffman et al. 2020; Windisch 2020). In 2020, Canadian authorities, in what appears to be a world first, charged a teenager with terrorism over an attack that authorities consider incel-related (Lim 2020). In the wake of a recent incel-related mass casualty attack in the United Kingdom, there is also debate in that country about whether such attacks should be classified as terrorism (Casciani & De Simone 2021).

There is an emerging literature that supports the recognition of incel ideology as a form of violent extremism. Hoffman et al. (2020), following Baele et al. (2019), have argued that ‘the extreme fringes of the incel community, as well as the violence they have committed, should be considered terrorism’ (Hoffman et al. 2020: 568). Tomkinson et al. (2020) have argued in favour of ‘securitizing’ incel. They argue that this ‘would highlight that misogyny is a threat to public safety and delegitimize the misogynistic foundation of Incel ideology’ (158):

Without the elevation of Incel as a security threat, there is the risk that democratic governments, civil societies and public commentators fall back on conservative cultural attitudes applied to other misogynist crimes. Public efforts to address these crimes tends to be derailed by the notion that they constitute a ‘private issue’ and are therefore not the subject of political debate (156).

An argument against viewing incel as a terrorist threat is that it will expand the counterterrorism machinery, which has been convincingly critiqued as contrary to human rights, an imposition on the security of minoritized and racialized groups, and often counterproductive (see McCulloch & Pickering 2009; Roach 2003). Tomkinson et al. (2020) have recognized the problematic nature of extant counterterrorism frameworks and have recommended ways that

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securitization could be achieved without replicating these problems (158–64). It is not clear whether their suggested approach might be possible, given entrenched counterterrorism practices. It does appear clear, however, that *not* addressing incel as a terrorist threat constitutes gender bias, reinforcing ways of seeing threat and risk that normalize misogyny and gender-based violence. Additionally, if, as the research suggests, misogyny and right-wing extremism are mutually reinforcing, it is difficult to see how the latter can be effectively countered without countering the former. There is a need for further focused attention on the intersections of terrorism, mass casualty attacks, and misogyny (Everytown for Gun Safety 2022). An informed discussion about the optimal policy position that includes a focus on the extent, nature, and dangers of misogyny as a type of violent extremism that intersects with other types of violent extremism should be a step in a process towards arriving at such a position. Such a discussion should be educative and, in and of itself, part of the ‘solution’. As Antonio Guterres, United Nations Secretary-General, in an address to UN General Assembly in September 2019 stated, ‘There is a troubling commonality in terrorist attacks, extremist ideologies and brutal crimes: the violent misogyny of the perpetrators’ (cited in Johnston & True 2020).

Given incel is largely an online subculture, prevention and intervention strategies should focus on countering and identifying potential perpetrators online. This will require policymakers to (continue to) join with the technology sector, both to ensure that such strategies are effective and to assist that sector to develop and implement solutions aimed at limiting offensive and dangerous content and better protecting those harassed and targeted (see Anti-Defamation League 2018 for more detailed policy suggestions).



## VI. Conclusion

The connections between gender-based violence and mass casualty attacks have until recently been hidden in plain sight. Today a small but convincing body of gender-informed research brings the connections between these two species of male violence into sharp relief. Mass casualty attacks are widely conceived and constructed as public events that target random people in public space. Gender-based violence on the other hand, although increasingly recognized as a public policy issue, continues to be understood as private violence. The dichotomous thinking around private and public violence has obscured the continuities between these different but linked forms of violence. The key to better understanding, preventing, and responding to mass casualty attacks is to abandon the dichotomy and to recognize the flow that exists between such attacks and gender-based violence.

The research on mass shootings in the United States demonstrates that, contrary to popular belief, most mass casualty attacks take place in private spaces and involve men killing family members. The main victims of these shootings are specifically targeted women, often intimate partners, and children. Even when the definition of mass shootings includes only mass ‘public’ shootings (specifically excluding familicides and shootings that take place only in private spaces), the connections with gender-based violence are clear. A significant minority of mass ‘public’ shootings—that is, those that involve the targeting of random people and that take place at least partially in public space—also involve the targeting of a specific woman, often an intimate partner, as the first victim. In many of these cases, the attacker has a history of perpetrating violence against or harassment of the targeted woman and/or other women. There are indications that some attackers may also have been victims of or witnessed gender-based violence as children. Applying a nuanced and comprehensive gendered lens to the investigation

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of these mass ‘public’ shootings reveals that existing boundaries between ‘public’ and ‘private’ violence may be obscuring or diminishing our capacity to identify and respond to the risks of mass casualty attacks: there is emerging evidence of a very real public risk of ‘private’ violence.

The research on terrorism, especially lone-actor terrorism, similarly demonstrates the intimate connection between mass casualty attacks and gendered violence. Many such attacks are committed by men with histories of gender-based violence and, like those who commit mass shootings, often include the assault or killing of specific women as part of their attacks. Also, in common with perpetrators of mass shootings, many of the men who commit terrorism appear to have histories of committing gender-based violence and/or histories of being witness to or victim of such violence as children.

A further gendered dimension of mass casualty attacks is demonstrated in attacks specifically motivated by misogyny. The rise in the number of incel-related attacks in particular highlights the threat of misogynistic violent extremism to both women in general and the public at large. The role of misogyny in mass casualty attacks and how best to counter this threat are only just beginning to attract research and wider law enforcement attention. The research has found a significant synergistic relationship between right-wing extremism and misogyny and makes clear that countering these two forms of extremism needs to take place in tandem. Research also shows that hostile and sexist attitudes towards women are a driver of violent extremism of all types.

There is a need for more gender-informed research to understand the scope, nature, and nuances of this connection. Building such an evidence base will require a shift in research frames that attempt to corral and distinguish ‘private’ and ‘public’ violence. Definitions of mass casualty attacks should focus on the harm done or attempted, rather than on the relationship between the

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attacker and the victims or on whether the violence occurred in public or private space. Such dichotomous framings distort the reality of the flow of violence from the ‘private’ sphere of gender-based violence to the public sphere of mass casualty attacks, which the evidence shows are often gender-based. Where research moves beyond the distortion of the public–private dichotomy, it becomes impossible to deny the intimate connection between mass casualty attacks and gender-based violence. The research demonstrates that the ‘family man’ is not the antithesis of the mass murderer, and the home, rather than being a haven, is too often a major crime scene.

The policy implications of the research are clear. In order to better understand, prevent, and respond to mass casualty attacks, there is a need to better understand, prevent, and respond to gender-based violence. In the overwhelming number of cases, those who commit gender-based violence will not commit mass casualty attacks—though many of those who do commit such attacks have histories of gender-based violence, and many such attacks are gender-based. While it is important that agencies that assess the risk of mass casualty attacks include gender expertise, in most instances, accurately predicting the exact who and when of an attack will prove elusive, if not impossible. Preventing everyday gender-based violence is critical, then, in preventing mass casualty attacks. Amongst the raft of policies and programs needed to do this, challenging the popular (mis)conception of the private–public violence dichotomy and associated meanings and responses is important. Such framings create the illusion that violence can be neatly categorized, distorting the reality of the spillover of violence from the ‘private’ sphere of gender-based violence to the ‘public’ sphere of mass casualty attacks.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Community-Engaged Rural Policing:  
The Case for Reform and Innovation  
in Rural RCMP Policing**

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## Preamble

The following report was commissioned by the Mass Casualty Commission to explore the issue of police reform, the challenges of rural and community policing, and the current RCMP model for policing rural communities. The opinions and substance of this report are based on the authors' extensive personal experience and first-hand knowledge of the subject matter and reviews of the relevant academic and policy literature and research.

The authors' central thesis is that, due to rising costs, limited police resources, traditional policing philosophies, and unique geographic challenges, rural policing in general and the RCMP in particular have adopted a limited "reactive" service model. The standard reactive policing model focuses on responding to calls for service with limited investment in preventative policing and community engagement. Lacking community involvement, the reactive policing model is less effective in both responding to and preventing problems of community crime and safety. We believe that a "community-engaged rural policing model" can overcome some of the unique challenges and problems of rural policing.

We make this argument by first outlining the history and evolution of modern policing and police reform and the RCMP's attempt to introduce community policing. We identify the unique challenges of rural policing in general and the problematic delivery of community-engaged policing services. In this context we review RCMP contract rural policing and its limitations as a model of community-engaged policing. We then outline the core principles, organization, and best practice strategies of community-engaged policing. We conclude by reviewing the pros and cons of three alternative models for delivering community-engaged rural policing: the RCMP detachment policing model, the local municipal policing model, and the provincial policing model.

This report aims to contribute to the ongoing conversation about improving the effectiveness of rural policing and the safety and security of rural residents and communities in Nova Scotia and elsewhere. While it is co-authored, Chris Murphy took the lead on the sections addressing general academic policing and policy literature, while Cal Corley took the lead on RCMP-focused literature and policy documentation. Both authors are equally responsible for the final product.

## About the Authors

Over the course of a 30-year academic career at Dalhousie University and the University of King's College, Dr. Chris Murphy's research and written work focused primarily on Canadian policing, with an emphasis on community-based policing reform. Having grown up in Antigonish, his PhD thesis (1986) was on small town RCMP and municipal policing in Nova Scotia, and he has written about and consulted with Canadian police services, including the RCMP, on a variety of policing issues.

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**PART 1**

**POLICE REFORM, COMMUNITY POLICING,  
AND THE RCMP**



## PART 1: POLICE REFORM, COMMUNITY POLICING, AND THE RCMP

## A. Police Reform: An Overview

Despite the commonly held view that the police are an insular and static institution resistant to change, the history of policing is marked by periods of transformational and incremental reform and change. Police historians Kelling and Moore (1988) identified distinct periods of transformational police reform, each one a response to a particular mix of political, social, and economic pressures and the limitations of the conventional police model of the day. Periods of significant reform are followed by periods of modest incremental change or a gradual return to previous police practices. Throughout history, police have tended to resist substantial reform, making change challenging to implement and difficult to sustain.

### Inventing the Police (1829–1920)

The creation of the first British public police by Sir Robert Peel in 1829 was itself a radical reform of the existing informal and inefficient system of eighteenth-century public and private policing in England. The introduction of a government-sponsored public police was considered so radical that it was strongly resisted by royalty, elites, and much of the public, at least initially (Silver, 2011; Brodeur, 2010). This new government institution introduced the fundamental principles of democratic policing. Peel's principles established policing by consent and not force; police independence from political control; legal, not political, authority; the exclusive right to use legal force; the military bureaucratic model of police organization and discipline; the police as representatives of the public; and that police effectiveness be measured not just by enforcement but by the "prevention" of crime and disorder. These policing principles remain the aspirational characteristics of Western democratic policing (see Manning, 1997: 48–71).

With the exception of the RCMP, which originated under a political colonial military policing model (MacDougall, Brown, & Brown, 1973; Marquis, 2016), the British policing model became the model for urban public policing in colonial North America. However, something got lost in the translation, and Peel's independent police became a politicized institution of often corrupt local urban government.

While the police were located in urban neighbourhoods and had broad policing functions, they enforced laws selectively and largely in the interest of the politically powerful. Widespread government corruption led to extensive police corruption and, combined with the challenges of policing Prohibition, the growth of organized crime, urban crime, and class conflict, created police forces that were generally inefficient, corrupt, violent, prejudiced, uneducated, and thoroughly unprofessional (Walker, 1977). The popular slapstick version of police as the "Keystone Cops" reflects the public image of that policing era. While in Canada the development of public policing in the nineteenth century was not marked by the same degree of political corruption, urban police operated in much the same unprofessional manner as their American counterparts (Marquis, 2016).

### Professional Police Reform (1930–1960)

Control over police by local politicians, conflict between urban reformers and local ward leaders over the enforcement of laws regulating the morality of urban migrants, and abuses (corruption,

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for example) that resulted from the intimacy between police and political leaders and citizens produced a continuous struggle for control over police during the late 19th and early 20th centuries (Kelling & Moore, 1988).

The corruption of local government and policing generated a progressive political reform movement in the United States, which tried to professionalize law enforcement through formal rules, bureaucracy, and modern management (Lane, 1992). To limit corruption, the police were bureaucratized and centralized. Police officers were withdrawn from their neighbourhoods so their activities could be directly supervised, and their policing activities were narrowed to emphasize law enforcement and crime. Neighbourhood foot patrols were replaced by mobile patrols of patrol districts, responding primarily to radio dispatch and calls for service. Police science and new technologies were introduced, which upgraded and professionalized the criminal investigation function and enhanced its effectiveness and status (Walker 1977).

The shift from an unprofessional but broad neighbourhood policing model to one emphasizing bureaucratic organization, mobile patrol, responding to calls for service, and measuring success in crime and clearance rates became the essence of the so-called “professional” reform policing model. While the professional model largely eradicated the politicization, inefficiency, and corruption of the previous policing era, it did so at a cost to other important fundamental aspects of the police function (Kelling et al., 1977). Withdrawing police officers from urban neighbourhoods meant losing their connections with and knowledge of the citizens and neighbourhoods they policed. Without regular non-enforcement contact, the police became distant and remote law enforcers with little understanding of the communities they were policing. Almost exclusively white, male, and blue-collar, they enjoyed considerable discretion in enforcing the law aggressively, selectively, and disproportionately on poor and marginalized communities. By the 1960s, the standard model of modern policing in both the United States and Canada was increasingly at odds with the rapidly changing American and Canadian society.

**Community Policing Reform (1970–2000)**

North American society, culture, and politics changed dramatically in the 1960s and 1970s. Growing social and economic inequality, racial injustice, and youthful political and social protest combined with increasing crime rates generated a series of critical challenges to the professional model of policing. Lacking a positive community presence, the police had increasingly become a blunt instrument of law enforcement and were seen as biased defenders of the status quo in the political and racial conflicts of the day. But perhaps even more problematic was that the supposed crime-fighting model was proving to be ineffective in dealing with the dramatically increasing urban crime rates of the 60s and 70s.

During this period, the police became the subject of critical government and academic scrutiny. Responding to urban riots and police abuse, governments and the academic community began to challenge the basic assumptions of the professional policing model. Research questioned the effectiveness of centralized bureaucratic management, the effectiveness of random motorized patrol, the utility of rapid response to calls for service, and the lack of positive police presence in urban neighbourhoods (Murphy & Muir, 1985). Conventional police practices such as the traditional

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response to domestic violence, widespread discriminatory and racialized policing practices, and the discretionary use of excessive force were studied and critiqued, eventually leading to an increasingly powerful movement for reform, change, and the exploration of alternative policing models and strategies.

The proposed reforms and changes focused on reorienting policing philosophically, organizationally, and operationally towards re-establishing a better relationship with the public, especially in urban neighbourhoods and communities. The “community-based policing reform movement” was initiated in the United States and spread to Canada and most Western countries in the 1970s, 80s and 90s, becoming the preferred, “progressive” model of public policing. Kelling and Moore (1988) provided a summary of its key characteristics:

The measures of success in the community strategy are broad: quality of life in neighborhoods, problem solution, reduction of fear, increased order, citizen satisfaction with police services, as well as crime control. In sum, the elements of the community strategy include: Authorization—community support (political), law, professionalism. Function—crime control, crime prevention, problem solving. Organizational design—decentralized, task forces, matrices. Relationship to environment—consultative, police defend values of law and professionalism, but listen to community concerns. Demand—channelled through analysis of underlying problems. Tactics and technology—foot patrol, problem solving, etc. Outcomes—crime reduction, community safety, quality of life, and citizen satisfaction (Kelling & Moore, 1988: 11).

With the backing of governments, universities, and some progressive police services, a host of experimental and innovative community policing projects and programs were initiated in the 1980s and 90s throughout North America. In Canada, the federal government and some provincial and municipal governments supported a variety of new community policing programs and projects such as the decentralization of police organization (Halifax), the introduction of neighbourhood policing (Edmonton), the establishment of police sub-stations and storefronts (Edmonton and Fredericton), the creation of neighbourhood team policing (Ottawa), the reintroduction of foot patrol (Halifax), the use of community surveys and public meetings (Toronto), the use of community crime analysis (Ottawa), and the expansion of crime prevention programs everywhere. By the 1990s, virtually all major urban police services in Canada had introduced some form of community policing with varying degrees of commitment and competence (Murphy, 1988).

Some community policing programs and initiatives enjoyed demonstrable success, including improved community relations and communications, increased public support for police, improved information exchange, enhanced sense of community security, and the reduction of some forms of crime and disorder (Crowl, 2017; Corder, 1996). But community policing outcomes were vague, less tangible, and harder to measure than arrests, crime rates, calls for service, and clearance rates. As a result, over time many community policing projects did not receive ongoing support in the battle over scarce resources and rising crime rates. In many police services these new ways of policing were also resisted by the rank-and-file police and were dismissed as public relations exercises—nice, but of far less importance than “real police work” (i.e., law enforcement and crime functions). Seldom consulted in the design and implementation of these community projects, police resisted the changes required make the programs effective, preferring the more familiar

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professional model and police functions that they'd been selected and trained for (Skogan & Hartnett, 2019; Skogan, 2004).

Despite 20 to 30 years of high-profile community policing reform and innovation, the conventional reactive policing model remained fundamentally unchanged, driven by increasing crime rates and escalating calls for service. By the beginning of the new millennium, most of the ambitious community policing programs had lost their original zeal and support and were either modified, downsized, or abandoned (Kerlikowske, 2004). Community policing programs, like neighbourhood policing, foot patrol, storefront and community stations, etc. simply faded away or played a greatly diminished role in a gradual return to the reactive policing model of responding to calls and investigating crime.

### The Current Police Reform Era (2000–2022)

By 2000, community policing had become at least part of the official public rhetoric of North American policing, though in practice it was no longer the central “operational” philosophy that organized and delivered police services. But the community policing era had at least established that communities had a right to hold the police accountable, especially in marginalized and diverse communities of interest. Since 2000, there have been a variety of new public and political pressures for police reform and change that are having an impact on North American policing in the twenty-first century.

The issues of discriminatory policing and use of deadly force in marginalized ethnic and racialized communities have dominated recent police reform discourse, especially in the United States and, to a lesser extent, in Canada. In the United States, incidents of deadly force against racial minorities gave rise to the Black Lives Matter movement and its demands for serious transformative police reform. In Canada, attention has focused on the use of systemic and discriminatory policing strategies, such as the use of street stops, carding, and the questionable use of force. Canadian police have had to reconsider and eliminate some of these discriminatory practices by ending carding and street stops, introducing body cameras to monitor citizen–police interactions, and developing more accountable relationships with diverse communities and groups.

In response to public pressure, Canadian police have also been forced to become more diverse and representative of the society they serve. This has meant overhauling their recruiting and training practices to ensure far more gender-diverse and racially diverse workforces. Internal reforms and programs aimed at dealing with issues such as sexual harassment and racism have been introduced in most police services, though their effectiveness remains to be determined. Heightened public interest in more effective police governance and increased police accountability has led to the development of more diverse and independent police governance bodies, such as civilian review and local police boards.

A tangible legacy of the community policing era has been the development of collaborative multiagency community safety initiatives, such as the Hub model (discussed further in Part III below), which was adapted from the United Kingdom and pioneered in Saskatchewan (McFee & Taylor, 2014). Collaborative police–community problem-solving programs are now in operation in

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many communities in Canada. The Hub model broadened the scope of policing beyond reactive law enforcement to include risk analysis and collaboration with community agencies to identify and respond pre-emptively to problematic or at-risk individuals and threats to community health and safety.

New digital information technologies and the spread of social media have resulted in the development of data-driven policing. It has taken a variety of forms, such as sophisticated crime analysis, intelligence-led policing, evidence-based policing, crime profiling, and predictive policing (Meijer & Wessels, 2019). These new data-based analytic strategies are meant to better inform conventional policing and investigations and allow for increased internal accountability and efficiency. Police have also been experimenting with various forms of social media as means of improving communication and information exchange with the public and as an investigative tool (Beshears, 2017). While not necessarily classified as reforms, these do represent significant change in police practice.

In the United Kingdom, government concern about the cost and value of government services prompted a review of British policing (see Barton, 2013). As a result, they introduced a number of major policing reforms such as increasing professionalism through post-secondary education, enhancing local police accountability, expanding the use of social research, emphasizing evidence-based policymaking, privatizing selected police services, and introducing new service delivery models (e.g., neighbourhood policing and the creation of community service officers). These significant organizational, educational, and operational changes have made England an influential source of innovation and change in modern policing.

But perhaps the biggest pressure for change in Canadian policing has been the escalating costs of public policing (see Griffiths, Murphy, & Snow, 2014). Canada spends more on public policing, on fewer police per capita, than almost any country in the Western world. Given the increasing demand for police services to deal with both conventional and new policing demands, the cost of policing presents a significant challenge for all levels of government. As a result, police are increasingly rationalizing their services by giving priority to more serious “core” crime and disorder problems, while limiting their resources and responses to non-core community policing issues and problems (Leuprecht, 2014). Current trends suggest that unless there are significant increases in public spending or significant changes to the current service delivery model, police agencies will become increasingly limited to serious crime and disorder problems at the expense of other important social and preventative policing services.

The cost of policing and the police role and effectiveness is being raised by the Defund the Police movement. The effectiveness and desirability of using uniformed police to deliver some socially-oriented policing services—such as responding to mental health calls and community youth and prevention programs in minority communities—have been questioned by community groups and healthcare advocates. However, whether relegating these important policing functions to the community would result in an improvement in those policing services remains an open question. Minimally, it suggests that the police need to better demonstrate to the community the importance of their role and their willingness to improve or reform past practice. Clearly these particular policing issues require a greater commitment to community-based and collaborative policing.

COMMUNITY-ENGAGED RURAL POLICING:  
THE CASE FOR REFORM AND INNOVATION IN RURAL RCMP POLICING

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Unless the police can demonstrate why their involvement in these activities is necessary, they will find themselves even more removed from the communities they police and become limited to a narrow crime and law enforcement role. This movement does make it clear that police need to justify their performance if they wish to retain a role in these traditional police functions.

Whether today's police—using policing philosophies, organizational models, and operational strategies developed in the past—are capable of responding to current pressures and challenges without significant reform and change, is questionable.

Police services have been organized for an old reality. Fundamental changes that have taken place in the safety and security landscape over the past few decades have not been reflected in police institutions. From the changing nature of harm to changing demands of policing to a wealth of new knowledge about how to best respond prevent crime, these changes define the present-day landscape to which police services must adapt if they are to improve the effectiveness and efficiency with which they deliver safety and security (Council of Canadian Academies, 2014: 151).

### Police Reform Barriers

Our review of the literature uncovered a number of reasons why despite the many attempts to reform the police, things largely remain the same and effort to introduce change within the police sector has been described as bending granite ... Finally, while generalizations are hazardous our review of the literature suggests that police reform is difficult and risky and that efforts to implement transformational change within police organizations are likely to either fall short of expectations or fail (Duxbury et al., 2018: 319).

The history of police reform indicates that transformational reform and change have happened during distinctive political and social circumstances and incrementally in response to specific ongoing events, social and political circumstances, new technology, and new knowledge. However, with some exceptions, these changes and reforms have been resisted by the police, which has given substance to the term "bending granite" as a metaphor for police change (Duxbury et al., 2018) The following are some of the identified barriers to police reform.

A review of police reforms in the modern era conducted by policing scholar David Bayley (2008) has found that significant police reform is almost always generated by political, social, and academic forces outside the police and seldom initiated or led by the police themselves. Police reforms are typically external, or "outside in," and are internally implemented in a "top-down" approach, usually because of public and political pressure generated by incidents or events that have created a crisis of public confidence in the police. Bayley has noted persistent resistance by rank-and-file police officers to so-called progressive change. He has suggested this is a result of their lack of involvement and investment in the change process and the powerful protective police culture that tries to maintain control over their "risky" work environment.

A recent study of readiness to change in Canadian policing by Duxbury et al. (2018) asked a group of police and community stakeholders to identify and prioritize both the external and internal drivers and barriers of police reform and change. Their study identified the following barriers to significant police reform and change.

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The study identified two major *external barriers* to change:

- Changing Community Priorities – Today’s changing and diverse communities often have different policing needs and priorities, making appropriate police response challenging.
- Lack of Political Support – Public and political pressure and support for policing change is often limited and transient, making lasting change a risky investment for police.

The following *internal barriers* to change were identified:

- Lack of Police Resources – Most police resources are committed to conventional police activities. New activities or initiatives require either new resources or resources must be reallocated from other activities; both are problematic.
- Organizational Culture – Police have a strong risk-averse and protective organizational and occupational culture that resists meaningful change.
- A Lack of Police Leadership – Most senior police leaders lack the authority, leadership experience, and education required to lead and manage significant organizational change in a change-resistant organization.

Overall, the history of police reform suggests that occasional *transformational change* in policing is possible under a particular but unusual set of social and political circumstances; it requires political will, public support, and police collaboration. *Incremental change* or improvements or adjustments to conventional police practices is far more common and easier to implement but has less impact. Faced with the choice of transformational or incremental change, police tend to resist more radical or risky change and accept incremental change, as it doesn’t threaten the conventional delivery of core policing functions.

While the conventional professional model of police service is reasonably effective in meeting most core policing demands, it is less successful in reducing those demands and addressing new diverse policing and security needs. However, there are innovative and strategic ways of organizing and delivering policing services that can improve the standard police model and better address increasingly diverse community safety demands.

While the proposed changes outlined in this report may not be transformational, they are nevertheless significant and address some of the obvious shortcomings of the current reactive policing model. Proven policing strategies, programs, and models can advance conventional policing in ways that better align with the realities and challenges of policing today’s communities. With adequate political will, vigorous public demand, and progressive police leadership, the history of police reform demonstrates that granite can indeed be bent.

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## B. RCMP Reform, Change, and Community Policing

To understand RCMP culture and its implications on the organization's ability to adapt and respond to the ever-changing environment within which it operates, one should first look to its origins. Established in 1873, the North-West Mounted Police was a paramilitary-style police force modeled after the Royal Irish Constabulary. In that era, this paramilitary-style police was employed throughout the British Empire to police colonial populations.

Unlike the civilian Peelian model adopted in Britain, the paramilitary model's authority did not flow from public consent, cooperation, and accountability (Murphy & McKenna, 2007). The model featured strong command and control, strict internal discipline, and military-type training that focused on establishing a high level of internally focused loyalty, conformity, and group homogeneity. Such discipline extended throughout all strata of the organization.

In 1928, eight years after the Force was renamed the Royal Canadian Mounted Police (RCMP), Saskatchewan became the first province to contract with the RCMP to provide provincial policing services. This was followed in 1932 by Prince Edward Island, Nova Scotia, New Brunswick, Manitoba, and Alberta. British Columbia joined this group in 1950. In a matter of 22 years, contract policing became the RCMP's largest business line, with the organization represented at three levels of government. The pre-existing centralized, highly bureaucratic organization and leadership culture was well suited to support and maintain internal control, given the new level of complexity, size, and scope of policing operations.

In the ensuing decades, the prevailing RCMP organizing principles aligned with the professional policing model, which emphasized patrol, timely response to calls for service, and the investigation of crime. This traditional model positioned the police as the "community's professional defense against crime and disorder," with citizens cast as "relatively passive recipients" of services (Kelling, 1988). The professional model relied on top-down, hierarchical management structures supported by command-and-control leadership, systems, policies, and procedures. There was distance between the police and communities.

As community policing became—at least for a time—the central organizing philosophy for police services across Canada, the RCMP eventually and somewhat reluctantly adopted community policing in 1989 as its official organizing philosophy for future service delivery (Conference Board of Canada, 2000: 4). This was borne out of a realization that the professional model was insufficient in addressing many of the safety and social issues facing communities and that communities wanted and needed to be more involved. After all, much of day-to-day policing in Canada relates to social issues, not crime (Taylor et al., 2022: 88). As will be explored further in this paper, the RCMP's implementation of community policing remains inconsistent and incomplete.

The RCMP's rigid paramilitary, rank-based leadership culture, management structures, and policies were not compatible with implementing an effective community policing model as its organizing philosophy. These bureaucratic paramilitary characteristics impeded the quality of internal and external communication, limited creative problem-solving and decision-making, and discouraged innovation and critical thinking while they reinforced conformity and common worldviews

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(Conference Board of Canada, 2000: 4). Furthermore, such organizational culture tended to value action over reflection and censure individual differences within its ranks (Taylor et al., 2022; Stamper, 2006).

The community policing era required decentralized and flattened organizational structures and the diminishing of command-and-control leadership, except in critical operational instances. Effective leaders in the community policing era had to excel at developing and maintaining healthy partnerships with community and other partners, engage in joint problem-solving, and shape a culture that placed as much value on crime prevention and community policing as it historically did on enforcement and investigating crime. Finding balance between these two sides continues to be an issue in policing, including within the RCMP.

### RCMP Organizational Reform

Over the past 30 years, the RCMP has been in a near-continuous cycle of externally driven organizational change as it strives to adapt and respond to the rapidly changing and complex political and social environment in which it operates. The result has been a series of significant reform initiatives stimulated by a variety of internal and external political pressures. Some of the key parts of this recent history include:

- Community Policing (1989–present)
- Project Renewal (1993–2000)
- Shared Leadership: Mission Vision and Values (1995–1999)
- Regionalization (1996)
- Alignment Initiative (1998–1999)
- Task Force on Governance and Cultural Change in the RCMP (2007–2009)
- Vision 150 (current)

While there were certainly some successes derived from each of these, there have also been marked failures. For the purposes of this report on community-engaged policing, we focus on two of the most relevant reform initiatives: Community Policing and the Task Force on Governance and Cultural Change in the RCMP (also known as “the Brown Task Force”).

#### Community Policing (1989–present)

While community policing spread throughout North America during the 1970s and 1980s, it was not until 1989 that the RCMP decided it was time to join the movement. The top-down community policing directive came by way of a commissioner’s announcement (see Conference Board of Canada, 2000), which took many in the organization by surprise, as there had been little consultation (Conference Board of Canada, 2000). RCMP detachment commanders were instructed

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to get started immediately by establishing community consultative groups. There was no supporting roadmap, tools, or other supports to guide and assist the divisions and detachments implement such transformative change. This led to considerable confusion as to what this change meant and how it would be rolled out and practiced (Conference Board of Canada, 2000: 10). It was not until early 1993, in the face of implementation challenges, that a new Assistant Commissioner was appointed with the clear mandate to turn things around. Pilot projects were implemented, and training was developed and implemented. It was not until 1995 that the first recruits graduated with training that had a strong emphasis on community policing and associated problem-solving skills (Conference Board of Canada, 2000: 11).

The effort to adopt community policing as its operating philosophy also came with challenges to the centralized organization and culture of the RCMP. Effective community policing requires decentralized and flattened organizational structures to support sophisticated adaptation and innovation in collaborating with others to solve adaptive problems. But the existing rigid, internally focused, paramilitary management structures, top-down command-and-control systems, policies and leadership practices were deeply entrenched in the RCMP's DNA. These attributes are seemingly reaffirmed by *The RCMP Act*, which requires members to obey lawful orders, oral or written, of any member who is superior in rank or who has authority over that member.

These contradictions presented significant hurdles that continue to impede RCMP change efforts. By way of example, senior officers at RCMP Depot may believe that they are producing police officers who are ready and prepared to practice community policing, but recruits who are about to graduate often say they most look forward to "putting bad guys in jail." The power of the enforcement and investigation culture endures.

The introduction of community policing is illustrative of the RCMP's ongoing challenges with implementing transformative change. Some of the key lessons that ought to have been learned from that experience were not consistently applied to future change endeavours.

#### The Brown Task Force (2007–2009)

In April 2007, David Brown was appointed as Independent Investigator for the Minister of Public Safety and the President of the Treasury Board to examine and make recommendations relating to the RCMP's handling of reports of internal mismanagement and irregularities in the administration of the RCMP pension and insurance plans. The Brown Task Force, as it became known, issued two reports, *A Matter of Trust* (June 2007) and *Rebuilding the Trust* (December 2007). In these, Brown identified a number of issues that have hampered the RCMP from being the contemporary policing service it aspires to be.

#### LEADERSHIP

Brown observed that aspects of RCMP leadership culture ran deep and were unhelpful in achieving reform. He noted a management culture of entitlement and command and control, reflective of its paramilitary roots. It is noteworthy that more progressive leadership occasionally does emerge but can be transitory as more traditional leadership approaches steeped in command and control dominate. Dramatic changes in leadership styles occasionally occur that have significant

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implications for reform and alignment. Brown cited the example of Commissioner J.P.R. Murray's term as commissioner (1994–2000), during which he modeled a contemporary shared leadership style. His successor flatly rejected shared leadership—"Shared leadership is not in my vocabulary"—adopting a highly autocratic approach to leadership and decision-making (Task Force on Governance and Cultural Change, 2007a: 41–42).

## CULTURE

Brown expressed significant concern about an abusive work environment and a culture of entitlement at the top of the RCMP. He noted that indications of a "deteriorating culture" were evident as early as 2003, as shown by the work of Dr. Linda Duxbury, who led significant RCMP-related studies in 2001 and 2004. Duxbury's survey and interview-based studies of the RCMP workplace environment and culture revealed an organization ill-prepared to undergo change. She found that while RCMP employees worked hard, were proud of the organization, and were driven to contribute to Canadian society, only thirteen percent of RCMP participants in the 2004 study felt the organization did a good job of managing change.

In a November 2007 report prepared for the RCMP, Duxbury stated that:

- The RCMP is not a change-ready organization;
- Its internal culture does not support change;
- It lacks expertise, depth, and corporate knowledge in key areas; and
- RCMP members are carrying chronically high workloads (Duxbury, 2007: 6–8).

Duxbury concluded that the RCMP would continue to struggle with significant reform unless it dealt with a number of systemic underlying issues, including its traditional organizational culture (Duxbury, 2007: 5).

Brown also expressed concern over reluctance within the RCMP to speak truth to power. He noted that the tradition of unquestioned obedience to lawful orders, combined with a high control culture—something that Commissioner Murray eschewed during his tenure—was an impediment to productive collaborative decision-making and stewardship.

The cultural issues that have led to the result that has been so embarrassing for the RCMP continue today and must be addressed comprehensively. This must involve structural and process changes to realign the culture of the RCMP with the Force's own vision and values and with the expectations of Canadians. (Task Force on Governance and Cultural Change in the RCMP, 2007a: 45)

The Task Force also heard many instances of the RCMP's inability to follow through on the implementation of new policies and programs, a consequence of inadequate implementation and planning (2007b: 44). This report argues that this is precisely what impeded the full implementation of community policing that began in 1989.

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### MANAGEMENT STRUCTURES

The highly formalized and bureaucratic paramilitary structures that support the current culture also continue to support its insularity and hampers the organization's ability to respond efficiently to its evolving operating environment.

### CAPACITY CHALLENGES

The Brown Task Force concluded that the RCMP was chronically struggling to meet its obligations; never operated at full capacity, and often with unacceptable vacancy rates; and its lack of resources was systematically putting undue pressure on its members. The Task Force noted that internal RCMP research capacity, such as the former research centre at the Canadian Police College, had been unfortunately eliminated.

Finally, the Task Force indicated that to achieve successful change and reform going forward, the RCMP would require a "much higher degree of managerial competence and sophistication than which is currently found within the RCMP" (2007b: 1). The report went on to state, "The RCMP can only address the issues raised in this report and position itself to meet the inevitable future challenges it will face by enhancing its leadership capabilities and by programming modern management principles into its DNA" (5).

To support the successful RCMP implementation of its recommendations, the Task Force recommended that the government establish an external implementation council to guide advise and drive the change process.

### Reform Implementation Council

Subsequent to the Brown Task Force, the Reform Implementation Council (RIC) was established in early 2008 to guide, advise, and drive the reform process within the RCMP. RIC issued the last of its four reports to government in March 2010. In its closing report, after two years of supporting change, RIC stated that RCMP reform was entering a new phase. Its focus on the specific Task Force recommendations was now giving way to a new approach of promoting continuous change within the RCMP: "The RCMP is transforming how it is led and managed, how it uses its human and financial resource is and how it communicates with partners, stakeholders, employees and the Canadian public" (RCMP Reform Implementation Council, 2010: 2).

The RIC noted that while the RCMP had achieved a great deal, still more needed to be done if it were to continue evolving in the direction of its "Vision for Change," which defined the purpose of its internal reform and provided a framework to support the desired changes "to become an adaptive, accountable, trusted organization of fully engaged employees demonstrating outstanding leadership and providing world-class police services" (RCMP RIC, 2010: 7-8).

Among other things, the RIC noted that:

- The RCMP was making steady progress to improve its systems for defining resource requirements for operational policing and that this must remain a high priority;

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- Continued transformation of the RCMP must not be impeded by lack of human and financial resources, which had grown more slowly than expected;
- Improved communications with the public must be a priority of transformation;
- Management must lead the way to a more open and transparent culture throughout the RCMP; and
- Major challenges remain if the culture of the RCMP is to be fundamentally reshaped (RCMP RIC, 2010).

### Analysis: The Challenges of Change/Reform in the RCMP

Based on our analysis of the available evidence, there are some fundamental reasons why the RCMP has struggled with implementing transformative change: lack of resource capacity and limited internal commitment and capability.

For the purposes of this report, by *capacity* we mean the organization's capacity to fulfill its mandate and implement successful reform. *Capability* refers to the knowledge, skills, and abilities required to fulfill the organization's mission and to reform the organization.

#### Capacity Gaps

- While Canadians expect their public safety providers to respond swiftly and effectively to emergent threats and crises, capacity gaps often get in the way.
- Resource constraints are often at the top of the list of challenges faced by police agencies. In recent decades, the changing nature of crime and harm has had a significant impact on police resources. Increasingly sophisticated crime requires increasingly complex, sophisticated, and often multi-jurisdictional investigational efforts. Even more conventional investigations (e.g., impaired drivers, domestic violence, etc.) are much more complex and time-consuming than they were in the past, due in large part to changes in jurisprudence (Malm et al., 2005; Cohen et al., 2018).
- As the Brown Task Force noted, the RCMP never operates at full capacity and chronically struggles to meet its obligations, which contribute to a tired and stressed workforce. This may be accentuated by the substantial breadth and scope of the RCMP mandate, which includes contract policing, federal policing (e.g., drug enforcement, cybercrime, transnational organized crime, border integrity), and national policing services (e.g., the Canadian Police College, Canadian Police Information Centre, Criminal Intelligence Service Canada, Canadian Anti-Fraud Centre).
- In the main, the RCMP tends to rely on the deployment of regular members—fully sworn and trained police officers—to address most policing issues. It has dabbled in community safety officers and community program officers and, in years past, with special constables. While there are still pockets of these resources, they have not taken hold as part of an

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effective tiered approach for organizing and optimizing the finite resources accorded the organization. This will be discussed later in this report.

- The RCMP has a broad range of readily available internal professional knowledge (e.g., forensic investigations, laboratories, psychology, medicine, law, economics, major crimes, aviation, project management, etc.). However, these tend to operate within their own sub-cultures. While the organization has made certain progress in civilianizing—particularly at its national headquarters—it remains dominated by sworn police officers and has not adapted to learn how these professional and scientific perspectives and approaches could be applied to executive-level problem-solving and decision-making.
- Frequent changes in personnel also affect the continuity of initiatives and ultimately affect community confidence. Many community leaders have expressed concern over the generally short posting durations of RCMP detachment commanders. In a culture in which advancement is important, the organization suffers from a lack of continuity, particularly in detachments, which are the feeder groups to specialized units.
- Operationally, the RCMP is highly capable in conducting its law enforcement mandate. When fully staffed and led by open-minded, effective leaders, the RCMP is favourably viewed as being able to provide the services expected by contract partners and other stakeholders. Unfortunately, its structure, internal policies, and practices impair its ability to ensure detachments are fully staffed and have continuity in leadership. This, in turn, limits the organization's ability to respond and adapt effectively to evolving local needs. This is particularly the case regarding proactive community engagement and crime prevention activities, which often take a back seat to reactive investigative and enforcement efforts.
- The degree to which the RCMP adapts and responds to local community priorities seems to rely largely on the leadership of individual local detachments. As a result, there are inconsistencies in the degree to which communities believe the RCMP responds and adapts to their needs.
- In her 2007 report, Dr. Linda Duxbury concluded, "The RCMP is not, by any accepted measure, a change-ready organization" (Duxbury, 2007: 135). Change readiness is the platform upon which an organization is able to move with agility and confidence through change.

#### Capability and Commitment Gaps

The challenges facing the RCMP in introducing community policing and responding to the recommendations of the Brown Task Force call for transformational change. The types of diverse thinking and professional skills required to implement such things as community policing or the cultural changes envisioned by the Brown Task Force are vastly different from those required to manage existing systems and processes. The deep changes required in both these instances represented significant challenges for the RCMP.



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Most RCMP middle and senior managers have spent significant portions of or their entire careers in the organization. They have worked, managed, and been promoted through a maze of systems, culture, and internal politics. In certain respects, this has limited the organization's capacity to change these very same organizational systems, structures, policies, and practices. Even those with advanced degrees can be vulnerable to an internal culture that tends to value conformity over imagination, initiative, and independent thinking.

Organizational culture scholar Edgar Schein has suggested:

[I]t is the unique function of leadership to perceive the functional and dysfunctional elements of the existing culture... The bottom line for leaders is that if they do not become conscious of the cultures in which they are embedded, those cultures will manage them (Schein, 1992: 15).

Challenging or rising above the culture is difficult for those at any level of an organization with a deeply ingrained culture such as the RCMP.

A central question must be asked – why, in the face of so many recommendations for reform in the RCMP over the years, has so little been implemented?

In 1984, Gary Reed, a member of the RCMP, wrote a Masters thesis entitled "Organizational Change in the RCMP: A Longitudinal Study," which examined the rapidly changing operating environment for the RCMP during the period 1968 to 1980 and the corresponding changes taking place at its National Headquarters during that same period. Reed concluded that while the organization did adapt, most of the changes were merely unplanned and reactive. He added that, "The cause of this failure to achieve effective programs varies from changing environmental conditions, a lack of expertise, a lack of commitment by senior management, to decisions based on the opinions and perceptions of senior management who have an institutional disregard for research" (1984: 219).

In mid-November 2007, as the RCMP awaited the forthcoming December 2007 Brown Task Force report, the author Corley and others were concerned that insufficient attention was being given to setting a foundation upon which the RCMP would be able to successfully implement sustainable organizational change to position the organization for the future. In a personal memorandum to the Commissioner, the author drew attention to these concerns:

The June 2007 Report of the Independent Investigator into Matters Relating to RCMP Pension and Insurance Plans ("A Matter of Trust") left little doubt of the author's disappointment in our senior leadership's culture and effectiveness. It is crucial that we show we have learned from this experience.

The present situation provides an unprecedented opportunity to demonstrate that we have learned from the past and can act incisively to make sustainable corrections. The first lesson should be that our system of hierarchy cannot prevent us from doing the right thing. Second, that we require more diversity and different backgrounds in order to (i) enrich senior cadre understanding of our operating environment, and (ii) optimize our ability to execute strategy.

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The critical issues were laid out in the memorandum in the form of four questions, followed by a set of considerations for senior decision makers. The four questions were:

1. Do we have a critical mass of senior leaders with the competence, diversity of experience and problem-solving skills required of the current situation?
2. What, in the past experience of each of the current executives, is evidence of their energy, capacity and perseverance working both independently and with others, to improve the organization and overcome the substantial inhibitors that lie ahead?
3. Which members of our senior leadership group can articulate a concise and compelling vision for the RCMP, why this is important, and suggest the strategy to move the organization forward?
4. What are the practical, mechanical steps required to improve the executive leadership group and senior decision-making bodies?

As Leuprecht (2017) has noted,

A decade has passed since the Brown Report (2007): on most points little or no progress has been made. The same can be said of the CRCC's 11 recommendations from its 2013 *Public Interest Investigation into Workplace Harassment in the Royal Canadian Mounted Police*. The litany of recommendations over recent decades, compiled in an annex published separately, stands in stark contrast to their glacial and haphazard implementation if they were implemented at all. Low-key fixes have been tried for decades, to little effect (8).

A recent report issued by the Civilian Review and Complaints Commission (CRCC) for the RCMP also noted that:

There has also been no shortage of solutions proposed. In the past decade alone, over 15 reviews have been conducted of the RCMP and its organizational culture, identifying a dizzying array of more than 200 recommendations for reform. Unfortunately, few have been implemented (CCRC, 2017: 2).

Based on our experience and the available evidence, it is fair to say that the RCMP has historically lacked the commitment, transformational change competence, diversity of experience, and problem-solving skills called for by these situations. It does not have a track record of successfully implementing transformative change. This is in part why it is surprising that the Reform Implementation Council was closed after just two years of overseeing the changes recommended by the Brown Task Force.

### Summary

Despite its long history of service, the modern RCMP has been the subject of a number of significant reform initiatives either in response to external pressures or because of internal problems in its culture and operations. While the RCMP has been able to make adjustments, improvements, and incremental changes to its fundamental core service delivery model, it has struggled to make more challenging transformative changes required by community policing or as recommended by the Brown Task Force and others. Most of transformative efforts have failed to

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achieve their originally intended outcomes (Conference Board of Canada, 2000; Leuprecht, 2017; Lymburner, 2012).

This review suggests that the following four factors are central to explaining the RCMP's challenge in implementing successful institutional reform:

- The RCMP has historical origins as a paramilitary bureaucratic service (Murphy & McKenna, 2007).
- The RCMP is not a change-ready organization (Duxbury, 2007).
- The inertial organizational culture of the RCMP is resistant to change (Duxbury, 2007).
- The organization lacks transformational leadership know-how and capacities (Duxbury, 2007; Leuprecht, 2017).
- It can also be argued that, over the years, there has been too narrow a focus on refining outdated structures and practices rather than on re-imagining and transforming how the RCMP is structured and organized for the many challenges of the 21<sup>st</sup> century.

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**PART 2**

**RURAL POLICING CHALLENGES,  
CHANGE, AND INNOVATION**

## PART 2: RURAL POLICING CHALLENGES, CHANGE, AND INNOVATION

## A. Rural Policing: Trends and Issues

Approximately eight million Canadians live in rural areas (Statistics Canada, 2021) and are policed by a variety of police services. While there is growing concern about crime and public safety issues in rural areas and about the adequacy of rural police services, there is relatively little research and data on rural crime and rural policing. The following review of national and international rural crime and policing literature identifies some of the key issues facing rural policing in Canada today.

### What's Rural?

To comprehend the special challenges of rural policing, we must recognize the increasingly complex and changing nature of the rural environment. The term “rural” has become an oversimplified, inaccurate, and outdated concept that often obscures its increasingly diverse and complicated reality. Despite its widespread use, there is no universal or commonly accepted definition. For many, the concept of rural signifies a remote area with limited geographic accessibility and low population density. Some researchers define rural as areas or communities that have unique demographic structures, settlement patterns, population densities, long commuting distances, limited supplies of goods and services, and resource-based economies (Hart et al., 2005). In a review of rural crime and policing in England, Marshall and Johnson (2005) have suggested that “rural” can best be defined by distinctive economic, social, and cultural characteristics.

Assumptions about today's rural communities and rural life are often outdated. The generalization that all rural areas are suffering ongoing population decline is not true for many rural communities in Canada. Many rural areas are growing and are made up of a new population mix of long-term residents, urban newcomers, seasonal residents, and rural commuters (Salamon 2003; see also Parkins & Reed, 2012). This “new rural” reality challenges old assumptions that rural communities are simple, intimate, stable, and tightknit places “where everyone knows your name.” These community differences create and affect patterns of crime, social conflict, and policing.

### Rural Crime and Public Safety

Public perceptions about crime and public safety in rural areas are varied. According to rural criminologist Ruddell (2016), public images range from idyllic notions of an orderly, peaceful, and traditional area with little or no crime, to poor, deprived, and crime ridden areas where urban expansion and limited economy make residents increasingly vulnerable. Either image may be accurate for some communities, but not for others.

The statistical evidence suggests that crime rates in rural areas are surprisingly high and sometimes greater than urban crime rates. Crime data analyzed by Perreault (2019) revealed the following comparison of rural and urban crime patterns.

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- Police services serving a mostly rural population served 16% of the population in the provinces in 2017 but reported 23% of violent crimes, 17% of property crimes, 27% of Criminal Code traffic offences, and 23% of other Criminal Code violations (Perreault, 2019).
- From 2009 to 2017, rural police services reported a total of 1,078 homicides, for an average annual rate of 2.02 homicides per 100,000 population. In urban areas, 4,068 homicides were reported during the same period, for a rate of 1.55 homicides per 100,000 population.
- Other violent crimes overrepresented in rural areas included sexual violations against children and violent firearms offences such as discharging or pointing a firearm ).
- In 2017, the rate of impaired driving was about twice as high in rural areas as in urban areas.

However, some rural areas and communities experience disproportionately high rates of crime that distort general rural crime data, which creates an exaggerated and inaccurate picture of crime rates in rural areas across the board. Perreault (2019) has explained this misleading rural/urban comparison:

- The higher crime rate in rural areas was driven by a small number of police services that reported very high crime rates. In fact, most police services serving a predominantly rural population recorded relatively low rates of crime.
- Higher crime rates in rural areas were mainly observed in the Prairie provinces, where rates in rural areas were 36% to 42% higher than in urban areas in 2017 .
- Higher rural crime rates were mainly observed in the northern areas of the provinces: in the South, crime rates were lower in rural areas in all provinces except Alberta. The higher crime rates in rural areas were mainly due to high rates of physical assault, mischief, and disturbing the peace. These common violations were reported about twice as often by police services serving a mostly rural population.

Canada may be an outlier as a result of its disturbingly high rates of crime in northern communities; most international studies suggest that while rural crime rates are increasing, they remain lower than in urban areas (Marshall & Johnson, 2005).

### Rural Crime Problems

The actual rate and pattern of rural crime in a particular community is determined by a variety of factors such as its history, location, relative isolation, population distribution, and socio-economic conditions. While most rural crime rates are either lower or much the same as urban or suburban crime rates, there are some particular crimes that are especially problematic in rural communities and present special policing challenges.



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Gender-Based and Domestic Violence

Pruitt (2008) has noted that family violence and sexual assault rates tend to be at least as high or even higher in rural areas. While disproportionate rates from northern or isolated communities may account for some of this difference, some experts have argued that traditional community norms in rural areas are more tolerant of domestic abuse, and there is a powerful social stigma that inhibits reporting “private” family violence to police (Youngson et al., 2021). Close community relationships and the absence of readily accessible police and support services make victims less likely to report abuse in rural areas (Youngson et al., 2021; Perreault, 2019). This suggests that a conventional police response to domestic violence may be inadequate in rural areas.

Antisocial Behaviour

According to the UK Anti-social Behaviour Act 2003, antisocial behaviour “causes, or is likely to cause, harassment, alarm or distress to persons not of the same household as the person” (see also UK Police Reform and Social Responsibility Act 2011). While antisocial behavior has not been defined by Canadian courts or legislation, there is enough anecdotal evidence to suggest that in many rural areas, there are individuals whose antisocial behaviour is considered by many to be threatening or problematic, though not always clearly criminal. Behaviour such as such as harassment, intimidation, petty theft, and vandalism often poses a threat to the safety and security of rural communities. Because small and remote rural communities often lack a consistent police presence, residents may feel forced to accept or tolerate these antisocial individuals. When behaviour escalates and becomes more threatening, the social intimacy and visibility of rural life can make people feel vulnerable to retaliation and the worry that a distant criminal justice system will not be able to protect them or effectively resolve the problem.

A lack of police presence and an ineffective criminal justice response sometimes motivates frustrated community members to take the law into their own hands and resolve the situation by threatening or sanctioning the offender themselves. This backroad justice can take a variety of forms, such as intimidation, threats, assaults, and occasionally homicide. Rural Canada has witnessed a number of high-profile incidents where frustrated community members have taken the law into their own hands, resulting in acts of violence and even homicide. Silver Donald Cameron, in his 2020 book *Blood in the Water*, describes a recent Nova Scotia example where unaddressed community frustration with an individual’s persistent antisocial behaviour led to community-sanctioned homicide. These types of situations present rural police with a unique policing challenge, especially when they are not located in the community.

Rural Property Crime

Property crime constitutes nearly 50% of all recorded crime in rural areas (Perreault, 2019). In 2019, the rural property crime rate was 6% higher in rural areas and is increasing at a faster rate than urban property crime (Perreault, 2019). Changes in the nature of rural communities may help explain this. Property crime has become more prevalent as the value of rural property has escalated. Increasingly expensive farming, fishing, forestry, and recreational vehicles and equipment and the growth of expensive recreational homes and property, combined with limited guardianship, create opportunities and incentives for property theft. This has become an

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increasingly serious problem for rural communities and rural police, making community-based crime prevention programs an increasingly important part of rural policing.

## Rural Police and Policing: Issues and Trends

### Scope and Scale

While population density and distribution vary dramatically across different rural areas, most rural areas have significantly fewer people per square mile than municipal or urban areas. This presents some particular logistical and efficiency challenges that are characteristic of rural policing everywhere. Studies of rural policing in Canada, England, and Australia have suggested that lower levels of police coverage, lower police visibility and presence, and slow response times to incidents or calls for service result from the particularities of rural geography (Marshall & Johnson, 2005). These service challenges are affected by limited police resources and sometimes the location of police services, specifically when they are centralized and not distributed across the area to be policed. The evidence shows that the greater the physical distance between the police and the people they serve, the less satisfied people are with their police service.

### Policing Costs and Resources

Rural policing is expensive. Reconciling the provision of a comparable level of police service to rural residents with the reality of police resources is therefore a perennial problem. Historically, the costs of police service in rural areas have required provincial and federal government subsidies. Despite these subsidies, rural municipalities have had to significantly increase their funding as the cost of policing rapidly escalates. Public pressure to increase police numbers to enhance the level of police service will require even higher levels of government expenditures in the future. As a result, police have made efforts to limit the cost of rural policing by rationalizing police services through amalgamation, regionalization, and centralization and a selective focus on core policing functions (Murphy, 1991; Murphy, 2002). These efforts have led to a perceived decline in police service and are the source of great deal of dissatisfaction with the current policing model. Moreover, communities throughout rural Canada and provinces such as Alberta and British Columbia have been looking at alternative policing arrangements in order to address perceived rising service costs and service limitations. The escalating cost of rural policing will continue to be a challenge for rural communities and the police, especially if the existing model of delivering all policing services using only uniformed police officers is maintained.

### Public Perceptions

While public evaluations of policing in both urban and rural communities are generally positive, that endorsement tends to be lower in rural communities. For example, a recent survey of urban and rural residents in Saskatchewan found the following:

The results presented revealed there is a difference in the way that rural and urban people perceived police effectiveness. Rural residents were less likely than their counterparts to indicate that police did a good job of enforcing the laws, promptly responding to calls, providing information on preventing crime, ensuring their safety, or cooperating with the public to address their concerns. Findings suggest rural residents perceive their local police as being procedurally

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just but not particularly effective in their work. The survey also reveals that rural residents rated overall police performance poorer than their urban counterparts (Ruddell & O'Connor, 2021: 10).

Other national and international studies (see, e.g., Jackson et al., 2021; Ruddell & O'Connor, 2021) have found similar results, indicating that rural residents are more likely to complain that police response times are slow, that rural crime victims are less satisfied with police response, that a significant portion of the population feels unsafe in their communities, and that rural police are doing a poor job of communicating with them.

### Recruiting and Retaining Rural Police Officers

While small-town and rural police have many of the same problems and challenges as their urban counterparts, they do have some unique staffing challenges. Research in the United States (Weisner et al., 2020) and anecdotal reports in Canada suggest that small rural police services have trouble attracting and retaining qualified police personnel. As a result, rural police services tend to have lower levels of education and are less diverse than their urban counterparts.

Small-town and rural police services also experience higher rates of personnel turnover than urban police forces (Wareham, Smith, & Lambert, 2015). Rural policing is generally seen as a less attractive career choice given the limited nature of rural police work and the limited career and promotion opportunities in a small police service. In addition, the challenges of living in a small community as a police officer with a family is seen by many as problematic. Finally, studies indicate that rural police officers experience higher levels of stress because of social isolation, the lack a strong peer police culture, and the prospects of policing alone.

As a result, while some police officers may prefer the scale and intimacy of rural policing, recruiting and retaining qualified police officers is generally more challenging for small stand-alone police services. This is not a problem when police are part of a broader regional or provincial police service, such as the RCMP, but this advantage is undermined by frequent personnel turnover in rural detachments.

### The Centralization of Rural Police Services

Although the rural Canadian population has generally grown over recent years, there has been a dramatic decline in the availability of local police services in rural and small-town Canada. Aggregated data reveals a 26 percent decrease in local police services from 1998 to 2005. In fact, most rural and small towns are now serviced by police agencies located within a 30-minute drive. This makes it less likely that crime in rural places, and especially domestic crimes, will be reported or policed. This is exacerbated by geographic and social isolation, such as from social services or victim support... (Donnermeyer, et al., 2016: np).

The resource challenges and the cost of policing large underpopulated areas have led to increasing political and economic pressures to rationalize rural and small-town policing services by centralizing or amalgamating them to make them more cost-effective and efficient. This centralizing trend has taken place across Canada and in other countries such as the United States, Australia, and the United Kingdom. The following, for example, describes the centralization of rural policing in Cornwall, England:

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Police officers no longer live in constabulary-owned police housing, local substations have closed, officers are generally deployed from a central station and are in regular contact with their colleagues in person or by mobile phone, and phone calls to the police are routinely routed to a central, force-wide call centre that may be many miles from the scene of crime (Mawby, 2004: 433).

Connecting local policing to a more central or larger (i.e., provincial or RCMP) police organization means that local police can, in theory, draw on the additional resources, technologies, and specialized skills of the larger police organization. However, while centralization or amalgamation give greater access to specialized personnel and technology, these advantages come at a cost to the nature and quality of local police services (Murphy, 1991).

Public dissatisfaction and political concern about the quality and effectiveness of RCMP rural policing in Aboriginal communities and in Western provinces such as Alberta, Saskatchewan, and British Columbia have some of these jurisdictions reconsidering their policing options. Common complaints about lack of police presence, slow response times, limited community contact, and lack of local accountability have generated serious interest in the possibility of creating alternative policing arrangements, such as provincial policing or replacing RCMP detachments with municipal police (PricewaterhouseCoopers, 2021). While these concerns are often a matter of cost and limited police resources, they are also generated by the lack of local policing accountability and the style of policing that centralized police services deliver.

### The Decline of Rural Community Policing

Over the last 50 years, small-town and rural policing has seen a gradual transition from local municipal or small-town police forces to regional, provincial, or contract police services. Many small municipal police services, which were once institutions of the local community, have been gradually replaced in Canada by RCMP contract police or regional or provincial police services (Murphy, 1991). For example, in Nova Scotia between 1988 and 2012, 25 stand-alone municipal police services were reduced to eleven agencies.

Small-town municipal police officers have historically been local in origin, often poorly paid, minimally trained, and subject to local political and public pressure. By the 1980s and 1990s, a laissez-faire community-based style of local policing was increasingly regarded as being out of date and no longer suitable for many small towns. Many local police services were replaced by RCMP detachments whose officers, who were not local, were better trained, and were independent of local politics and culture. In response, remaining small-town municipal police services began to upgrade and professionalize their organization, management, and policing style, moving away from away from the informal and unprofessional—but community-based—style of the past. By the 1990s, most municipal police services in Nova Scotia had adopted a professional policing model that emphasized political independence, better training, and stricter law enforcement (Murphy, 1986).

The shift to a professional law enforcement model meant that local governments and citizens ceased to be the primary source of authority and influence over local policing. Police had become more like their urban counterparts, focused on responding to calls for service, enforcing law, and

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spending little time on social or preventative policing functions, such as communicating with residents, investigating minor complaints, seeking out information, and engaging with institutions and members of the community. This general movement away from old-fashioned community policing to a more professional policing model has been widespread, and there has been growing dissatisfaction with this impersonal and disconnected style of policing.<sup>1</sup>

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<sup>1</sup> This report does not address the distinct and separate issue of Aboriginal policing. This has been extensively reviewed and discussed in many other reports, and the authors feel that they would be unable to do an adequate review within the parameters of this report. Many of the general observations about rural community crime and policing herein also apply to Aboriginal policing but do not address other unique issues unique to Indigenous communities.

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## B. RCMP Rural and Small-Town Policing: Challenges and Limitations

This section explores some of the key strengths and weaknesses of RCMP rural policing, together with some possible opportunities for improvement.

### The RCMP and Contract Policing

While its core mandate lies in federal policing, the RCMP has a long history of providing mainstream policing services under contracts with provinces and municipalities. Today, over 60% of RCMP resources, and over 70% of RCMP officers are assigned to contract policing services in Canada's three territories, all provinces other than Quebec and Ontario, and over 150 municipalities (Public Safety Canada, 2019). These policing contracts offer a lower cost alternative for most jurisdictions, since the federal government covers 30% of the costs of policing for rural communities and smaller municipalities and 10% of the costs for municipalities under contract with populations over 15,000 (Public Safety Canada, 2019). This gives the federal government a significant presence in smaller communities across Canada and, by virtue of the contracts, the ability to draw on these local RCMP resources in the case of major incidents or national emergencies.

The RCMP resourcing models for contract policing often result in lower costs per capita for policing than found in comparably sized municipal police services (McClern et al., 2018; Roach, 2022: 144). While some view this as a benefit for local taxpayers, others complain that it contributes to communities being under-policed (McClern et al, 2018).

### The Challenges of RCMP Contract Policing

The RCMP is a tradition-bound paramilitary-based organization that has been notoriously slow to change. Many of the issues that impede the RCMP from achieving excellence in its delivery of contracted rural and small-town policing are tied to the organization's paramilitary origins and its gradual evolution as a large centrally managed national police service over nearly 150 years.

RCMP detachment policing is in many ways the antithesis of the traditional small-town municipal police model. It's an historical remnant of the colonial policing model in which the primary purpose of law enforcement was to ensure that national standards of legal order prevailed where necessary over local custom and circumstance (Brown & Brown, 1978). Philosophically, detachment police were and still are intended to stand apart from or be "detached" from being swayed by local community politics or public opinion, in order to facilitate the impartial exercise of law and order, i.e., "without fear or favour." As detached units of a large, centralized police bureaucracy, local RCMP detachments are fiscally and politically independent of the local community and respond primarily to the centrally derived policies, enforcement priorities, and production pressures of the organization and not necessarily the local community (Murphy, 1991: 335).



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Its closed institutional culture has historically resisted external political and public pressures for significant change, and the organization maintains a set of internal structures, systems, policies, and processes that serve to protect the status quo and the image of the organization (Task Force on Governance and Cultural Change, 2007a; Task Force on Governance and Cultural Change, 2007b; Leuprecht, 2017; Bastarache, 2020; Maher, 2020; Murphy & McKenna, 2007).

The following are some of the documented organizational, institutional, and cultural characteristics of the RCMP that have an impact on detachment policing in small towns and rural communities.

#### The Centralized Nature of the RCMP

The centralized structure of the RCMP as a national police service both facilitates and impedes the provision of effective policing services. The organization's established national standards for local policing generally ensure a consistent and stable level of police service across the country. The flipside, however, is a largely centrally directed and centrally organized police service that has difficulty adapting and responding quickly to non-standard local policing needs and priorities (Task Force on Governance and Cultural Change, 2007b). Communities are most often best served when their local needs and priorities are reflected in policies and practices that are informed by local knowledge and context (Scott, 1998: 316–19).

The range of options available to the RCMP to adapt its standard services to meet local needs is limited by federal legislation, RCMP national standards, structures, policies, and its traditional institutional culture. Even when customization occurs, it usually takes considerable time for the RCMP bureaucracy to respond. The following outlines some reasons for the disconnect between local policing needs and the RCMP responses.

- Local governments frequently approve additional police resources, but the RCMP has for many years been unable to provide such resources in a timely manner. The federal government has acknowledged that due to high demand for RCMP officers across Canada, recruitment and staffing issues are likely to continue to be a problem for small communities for some time (Bronskill, 2020).
- If a detachment commander is promoted and ordered transferred, there is no formal mechanism by which a local community can retain the services of the promoted member in an over-ranking scenario, even if the member was interested and the community was prepared to pay additional salary costs. The RCMP's centralized human resource and promotion system simply does not allow for such local flexibility. Thus, communities often have little say over personnel issues, as these are decided by the RCMP's internal policies and priorities.
- Internal RCMP policies and federal legislation (e.g., the Privacy Act) limit information-sharing, which in turn limits more fluid local partnerships and collaborations.

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Recruit Training

Leuprecht (2020), Bastarache (2020), Maher (2020) and others have observed that many aspects of RCMP training and induction at the RCMP academy in Regina are no longer commensurate with the requirements of a modern civilian-oriented and community-based policing service. Rather, too many aspects of the training at Depot reinforce an outdated traditional paramilitary culture. This reinforces the internal organizational culture of the RCMP and exacerbates its separation from the community.

Staffing and Promotion Systems

For many young RCMP members, policing in rural and small towns is the first step in careers that will bring them to a variety of other policing functions and locations. But the demand across Canada for contract policing members exceeds the RCMP's capacity to recruit and train them (Public Safety Canada, 2019). Staffing smaller, sometimes isolated rural detachments also has long been a challenge for the RCMP for varied reasons, including:

- potential lack of employment opportunities for spouses;
- schooling issues;
- access to health and professional services;
- limited range of extracurricular activities and amenities;
- housing market concerns (SECU, 2018).

As a consequence, the organization must rely on deploying new, inexperienced recruits to small communities in rural detachments (SECU, 2018; SECU, 2019). While some members adapt and do very well in rural settings, many prefer to police in more urban settings. Consequently, many have limited involvement in the local community and spend much of their off-time away. As one municipal counsellor recently put it,

I do not want someone who drives in here from three hours away, works a couple days, fills a position, then throws his gear in the trunk, slams it shut and goes home, who doesn't know anybody in the community, good guys or bad guys, or if there is a hospital in Truro (Maher, 2020).

The RCMP promotion and staffing system also acts to undermine local policing in unintended ways. Promotions and positions with specialized functions are highly valued in RCMP culture (RCMP, 1999), and sometimes the promotion and staffing processes act against the interests of local communities. As members gain experience and opportunities for promotion, they often end up moving into different lines of police work, and particularly in rural policing, this may involve transferring to a new community. Small rural communities are thus confronted with an ever-changing cast of RCMP members, many of whom spend only a limited time in the community.

A recent trend in some RCMP divisions is to combine smaller detachments into more centralized hub service delivery centres. In some areas, this has been driven by the challenges of getting members to live and work in rural locales and an effort to find greater efficiencies in the cost of service delivery. Communities, however, tend to be less inclined toward such a centralized structure

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since it further distances police officers from the communities they serve (Ball, 2018; Briere, 2020; CBC, 2020; Funk, 2019). We would argue it also tends to emphasize a service delivery model that focuses on responding to calls for service while limiting community involvement and contact.

The RCMP's organizational culture and doctrine has long held that with few exceptions, regular members can and should be moved through the ranks of the organization, learning on the job, without having to acquire the specialized knowledge or experience required in different work areas (Leuprecht, 2017; Maher, 2020). While that tenet may have been suitable in the past, contemporary policing entails increasingly complex and changing requirements, and adherence to this one-size-fits-all and learn-on-the-job model is both anachronistic and inefficient. Like federal and national security policing, contract policing in rural communities has its own distinctive experience, knowledge, and skills requirements that are not necessarily transferable.

### RCMP Institutional Culture

As described earlier in this report, the hierarchical and tradition-bound culture of the RCMP adversely impacts its abilities to adapt and change (Perrott & Kelloway, 2011). Research (Taylor et al., 2022; Murphy & McKenna, 2007; Stamper, 2006; Lunney, 1998) has repeatedly shown that rigid paramilitary cultures of this nature tend to:

- impair the quality of problem-solving and decision-making;
- promote risk aversion;
- discourage innovation and creativity;
- promote a low tolerance for ambiguity;
- encourage conformity and a common worldview;
- discourage diverse and critical thinking;
- value action over reflection and analysis; and
- censure internal critics.

RCMP culture places undue importance on rank authority and command and control systems and structures. While these are important during some operational circumstances, they can be counter-productive in terms of collaborative and collective problem-solving and run counter to many of the new requirements of a modern policing (Murphy & McKenna, 2007). Like police elsewhere, the organizational culture at the front line also places greater value on the enforcement and investigative roles than on other community-oriented and preventative activities, which are not generally considered as important or exciting. As Angela Workman-Stark, a former RCMP officer, has explained, "the traditional crime fighter style is still the predominant style associated with patrol officers" (Workman-Stark, 2017: 26), adding that culture downplays the "social service aspects of the job that are perceived as feminine work" (22). The challenge for the RCMP in rural policing is creating and sustaining a police culture that values and appreciates crime prevention and community policing work as much as it does enforcement and investigative police functions.

### A Monolithic Organization

Multiple reports and commissions have questioned whether the RCMP has become too big to function effectively and whether it tries to be too many things to too many different stakeholders

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(Leuprecht, 2017; Maher, 2020; Gerster, 2021). The short answer, in our view, is yes, but it doesn't necessarily have to be so. It has long been argued that, like other large and complex organizations operating multiple business lines, the RCMP should reconsider its current organizational structure (Leuprecht, 2017). By reorganizing around its primary functional areas, it would be able to develop more appropriate and specialized expertise and leadership specific to those areas and ultimately improve upon the services delivered in each business line. In part, this means that contract policing and federal policing would be organized separately as different strategic business units, each with their respective policies, human resource requirements, and procedures, all of which would be designed to support that specific business line. Under this scenario contract policing would be a separate and complete policing service.

### Organizing for Improved Outcomes at the Community Level

As the costs of policing continue to stretch the financial limits of local and provincial governments, the RCMP needs to demonstrate more flexibility and creativity in how it organizes local policing services. This is necessary in order to collaborate with communities and other agencies to promote community safety and well-being. For instance, expanding its use of alternatives (e.g., community constables, etc.) instead of fully sworn officers could enhance community engagement, while reducing demands on its finite and more costly fully sworn police resources.

The RCMP's Community Program Officer (CPO) program represents one of these creative solutions. CPOs are civilian employees of the RCMP who work with communities to reduce and prevent crime (RCMP, 2018b; RCMP, 2020). Such roles are suitable for individuals with a deep interest in building community capacity to reduce crime and who bring appropriate educational credentials (e.g., in criminology, sociology, social work or criminal justice studies) and some experience in community development. The benefits of the CPO program include:

- Individuals are hired to do this specific function in a given community and can be dedicated to the role over the long term, thus providing continuity and developing the broad base of relationships required of such roles.
- The cost of a CPO is a fraction of the cost of a sworn police officer, with no requirements for ongoing mandatory training and re-qualifications (e.g., firearms).

A seasoned CPO can serve as a central node in the local community safety and well-being/crime prevention system, galvanizing the efforts of multiple traditional and non-traditional partners toward shared goals and objectives. An ideal CPO would be highly knowledgeable in the field of crime prevention, community policing, and community safety and would know what resources are available, including available grants from provincial and federal governments and private and philanthropic sectors. There are currently very few CPOs across the RCMP.

The RCMP Community Constable program, which ran from 2011 to 2017, offered another alternative. Community Constables were armed, uniformed peace officers. With linguistic, cultural, and geographic knowledge of the communities in which they served, they were intended to focus on crime prevention through community engagement but were to be prepared to provide

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operational support as and when required. An internal evaluation of the program revealed that program direction and governance was lacking, and the Community Constables appeared to be spending more time conducting law enforcement than crime prevention (RCMP, 2018a). Notwithstanding, community stakeholders indicated satisfaction with the program, suggesting that it had a positive impact on relations between the RCMP and the community and made the RCMP more accessible (RCMP, 2018a).

If the RCMP were to look at these and other flexible and innovative models of service delivery, they may not require additional funding to improve services. The RCMP's recent announcement of hiring 35 civilian criminal investigators to support financial and cybercrime investigations (Northcott, 2021) may suggest a new willingness to move in this direction.

There are, of course, other alternatives that provincial governments can also consider, independent of the RCMP. The Alberta Peace Officer program<sup>2</sup> and the Community Safety Officer programs in Saskatchewan<sup>3</sup> and Manitoba<sup>4</sup> are excellent examples of second-tier peace officers who can assume responsibility for a range of low-risk-to-harm activities traditionally performed by the police, thereby reducing demand on finite police resources (CSKA, 2020; Purdy 2017). The bottom line is that it increasingly unfeasible for costly, fully sworn and trained police officers to be responsible for all aspects of local policing.

### Administering Policing Contracts

The Provincial Policing Service Agreements (PPSA) and Municipal Policing Service Agreements (MPSA) offer opportunities for the provincial governments and local communities to have greater input in the selection of detachment commanders. The PPSA provides that:

- a) At the request of the Provincial Minister, prior to the appointment of a detachment commander in the Division, the Commanding Officer will consult with the Provincial Minister; and
- b) The Provincial Minister may also request that the Commanding Officer consult with the community, in which case such consultation is to be undertaken in accordance with the RCMP's policies on community participation.

<sup>2</sup> See the Alberta webpage "Peace Officers: Overview," <https://www.alberta.ca/peace-officers-overview.aspx> (accessed 26 May 2022).

<sup>3</sup> See the factsheet "Community Safety Officer Program" (no date), available at [https://suma.org/pub/sumaorg/uploads/documents/CSO\\_Program\\_Factsheet\\_2019.pdf](https://suma.org/pub/sumaorg/uploads/documents/CSO_Program_Factsheet_2019.pdf).

<sup>4</sup> See information concerning the Manitoba CSO Program on the policy factsheet (updated January 2019), available at [https://www.gov.mb.ca/inr/publications/lqdmpp/protective\\_services\\_policies/pubs/policy\\_ps2.pdf](https://www.gov.mb.ca/inr/publications/lqdmpp/protective_services_policies/pubs/policy_ps2.pdf); and the recent CSO hiring announcement by the city of Thompson, at <https://mkonation.com/mko/wp-content/uploads/CSO-Ad-March-2022.pdf>.

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MPSAs also provide that before appointing a detachment commander, the Division commanding officer will consult with the municipality CEO and that the CEO may request that the community be consulted.

However, the reality is that many local governments and communities do not exercise these opportunities to provide input where policing services are provided or into the selection of their RCMP detachment commander, which is in stark contrast to municipalities that actively select their police chief. The lack of local input greatly limits the ability of communities to ensure that local detachment model of policing and its policing priorities are in accordance with community needs and expectations.

### Towards Community-Engaged RCMP Rural Police Service

Improving community safety and well-being outcomes requires collaboration between the police and other social and public health agencies and community-based organizations. To be effective in providing a more community-engaged police service, the RCMP must, in our view, be more:

- Responsive and adaptable
- Innovative and progressive
- Results-oriented
- Collaborative

#### Responsive and Adaptable

The RCMP must align its priorities, strategies, and activities with the interests and expectations of local communities. In emphasizing its law enforcement and investigative functions, the RCMP places far less weight on proactive community engagement and crime prevention activities. Community policing starts with a good understanding of the history, needs, interests, and expectations of the local communities being served. Community members, including local business owners and other human service providers, have important perspectives that should be taken into account as the police and police advisory boards develop and implement policing plans. However, the degree to which such community consultations occur is often a function of the receptivity of the local detachment commander. Where detachment commanders are actively involved in the community and open to such input, the community is able to express their policing needs and priorities and influence local policing service. Alternatively, if a detachment commander has a more traditional view of policing, they will not likely pursue or participate in engaging the community.

#### Police Advisory Boards

As in many provinces served by the RCMP, Nova Scotia Police Act that provides for the creation of police advisory boards (PAB) for communities policed by the RCMP. But Nova Scotia legislation goes beyond most, in that it *requires* that municipalities served by the RCMP establish a PAB. The boards serve as conduits for community input into local policing and community safety priorities and strategies. They are mandated to “provide advice to the council in relation to the enforcement of law, the maintenance of law and order, and the prevention of crime” (NS Police Act, s. 57). Furthermore, pursuant to s. 57(3), these boards are also directed to:

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- a) Determine, in consultation with the chief officer or the chief officer's designate, priorities, objectives, and goals respecting police services in the community;
- b) Ensure the chief officer establishes programs and strategies to implement the priorities, objectives, and goals respecting police services;
- c) Ensure that community needs and values are reflected in policing priorities, objectives, goals, programs, and strategies;
- d) Ensure that police services are delivered in a manner consistent with community values, needs, and expectations.

The deficiencies of municipal police governance in Canada have long been reported on (CBC Ideas, 2003; Sheard, 2016; Roach, 2022; Kelcey, 2022) and range from a lack of resources to provide effective governance in an increasingly complex environments and a lack of training for board members to legislative frameworks that fall short of providing sufficient authority to boards to enable them to properly carry out their functions. Some of these issues may extend to PABs. For example, in May 2020 the Colchester County Municipal Council discussed the fact that the local PAB had not met in over a year, and there had been no progress or updates provided by the RCMP during that same period (Colchester County, 2020).

When PABs are inactive and ineffective, community stakeholders are deprived of an opportunity to express their policing needs and priorities or obtain an accounting of the activities and operations of their police service. Any serious attempt to improve communication and cooperation between the RCMP and local communities must begin with an active and informed relationship between local PABs and the RCMP. PABs provide a mechanism for community consultation and accountability that could become the foundation for a more community-engaged local policing service.

#### Results-Oriented

It is often said that "what gets measured gets done." Like many police agencies, the RCMP still tends to measure traditional crime-related statistics, such as reported crime clearance rates, as measures of their success in delivering police services (Mazowita & Rotenberg, 2019). This reflects an organizational culture that emphasizes its law enforcement and investigative functions over less measurable activities that are focused on crime prevention and broader community safety and well-being goals (e.g., perceptions of safety and experiences with the police). It is important that the measures of community safety and security also be seen as results and communicated by local communities through the PABs.

#### Collaborative

In its 2014 report "Policing Canada in the 21<sup>st</sup> Century: New Policing for New Challenges," the Council of Canadian Academies expert panel observed that police organizations need to fully adapt to the emerging "safety and security web" that characterizes how community safety and security is actually being organized and delivered. In this model, a multitude of public, private, non-profit, and community groups interact with one another and the police to improve outcomes. As

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the panel further noted, “Although the police have begun to adapt to the evolving context, more change is needed if they are to overcome their many organizational and operational challenges, including the rising costs of policing” (Council of Canadian Academies, 2014: xi). The panel also noted that partnering in ways where the police are not necessarily leading may require specialist skills in developing and managing cross-sectoral partnerships.

Local policing partnerships and collaborations are not determined by explicit RCMP policy but by the particular character and policing style of the detachment commander. We have spoken with local officials in different communities who have expressed their appreciation for the progressive and collaborative approaches of a particular detachment commander, only to have that individual transferred and be replaced by a more traditional manager who retrenched to having limited effective contact and communication with the community. For community collaboration to work, RCMP policy and its personnel promotion selection processes should be more explicit in selecting for compatible detachment commanders who are committed to being open and willing to work with the communities they serve.

### Summary

The RCMP’s desire to achieve excellence in local police service delivery is often hampered by its historical broad and complex policing mandate and its centralized paramilitary organization and culture. Operationally, the RCMP is considered competent and capable in conducting its law enforcement and investigative functions, and individual members consistently work hard seeking to meet or exceed community expectations. When fully staffed and led by open-minded, effective leaders, the RCMP tends to be favourably viewed by its contract partners and communities.

Unfortunately, the RCMP’s centrally driven organizational structure and traditional police culture, together with a myriad of bureaucratic internal policies and practices, too often impair its ability to ensure that detachments are fully staffed, have community-compatible leadership, and have the latitude to respond and adapt effectively to evolving local policing needs.

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## **PART 3**

# **COMMUNITY-ENGAGED RURAL POLICING PRINCIPLES, PRACTICE, AND MODELS**

## PART 3: COMMUNITY-ENGAGED LOCAL POLICING: PRINCIPLES, PRACTICE, AND MODELS

## A. Community-Engaged Rural Policing

Our review of the history of police reform and rural policing indicates there has been a gradual transformation of policing in general and rural policing in particular, from being community-based, with broad policing responsibilities, to a more limited but professionalized policing model. To limit cost and increase response capacity, many small independent police services have been amalgamated or have been replaced by detachments of provincial or RCMP contract police. While providing stable and standard local law enforcement services, they have adopted a policing model that is primarily reactive and too often minimally engaged with the local community.

Because of the limited resources and dispersed nature of rural populations over large geographic areas, police time and effort tend to be consumed by responding to calls for service. This leaves few police resources for preventative policing and various community policing activities. As rural police no longer necessarily live or are stationed in the community, police contact with the rural residents tends to be infrequent, formal, and limited. Without regular personal contact, rural police often lack the critical “local knowledge” required to anticipate and resolve potential and existing community safety and security problems. In turn, local citizens limit their communication with a distant “drive-through” police service to making formal complaints or reports. This lack of regular personal contact and communication between police and their public results in a policing model sometimes described as “strangers policing strangers”.

While the conventional policing model is effective in responding to immediate demands or complaints, its failure to have adequate community information makes it less effective in preventing community crime and safety problems. We believe a community-engaged model of rural policing would provide both a more informed conventional police response and a solid foundation for preventing and enhancing community safety and security.

This next section outlines what an ideal community-engaged rural policing (CERP) model would look like. We begin by identifying some its key distinctive policing principles, its organization and management structure, and a variety of best practice strategies and programs that have been used to operationalize community-engaged policing in Canada and elsewhere.

### Community-Engaged Rural Policing (CERP): Principles and Practice

Community-engaged rural policing:

- Is not a new or alternative model of conventional policing but one that reinforces the role of the police as a community institution that is proactively involved with the community/public in the collaborative production of community safety and security;
- Is operationally independent but directly accountable to the local community and local government by actively communicating and engaging with the community to establish policing priorities, policies, and programs;

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- Is committed to a mandate that goes beyond crime control and law enforcement to encompass a broad range of social and preventative policing activities that contribute to general community safety and security;
- Allocates adequate police resources to do both *reactive* and *preventative* community policing;
- recognizes that effective local policing requires community-generated information and intelligence;
- proactively seeks community engagement through various modes of formal and informal public contact, communication, and partnerships;
- is based on an understanding of the particular area or community being policed and the development of *community-specific* policing strategies and programs.

### CERP Organizational and Managerial Principles

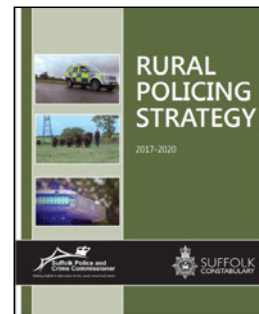
The following suggests how a CERP police service should be organized, structured, and managed to align with community-engaged policing principles and practices.

#### Community Engagement

Police management and the organization of police services should emphasize various modes and strategies of police contact and involvement with the community, beyond answering calls for service and investigating serious crime. There are multiple formal and informal ways a police service can be organized to engage local citizens and the community at large, but they all require management commitment and appropriate resources.

#### Community Accountability

As a community-oriented police service, management needs to be in regular communication with the public and various representative institutions of the community. It can do this through different communication and public accountability forums such as community police advisory boards (PABs), occasional community surveys, various forms of social media and electronic communications (e.g., Facebook, Twitter), periodic public meetings, and yearly reports to the community/government. Policing service data and objectives may be used as a basis for community feedback. As an example, see the report from the Suffolk Constabulary in the United Kingdom, “Rural Policing Strategy, 2017–2020.”



An example of community accountability: a policing strategy document from the United Kingdom

#### Community Partnerships

A CERP service should establish formal and informal relationships with local citizens and community agencies in order to initiate and participate in collaborative problem-solving. This could

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include the use of community volunteers (i.e., neighbourhood watch and citizen patrols) in conventional crime prevention programs and/or collaboration with community agencies as practiced in the Hub community safety and security model (see further below).

#### Community Safety and Prevention

Police managers must be prepared to allocate adequate policing resources and develop strategies designed to prevent crime and enhance community safety. This means orienting police services to identify emerging community safety issues and risks before they become serious policing problems. This requires capacity to gather local community information, a commitment to both new and traditional crime prevention strategies, and other prevention approaches such as problem-oriented policing (see below) and multiagency problem-solving.

#### Community Police Presence and Access

When a police service is not physically located in the community or in the area, there should be strategies for establishing a visible and accessible regular police presence in that community. This can be done by maintaining a storefront police office, satellite offices, or police substation with scheduled police representation and/or deploying a community-embedded police service officer who represents the police service in that community.

#### Local Managerial Autonomy

Where local policing services are provided by a detachment or a satellite of a larger regional or provincial police service, the manager of that service needs to have adequate managerial authority and autonomy to develop community-specific policing policies and priorities. This means giving priority to local policing needs and may require a management approach or style that differs from the prescribed standard model.

#### Information-Based Management

A modern CERP model should be intelligence- or evidence-based. This requires an active emphasis on the collection and analysis of community information. A community-engaged police service should be organized to receive, collect, and analyze community information and use it to inform both conventional response and preventative policing strategies.

### **Community-Engaged Policing Strategies**

There are a number of best practices and innovative strategies that have operationalized the principles of community-engaged policing. These evidence-based strategies have been utilized with success in different policing locations and could be implemented to address some of the challenges facing rural policing.

#### Managing Police Response

Because of limited police resources and the variety and volume of calls for police service, many police organizations have developed or adopted programs to manage, rationalize, and prioritize

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the public demand for a uniformed police response. Unless calls for service are efficiently managed, police time and resources are almost entirely consumed by trying to keep up with escalating demand for in-person police response. To deal with this problem, police have developed differential response programs that establish call priorities and, depending on the nature of the call, allocate different types of police response. By redirecting and delaying some calls, it frees up police resources and expertise to other important proactive policing tasks. Managing calls for service is especially critical in rural policing, given the time it takes to respond calls in geographically dispersed policing areas. An effective rural police service must find ways to manage the demand for police service in a way that satisfies the public but also rationalizes its limited resources. Many urban and rural police services, including the RCMP, use some version of calls for service management (Sumrall et al., 1981).

#### Community Patrol Strategies

Most uniformed rural police services are delivered to the community through mobile police patrol. The standard model of random police patrols in rural areas accomplishes very little and offers little reassurance or access to the people and communities being policed (Kelling et al., 1977). A variety of more effective patrol strategies have been successfully implemented in police services:

- Directed Patrol is a patrol model that directs patrol officers towards specific policing objectives, usually defined by some sort of crime analysis or problem-solving.
- Community Patrol emphasizes police visibility and personal contact by finding ways for officers to get out of their cars and make more direct contact with members of the public. This can be done in a variety of ways such as regular storefront visits, scheduled coffee stops, and (where feasible) occasional foot patrol. The point is to maximize personal contact with the public when officers are not directly answering calls for service.

#### Problem-Oriented Policing

Most policing is complaint- or call-driven. Police are expected to respond and try to resolve a call quickly in order to be available for the next call. Most calls are viewed as discrete events, and further involvement by the responding officer is limited. However, some calls or incidents—especially if they are unresolved or repeat calls—suggest there is a bigger problem that requires further police involvement and/or a different response. A common example of this is repeat domestic violence calls. Instead of responding to each call as a separate incident, often by different officers, these related calls can be regarded as a problem to be solved by further investigation. This problem-solving approach has been formalized into something called “problem-oriented policing” (POP).

POP is a long established but not widely used strategy that encourages officers to think critically and creatively about policing problems that have not been resolved by standard police response. It involves identifying issues that deserve further exploration and analysis and encourages creative police responses to solving those issues. POP programs have been successfully employed in police services throughout North America and Great Britain and can be easily adapted for use in small



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rural police services or to address reoccurring problems without additional cost (Goldstein, 1979; Goldstein, 2003).

### Community Safety and Multiagency Response: The Hub Model

Concerned about the limited impact of reactive policing on some persistent community policing problems, police leaders have been exploring new ways to more effectively identify and address developing threats and risks to community safety. While most police prevention programs typically target a specific crime problem, a new multiagency preventative strategy called the “Hub model” focuses on at-risk individuals and situations of risk to a community:

The Hub model was developed in Scotland and adapted to the Canadian context in Saskatchewan. It is a multisectoral, collaborative, risk-driven approach to intervention that involves the rapid mobilization of appropriate resources to intervene in and support the immediate needs of individuals experiencing acutely elevated risk of deleterious safety or well-being behaviors. Hub is not a policing model, per se. Rather, it is one part of a community safety model designed to improve a much broader set of social outcomes, including reducing crime, violence, and victimization. As such, this is a model in which policing has a vital role to play, alongside others, and from which policing has much to gain (McFee & Taylor, 2014).

This multiagency approach uses the combined resources and expertise of police and community agencies to address community safety problems. Where the Hub approach has been implemented, there has been a reported decline in selected crime and community problems and greatly enhanced collaboration and communication between police and community agencies (Nilson, 2014). The Hub approach seems especially adaptable for small communities where at-risk individuals and situations are better known and where early multiagency intervention is likely to be more effective. The Hub model is an example of evidence-based community safety and policing. It uses risk data and measurable outcomes to validate its value and impact. While requiring a police commitment and limited training, it has proved to be an effective tool for preventing and addressing community problems that otherwise would not be addressed by conventional police response.

#### Community Police Service Officers

Most police services have limited non-enforcement contact and involvement with the public they police. The resulting gap has encouraged police to experiment with different ways of addressing this disconnect. Typically, a force will assign an individual police officer to a specific neighbourhood or community, and that officer will be solely responsible for community engagement and crime prevention. While some officers are reasonably effective in this role, many lack the background skills and temperament for sustained community engagement. Police often view such deployment as a public relations exercise and an inefficient use of scarce police resources. Moreover, most small police services don't have enough police officers to assign permanently to a specific community or area (Weisburd, Farrington, & Gill, 2017).

When a police service is located a distance from the community, there is a particular need for some sort of consistent, visible, and accessible police presence. Recognizing the problem, some police

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services have created a new kind of community police position. “Community officers,” either civilian or police members, are stationed in the community permanently to provide services such as information-gathering and communication, follow-up investigation of minor complaints, communicating with victims and complainants, enforcing community bylaws, and maintaining various community policing and crime prevention programs. While the community benefits from a community officer’s presence, the police service also gains a reliable and informed source of local knowledge that can assist police in their regular duties. When properly planned, implemented, and managed, a dedicated community officer can provide an effective, less expensive community policing alternative.

Perhaps the most extensive use of community officers has been in the United Kingdom, where over 12,000 Police Community Service Officers (PCSO) positions have been created since 2008 (O’Neil, 2019). PCSOs have limited law enforcement powers, but a broad range of community policing responsibilities. They are assigned exclusively to develop community relationships and deal with a range of community problems that regular police have neither the time nor the knowledge to address. They are both a police presence in the community and support for regular police services. Because they are not regular police officers, they can be recruited for different skill sets and from diverse social backgrounds and have lower salary levels, which makes them appropriately skilled and cost-effective. Their introduction has proved popular with the public despite some internal implementation problems (Higgins, 2018). The British government remains committed to PCSOs as the key to a community-engaged model of police service (Higgins, 2018).

As described in Part 2 of this report, Canada has made some similar but smaller-scale attempts to develop a community alternative to deploying regular police officers, including the RCMP’s civilian community program officers (CPOs) and special community constable programs. However, despite the apparent need and cost effectiveness of community officers, there is an apparent reluctance by many Canadian police services and their police associations to support using this alternative to regular police to perform community policing functions (Huey et al., 2020).

### CERP Implications and Requirements

Developing and implementing a CERP model requires recognition of the problems and limitations of the existing rural policing model and, further, requires that the police, community, and local government come together to implement community engagement strategies. This tripartite arrangement requires each sector to meet some minimal requirements in order to move the community engagement agenda forward.

#### Police

Police need to acknowledge the limitations of the current rural police service model and commit to providing a more community-engaged policing model. A renewed community-based model of police service commits to being both preventative and reactive and allocates adequate resources and expertise to make it possible. This change requires local management autonomy for local detachment commanders, a style of police management that is flexible and analytical, and a willingness to experiment with a variety of community-specific engagement strategies. While these

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are incremental changes to the current policing model, they nevertheless represent real change. As such, they may present significant challenges to the general organization and management practices of the RCMP's standard contract policing model.

### Community

A community-engaged model of rural policing requires the public and community to actively seek changes to the current service model and be willing to advocate and support the changes required. Without public pressure or demand for change, it is unlikely that change will take place. A community-engaged policing model requires community advocacy and participation in community-based policing initiatives and programs. Communities and their agencies need to actively collaborate with police in the program they develop to enhance community protection and security. An enhanced and community-engaged model of local police service may require more financial investment in local policing and local taxpayer support.

### Government

Both provincial and local governments need to be more actively involved in the governance of rural policing. As representatives of the community, they must hold the police accountable for the quality and effectiveness of local police services. They must, as representatives of the community, effectively communicate community safety interests and policing concerns to the police. Informed local police governance is based on a knowledge of the actual operations and policies used to deliver police services in their jurisdiction. Local governments and police boards need to have regular consultation and meaningful exchanges with police management, in addition to yearly reporting. Improving local police governance may require more support for police boards, commissions, and other community committees. Where there is a demonstrated need for community-engaged police service, increased local government funding may be required, which should be tied to specific community policing policies and demonstrable outcomes.

## Summary

This report has argued that a CERP model is the best response to the special challenges and limitations of rural policing. We have outlined the key principles of a community-engaged policing model, with an appropriate organizational and managerial structure, and a variety of possible community-engaged policing strategies and programs. A community-engaged policing model can address many of the challenges of community-distant rural policing service and will improve the effectiveness of conventional police response. While a community-engaged model may require some rethinking, reorganizing, and adjusting, it does not require dramatic transformational change or a significant increase in police resources.

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## B. Alternative Models of Community-Engaged Local Police Service

We now turn to examine three alternative models for the delivery of community-engaged local policing and to assess the potential benefits (pros), limitations (cons), and the organizational and fiscal requirements of each option. This will provide a basis to compare and contrast potential policing alternatives for CERP in Nova Scotia. The models are (1) the RCMP detachment model, (2) a local municipal police model, and (3) a provincial police model.

### RCMP Detachment Model

We want to preface this analysis by acknowledging that the RCMP has significant organizational strengths that contribute to the overall safety and security of all Canadians. Frontline members and employees are diligent in their efforts to meet or exceed the expectations of the variety of communities they serve. The issues we explore here focus on the institutional and organizational aspects of the RCMP and are not a reflection on the professionalism or humanism of those employees working every day, often under arduous circumstances, to serve their communities.

#### Benefits (Pros)

- Historically, the RCMP has offered a lower-cost policing model than alternative police agencies could. The federal contribution<sup>5</sup> to overall local policing costs is an important consideration for many communities (Public Safety Canada, 2019; Roach, 2022: 144).
- Under the RCMP detachment resourcing model, compared to other police agencies, the RCMP calls upon fewer officers to undertake the same levels of work. This cost advantage may change as a result of the recent unionization of the RCMP.
- The RCMP is unique in the Western world in that it provides a fully integrated law enforcement and intelligence-gathering policing model across its business lines (e.g., contract policing and federal policing).<sup>6</sup> At least conceptually, this provides a seamless approach to understanding and addressing the myriad of issues occurring in rural communities right through to the international arena. Furthermore, the integrated model provides a high degree of adaptability for communities facing either foreseen or unforeseen challenges.
- Its centralized and unified command structure allows the RCMP to share or exchange resources within and across, its business lines (e.g., federal and contract policing). For

<sup>5</sup> The cost-sharing arrangement with the federal government may be of particular importance during times of fiscal austerity. Under the current twenty-year agreements (in effect to 2032), the federal government pays a share of the policing costs of contract jurisdictions. Provinces, territories, and municipalities with populations under 15,000 now pay 70%, and municipalities with populations over 15,000 pay 90% of eligible costs.

<sup>6</sup> The other two RCMP business lines are specialized policing services (formerly known as national police services) and corporate services.

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example, the RCMP is able to mobilize personnel from across its various business lines when a surge of resources is required for local planned or unplanned major events or local emergencies.

- Its national standards ensure that the RCMP maintains consistent levels of policing across the Canadian jurisdictions it serves.
- The RCMP provides a high calibre of basic and advanced training, further supported by a strong regimen of mandatory maintenance training requirements and certifications (e.g., firearms training, first aid, etc.).
- The detachment model described earlier has proven useful in ensuring professionalism and independence, making it less likely to be swayed by local political or social pressures (i.e., to selectively enforce the law). In other words, they have a history of enforcing the law and delivering police services “without fear or favour” (Murphy, 1991: 335).
- The men and women who make up the RCMP come from all backgrounds and parts of Canada. Communities benefit from the diversity and infusion of new perspectives from across the country.

#### Limitations (Cons)

- The RCMP continues to be pulled in multiple directions across the breadth of its broad mandate.
- The absence of effective local civilian governance (police advisory boards) can result in the RCMP detachment commander setting priorities and strategies with little community consultation. While the legislated mandates for police advisory boards in Nova Scotia offer the opportunity for effective local governance, the reality is many police boards across Canada fail to provide effective police governance (CBC Ideas, 2003; Roach, 2022; Kelcey, 2022).
- RCMP partners have long expressed the desire for increased RCMP accountability to local governments and communities. This includes more effective relations with police advisory boards, greater input into the selection of detachment commanders and other key leadership positions and greater input on issues such as the integration or regionalization of policing services (Britneff, 2022; personal communications between Cal Corley and a variety of relevant stakeholders).
- The levels of community engagement on issues such as establishing local policing priorities is often a function of detachment leadership (i.e., whether the detachment commander is inclined toward such consultation) and can fluctuate dramatically from one commander to the next.

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- The adaptive capacities of detachments can be limited by internal RCMP policies and procedures that may establish barriers to deviating from district, divisional, or national priorities or policies.
- The RCMP human resourcing model can inadvertently impede the local ability to effectively identify and implement innovative solutions and approaches. Local solutions must be tailored to local conditions, which in turn requires an in-depth and nuanced understanding of multiple elements of the community itself.
- RCMP officers in rural settings may not be able to develop such in-depth knowledge due to factors such as not having been raised in rural settings or having only limited exposure and involvement in the particular community.
- Turnovers in senior leadership positions can place innovations in a precarious state since, in the absence of effective police governance, every new leader can discontinue or at least not support novel approaches or other changes established by the previous regime.
- Internal RCMP culture, accentuated by a lack of resources in detachment policing, enhances the importance of its law enforcement and criminal investigative roles. Though not unique to the RCMP, there is far less emphasis given to proactive community engagement and crime prevention activities. As McKenna (2008) has noted, the police have “a much greater appetite for presenting themselves as crime fighters ... than as community leaders or agents of social change” (4).
- RCMP detachments generally track and report on outputs of activities (e.g., calls for service, traffic tickets issued, rates of crime, clearance rates, etc.) but not the outcomes or impacts of proactive and preventative efforts. Such traditional measures of police performance do not generally provide the insight into how these output-focused measures can lead to improved community safety outcomes. Without measuring outcomes, the detachment is unable to provide evidence that its activities are producing the desired results. All of this translates into what detachments provide by way of updates to police boards and local councils. The nature, depth and frequency of these interactions between detachment commanders and police advisory boards shape important qualities of the relationship between the detachment and the community. This can have important implications for collaboration, accountability and the effectiveness of service delivery.
- Communities are beholden to the RCMP’s recruitment and staffing processes, which have to prioritize requirements across Canada and often result in significant limitations in the ability to staff vacancies in a timely manner. The federal government and the RCMP have acknowledged the recruiting challenges and implications for contract policing (Public Safety Canada, 2019). RCMP partners over at least the last twenty years have expressed frustration over the organization’s inability to respond to resourcing requests in a timelier fashion.
- Local and provincial governments have also long expressed concern and frustration over the disconnect between RCMP financial cycles and corresponding information flows (e.g.,



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upgrades of weaponry, new equipment requirements, etc.), which often do not align with local planning cycles, thus causing angst among contracting partners (CBC, 2016).

- Internal policies and some federal legislation (e.g., the Privacy Act) can inhibit the RCMP's ability to share data and information with partner agencies in a timely manner, thus affecting inter-agency relations and cooperation.
- The single national pay scale for RCMP officers does not provide flexibility to adapt to local economies.

### Local Municipal Police Model

Another alternative lies in a single community or multiple communities establishing their own local police service. This option provides the government with an opportunity to start afresh—to design and implement a fit-for-purpose police agency to meet the contemporary and evolving requirements of the communities served, to build the initial workforce with the requisite skills and abilities, and to set in place a workplace culture that is aligned with these requirements.

#### Benefits (Pros)

- A local municipal police model provides local control over its policing services. The police board is able to select and hire a chief of police who shares their vision. The chief can be mandated to implement a strategic plan to achieve such vision and be assessed against measurable results and outcomes. The average chief of police in Canada serves just over five years in role (Hodgkinson, 2022), a longer duration than the average RCMP detachment commander.
- Assuming a greater emphasis on recruiting local officers, a municipal police service would be more familiar with the communities and surrounding rural areas, including local culture, values, history, relationships with neighbouring communities, what local capabilities and capacities may be called upon in a community safety (CERP) context, and social structure (both formal and informal).
- Pay and benefits can be tailored to local economies. However, it is unclear given unionization whether over the mid to long term there would be any financial advantage in having local unionized police officers.

#### Limitations (Cons)

- This model is not eligible for the current federal contributions, which means that at least theoretically, the costs of local policing would increase by up to 30%. This does not account for possible provincial grants or other funding arrangements. Similarly, it does not account for potential one-time start-up costs.

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- The range of in-house policing expertise and specialization (e.g., canine, major crime investigations, etc.) in a small rural police service would be limited, with cost-back arrangements negotiated with larger entities to provide such services when required.
- A stand-alone local police service would not be able to provide enhanced levels of service (e.g., advanced forensic identification services, major case management, etc.) from within one integrated police agency, as is currently provided for under the policing contract with the RCMP. This could add considerably to the cost of this model.
- The limited size and resources of a municipal rural police service may limit the attraction and retention of highly qualified or specialized police personnel.
- A unionized local municipal rural police service might limit the flexibility and efficiency of the agency by imposing rules that limit numbers of officers, hours of work, etc., which may add to the cost and/or reduce effectiveness. A municipal service may need more personnel to police rural areas than previous RCMP resource levels, thus adding significant cost.
- As a municipal government service, a municipal-based rural policing service may prioritize its municipal policing functions and responsibilities at the expense of its rural policing requirements.

#### Provincial Police Model

This approach would see Nova Scotia create its own provincial police service with responsibilities that include rural and small-town policing. This option would give the provincial government an opportunity to design and implement a fit-for-purpose provincial police service to meet the province's contemporary and evolving requirements.

#### Benefits (Pros)

- A provincial police service could reflect the unique characteristics of the province and could be largely staffed by personnel with strong roots in the province. It could therefore have greater sensitivity and understanding to local culture, customs, geography, etc.
- A provincial police model would allow for stronger provincial control over policing, together with a police agency that is solely accountable to the province and its communities.
- There would be opportunity to integrate back-office functions (e.g., human resources, information technology, etc.) with existing Nova Scotia services and infrastructure, thereby creating efficiencies.
- As a large organization, provincial police would have the scale to invest in specialized and enhanced services, research, and development, etc. on behalf of all police agencies in the province. Furthermore, it would provide enhanced policing support (e.g., major crimes investigations) to small police agencies.

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- Such a model would provide a more predictable level of police service and uniformity so that policing services would be more equitable among areas of the community.

Limitations (Cons)

- Evidence suggests that transitioning to a provincial police service would entail substantial additional costs to be borne by provincial taxpayers. First, the province would no longer benefit from the current 30% federal contribution to provincial policing. Secondly, there would be substantial costs associated with transitioning to a provincial police service. For example, the recent study into the potential transition to a provincial police service in Alberta estimates a one-time start-up cost of \$366 million over the anticipated five-year transition period (Dawson, 2021; PriceWaterhouseCoopers, 2021).
- Provincial police detachments would have many of the same resource challenges and service limitations as the local and regional RCMP detachments they would be replacing.
- Provincial control and policing standards would likely be a priority over local community control and standards, so there would not necessarily be local political advantage to this arrangement.

**Conclusion**

While both the municipal police and provincial police models should be in better positions to know and understand communities and their safety and security needs, this would not necessarily translate into more responsive and accountable community-engaged policing. In fact, most police agencies across Canada have adopted the conventional reactive model of professional policing.

The RCMP has an opportunity to take stock of nearly twenty years of both internal and external recommendations for reform and to make adjustments to its structure, policies, and internal culture that could address most of the issues surfaced in this and other critiques of its performance. However, it must know that history is not on its side; its record of reform is in itself cause for concern (Leuprecht, 2017; Perrott & Kelloway, 2011).

Ultimately, any one of these three models could support a community-engaged policing service—but only if the police agency, the communities, and local/provincial governments are collectively committed to delivering the kind of policing rural communities require. Each model has its own advantages and disadvantages. It will be up to the communities themselves to decide the kind of police service they want to address their particular safety and security concerns.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Firearm Regulation in Australia:  
Insights from International  
Experience and Research**

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## **I. Development of Firearm Regulation in Australia**

### **1. Pre-1996 Context**

#### *A. Firearm Ownership and Firearm Violence*

Australia's relationship with firearms before the 1990s could be described as permissive and accepted. Despite a high degree of urbanisation, the notion of the Outback (with its associated gun ownership) loomed large in the popular imagination. Data were scarce due to poor record-keeping, but in 1988, when the country's population was sixteen million, it was estimated that one quarter of households contained a gun; the total civilian arsenal was estimated at 3.5–3.75 million firearms, or one gun for every four people, having risen from one gun for every five or six people over the previous decade (Chappell et al., 1988). The weapons were mostly rifles and shotguns, with only about 5% being handguns (Harding, 1988). In contrast, handguns constituted about one third of the US arsenal in the 1990s (Alpers, Picard, & Pavesi, 2022b). The overwhelming majority of firearms in Australia were imported, as local manufacturing for civilian use was almost non-existent (Australia, 2018: 26).

Rates of death by firearm in Australia tended to be slightly higher than in most European countries but only a fraction of US rates (Alpers, Picard, & Pavesi, 2022c; Alpers, Picard, & Pavesi, 2022d). At least 75% of gun deaths were suicides (Kreisfield, 2006). Guns were the most common method of suicide and of homicide (Chappell et al., 1988) and especially common in domestic killings (Wallace, 1986; Condie, 1988; Neal, 1988). Mass shootings occurred about once a year (Alpers & Ghazarian, 2019).

#### *B. Firearm Regulation*

Before 1996, Australia regulated firearms more strictly than the United States but not as strictly as other democracies such as Japan, Canada, and some European countries (Swain, 1996). As in the United States, gun laws varied across the country because gun control was primarily a matter for the states and territories. The federal government's involvement was limited to regulating imports and exports, although the National Committee on Violence had recommended a federal



role in regulating gun sales within Australia (see discussion below). According to Reg 2c of the Customs (Prohibited Imports) Regulations 1956, all firearms were permitted for importation except automatic or semi-automatic rifles and shotguns suitable for use with detachable magazines that held more than five rounds, those ‘designed or adapted for military purposes’, and guns capable of being fired with the stock folded or removed.

The national regulatory patchwork encompassed wide variations among the eight Australian states and territories (Peters, 1996). Fully automatic weapons were banned in Western Australia, the Northern Territory, and the Australian Capital Territory (ACT) but permitted for collectors and/or film productions in the other states. Victoria required a special permit for semi-automatic centrefire (but not rimfire) rifles; Western Australia banned all centrefire weapons with detachable magazines; and Tasmania and Queensland made no regulatory distinction between single-shot .22 rifles and semi-automatic assault weapons. Some states required all guns to be registered, while others did not. All jurisdictions required a licence for purchase of firearms, but the screening process also varied, so a person barred from owning guns in one state could legally own them in another. For example, New South Wales (NSW) prohibited guns for anyone with a domestic violence restraining order in the previous ten years; but in Tasmania and Western Australia, even a current restraining order was only a ‘relevant factor’ to take into account. Some jurisdictions required licence applicants to prove their reason for having a gun (sport, hunting, agriculture), while others did not. As the federal government later admitted, the patchwork approach also led to diversion of firearms to the illicit market, ‘facilitated to an extent by loopholes in legislation and regulation, lack of oversight, and low penalties that were applied to firearm offences’ (Australian Government Attorney General’s Department, 2014: 3).

One element was consistent across the nation: relatively strict regulation of handguns. All jurisdictions limited these weapons to pistol club members and security guards, and all required the ownership and transfer of handguns to be registered with the police. Personal self-defence was not a legal reason for gun ownership; the only civilians allowed to carry loaded weapons were security guards.<sup>1</sup> In this regard, Australia was similar to European nations and Canada – and different from the United States, where, by 1997, 31 of 50 states required local law

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<sup>1</sup> In most jurisdictions, self-defence was simply not included in the list of legal reasons; but South Australia and NSW explicitly disallowed this reason in their laws, according to the Firearms Regulation 1990 and Reg 12 of the Firearms Regulations 1993.

enforcement ‘to issue permits to carry concealed handguns to any adult applicant who [did] not have a felony conviction or a history of serious mental illness’ (Webster & Ludwig, 2000: 2) This restrictive approach accounted for Australia’s low level of handgun possession and helped to contain firearm mortality compared to the United States (Polk & Ransom, 1991).

### *C. Pressure for Reform*

Since the early 1980s, concern about weak gun laws had been mounting in the Australian public health, women’s rights, and legal communities. Each high-profile shooting produced a burst of media coverage and public outrage, followed sometimes by an inquiry or expert review and occasionally by legislative amendments in individual states.<sup>2</sup> Recommendations for reform in the wake of such tragedies had been made by at least twelve expert bodies.<sup>3</sup> The most comprehensive review was conducted by the National Committee on Violence (NCV), established in 1989 after two mass shootings in Victoria (National Committee on Violence, 1990). The NCV examined all aspects and types of violence, direct and indirect contributing factors, victim support, as well as strategies for response and prevention. Over the course of a year, it held hearings around the country and received over 400 written submissions. Its 138 recommendations included about twenty related to firearm regulation. The NCV called for national uniform gun laws, uniform guidelines for enforcement, and the development of a national gun control strategy aimed at (a) reducing the number of firearms in Australia and (b) preventing access to firearms by individuals who were not ‘fit and proper persons’ (NCV, 1990). Some of the NCV recommendations were incorporated in amendments to the NSW Firearms Act in 1992, including seizure of guns from domestic violence offenders, safe storage requirements,

<sup>2</sup> For example, after the Strathfield shopping centre massacre in Sydney, the state parliament conducted an inquiry, eventually resulting in changes under the Firearms Legislation (Amendment) Act 1992 (Garcia, 1991; Moore & Clarke 1991). The most important changes were obligatory seizure of firearms and suspension of licences held by domestic violence offenders; a separate category of licence for self-loading centre-fire rifles and semi-automatic shotguns, with the requirement to provide a genuine reason; permitting ammunition sales only to firearm licence holders; safe storage requirements; and incorporation of a photo on gun licences. In addition, personal protection was explicitly excluded as a reason for possessing firearms. The changes did not include requiring registration or proof of reason for firearms generally.

<sup>3</sup> Women’s Policy Co-ordination Unit (1985); Australian Law Reform Commission (1986); Task Force on Domestic Violence (WA) (1986); Queensland Domestic Violence Task Force (1988); Social Development Committee (Parliament of Victoria) (1988); National Committee on Violence (1990); Joint Select Committee upon Gun Law Reform (NSW Parliament) (1991); Law Reform Commission of Victoria (1991); NSW Domestic Violence Committee (1991a); NSW Domestic Violence Committee (1991b); NSW Domestic Violence Committee (1991c); National Committee on Violence against Women (1993).

and stricter licence conditions for owners of semi-automatic rifles. However, the most critical recommendations for national uniform laws with a national firearm registration system were not taken up by the states and territories – a fact lamented by the NCV director after the Port Arthur massacre several years later (*'Beyond Gun Laws'*, 1996).

A grassroots campaign for gun law reform also gathered momentum from the mid-1980s. Australians who thought gun violence was a US problem were shocked as each shooting tragedy revealed glaring policy defects. They took to the streets in protest (see Voumard, 1991; Macey, 1996). Community and professional organisations adopted policy positions, lobbied politicians, made submissions to review committees and inquiries.<sup>4</sup> Their reform agenda was based on public health principles of prevention and on the recommendations from the NCV and the other reviews (Peters & Chapman, 1995).

By the mid-1990s the National Coalition for Gun Control (NCGC) brought together over 300 organisations, including public health and medical societies, women's groups, legal and human rights bodies, mental health groups, rural organisations, churches, trade unions, and associations of senior citizens, parents, young people, and crime victims. Participants ranged across the political spectrum, from the Country Women's Association to the Council for Civil Liberties, from the War Widows' Guild to the Gay & Lesbian Anti Violence Project. This diversity reflected the multiplicity of dangers that guns pose in society: some campaign members were especially concerned about domestic violence, others about crime on the streets, youth suicide, or occupational risks for police and bank tellers. Their common conviction was that guns are by design inherently dangerous products, the availability of which should be strictly regulated in the interests of public health and safety (Peters, 1998).

The breadth of the coalition also reflected the status of gun law reform as a mainstream concern rather than the preserve of a single-issue lobby group. Opinion polls had long indicated that the overwhelming majority of Australians believed the country should have tough uniform gun laws (Chapman, 2013; Norberry, Woolner, & Magarey, 1996). Yet the issue was often

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<sup>4</sup> For example, over 250 submissions were made to the NSW Parliament's Joint Select Committee upon Gun Law Reform (Lagan, 1991), while some 180 submissions were made to the coroner's inquiry into the shooting of two police on a domestic violence call at Crescent Head, NSW (Lagan, 1995).

framed by the media as a tug-of-war between gun control activists and the pro-gun lobby.<sup>5</sup> The latter was not as powerful as its US counterpart, lacking the financial base of a firearm manufacturing sector. However, Australian parliamentary elections are often determined by the results in districts where the electoral margins are slim (Wanna, 2022). While surveys showed that most gun owners did not oppose tighter gun laws, the gun lobby relied on a small but very energetic group who claimed to vote solely or largely on this issue. For years, they had succeeded in blocking proposed reforms by threatening to organise local campaigns against parliamentarians in marginal seats (see, e.g., Cockburn 1996; Davidson 1996; and Chapman 2013). Thus, despite legislators from both major political parties acknowledging the need for comprehensive reform, neither party was prepared to make the first move publicly (Chapman, 2013: 62–63). The topic was raised repeatedly at meetings of the Australasian Police Ministers' Council (APMC), but police ministers are also members of parliament and therefore concerned about elections. Campaigners had attempted to persuade the two major political parties to move simultaneously toward tighter laws, but the highly adversarial nature of Australian politics had prevented this shift from occurring.

## 2. The Port Arthur Massacre

The turning point for firearm regulation in Australia occurred on 28 April 1996, when a young man with no recorded history of mental illness or crime, armed with semi-automatic weapons, killed 35 people at one of Australia's most popular tourist destinations, the Port Arthur historic site in the island state of Tasmania. Nineteen other people were seriously injured in the attack. The guns used were legally available in Tasmania but banned in most other states; in fact, Tasmania had the country's weakest gun law (Peters, 1996). It was a devastating demonstration of the need for national uniform regulation. Most of the victims were tourists visiting from other states with stronger laws; it had probably not crossed their minds that travelling within the country on holiday would mean forgoing protection from rapid-fire weaponry.

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<sup>5</sup> See, for example, the televised debate in 1992 on Channel 9's *A Current Affair* between Robert Corbin of the US National Rifle Association and Simon Chapman of the NSW Coalition for Gun Control (as cited in Chapman, 2016b); and the one in 1996 on Channel 7's *Today Tonight* between Ian McNiven of Gun Owners of Australia and Rebecca Peters of the National Coalition for Gun Control (as cited in Chapman, 2016a). In both cases, the pro-gun speakers articulated extreme views that focused on guns for self-defence, a particularly 'fringe' aspect of the issue in Australia.

At the time, the Port Arthur deaths constituted the second largest massacre by a single shooter ever recorded globally.<sup>6</sup> It ignited an explosion of public sorrow and outrage, as the nation demanded overhaul of the gun laws.<sup>7</sup> The Prime Minister summoned the Australasian Police Ministers' Council and proposed a plan for strict uniform gun laws to be enacted across the country. Twelve days after the massacre, the Police Ministers agreed that all jurisdictions would adopt the National Firearms Agreement (NFA) (Australasian Police Ministers' Council, 1996). The NFA, which will be examined further below, included most of the measures recommended by the previous inquiries and therefore most of the reform agenda promoted by the NCGC. The adoption of the NFA was followed by more than a year of intense lobbying and argument over detail, as state and territory parliaments translated the agreement into legislation.

*Box 1: Voters in Western Australia Affirm Public Support for the NFA*

In December 1996, the National Firearms Agreement faced its first test at the ballot box. In the Western Australia state election, the uniform national gun control measures, which had been agreed 3,000 km away in Canberra, were hotly contested within the state's ruling party. Although its Police Minister had signed the agreement, the Canberra consensus was opposed by the leaders of both his own party and its coalition partner, one of whom was the state Premier. Independently of the grassroots movement then dominating debate and support for gun control in central and eastern states, the local branch of the Australian Medical Association and the newly formed Coalition for Gun Control successfully countered the widespread local and mainly rural opposition on the West Coast to the national agreement. Following months of public pressure, the ruling coalition state government was returned to power, but only after reversing its opposition to gun law reform (Anthony, 1996; Agence France Presse, 1996). More than 25 years later in 2022, faced with significant increases in private gun ownership, the most recent Labor government of Western Australia announced a 'complete rewrite' of the state's gun laws, which were, in the opinion of the Police Minister, too permissive (Law, 2022).

### 3. Policy Responses

#### A. The National Firearms Agreement

The NFA sets minimum standards for all states and territories to regulate the import, sale, purchase, possession, and use of firearms. The most important elements are a ban on self-loading rifles and shotguns, registration of all firearms, and more stringent licensing procedures,

<sup>6</sup> The deadliest massacre occurred on 26 April 1982 in Uiryeong County, South Korea, when a police officer shot and killed 62 people and injured 33 others, a cross several villages before committing suicide. See [https://en.wikipedia.org/wiki/Woo\\_Bum-kon](https://en.wikipedia.org/wiki/Woo_Bum-kon)

<sup>7</sup> For examples of the many news stories on the topic, see Montgomery & Gordon (1996); Steketee (1996); Chan & Gordon (1996); Farr (1996); Milliken 1996; 'Wanted Now: A National Ban on Deadly Guns' (1996); 'Australians Call for Tough Gun Laws after Massacre' (1996).

including the obligation to prove a ‘genuine reason’ for possessing a gun, as laid out in Resolution 3 of the Agreement.

When it comes to proving a ‘genuine reason’, personal protection is specifically ruled out. This did not mark a major substantive change but rather made explicit an implied norm, since (as mentioned earlier) personal protection and self-defence were not among the acceptable reasons for a gun licence even pre-NFA. However, not all jurisdictions had previously required applicants to prove a reason, and research had shown that ‘fear of crime’ was the motivation underlying weapons acquisition for up to one third of gun owners (Chappell et al., 1988).

The National Firearms Agreement is summarised in **Table I.1**. The NFA contains eleven resolutions: ten core measures to incorporate into state and territory legislation, plus a one-off amnesty with compensation (a ‘buyback’) to encourage owners to surrender newly prohibited self-loading weapons. Most planks of the Agreement were already in the gun laws of at least one Australian jurisdiction, but the new scheme was more robust and coherent than any of the existing laws.

*Table I.1: A Brief Summary of Key Parts of the National Firearms Agreement (1996)*

<p><b>1. Ban on automatic and semi-automatic long arms</b></p> <p>Ban on import (by Federal Government), sale, resale, transfer, ownership, possession, manufacture, and use</p>
<p><b>2. Registration of all firearms</b></p> <p>Integration of licensing and registration systems across the country</p>
<p><b>3. Licence applicants must prove ‘genuine reason’ for every firearm they wish to possess</b></p> <p>Exclusion of personal protection as a genuine reason; applications for Category B, C, D and H licences (see below) also require proof of ‘genuine need’</p>
<p><b>4. Uniform minimum licence requirements</b></p> <ul style="list-style-type: none"> <li>• Minimum age (18 years), proof of genuine reason, be a ‘fit and proper person’, safety test, waiting period of at least 28 days</li> <li>• Photo licence showing the holder’s address and the category of firearm, valid for a maximum of five years before requiring renewal</li> <li>• Storage requirements, inspection by police, licence withdrawal and seizure of guns in certain circumstances</li> <li>• Categories of licences and firearms:                     <ul style="list-style-type: none"> <li><b>Category A:</b> air rifles; rim fire rifles (excluding self-loading); single- and double-barrel shotguns</li> <li><b>Category B:</b> muzzle-loading firearms; single-shot, double-barrel and repeating centrefire rifles; break-action</li> </ul> </li> </ul>

shotgun/rifle combinations

**Category C:** (prohibited except for certain occupational purposes, later expanded to include some clay target shooters): semi-automatic rim fire rifles with maximum 10-round magazine; semi-automatic shotguns with maximum 5-round magazine; pump action shotguns with maximum 5-round magazine

**Category D:** (prohibited except for official purposes): semi-automatic centrefire rifles; semi-automatic shotguns; pump-action shotguns with a capacity over five rounds; semi-automatic rim fire rifles with capacity over ten rounds

**Category H:** all handguns, including air pistols

#### **5. Prerequisite safety training before licensing**

Accredited course for first-time licence; specialised course for security industry employees

#### **6. Grounds for licence refusal / cancellation and seizure of firearms**

- General reasons: not of good character, conviction for violence in past five years, contravention of gun law, unsafe storage, no longer having genuine reason, failure to notify of change of address, licence obtained by deception, not in the public interest
- Specific reasons: restraining order or serious assault conviction in past five years
- Mental or physical fitness: reliable evidence of a condition that would make applicant unsuitable to possess a gun

#### **7. Permit to acquire**

Separate permits required for the acquisition of every firearm, with a waiting period of at least 28 days

#### **8. Uniform standard for the security and storage of firearms**

- Guns must be kept locked, ammunition stored separately; failure to store firearms safely is an offence
- Specific storage requirements for different categories of firearms
- Additional rules for safekeeping of firearms when temporarily away from the usual place of storage

#### **9. Recording of sales**

- No private or backyard sales: all sales to be conducted by or through licensed firearm dealers
- Dealers must ensure purchaser is licensed and provide details of each purchase and sale to firearm registry
- Ammunition sold only for guns for which the purchaser is licensed; limits on the quantity that can be purchased

#### **10. No mail-order sales**

- Mail order only allowed from licensed gun dealers to licensed gun dealers
- Advertisements conducted only by or through licensed gun dealers

#### **11. Buyback and destruction of self-loading weapons**

- Fair and proper compensation, based on the value of each firearm as at March 1996
- twelve-month amnesty to surrender banned weapons

## Firearm Regulation in Australia

The key components of a gun control regime are not discrete but interdependent. Owner licensing is intended to ensure that guns are in the hands of only appropriately qualified individuals; but it cannot fulfil this function unless it is supported by firearm registration. Registration in turn is flawed if the law allows for a buyer to take possession of the gun before registering it, as is the case in some countries when a car is sold. The NFA contains two measures to close the circle of accountability: a pre-purchase permit to acquire, which initiates and gives notice of the process of a firearm changing hands; and a ban on private sales. All gun transfers must go through licensed firearm dealers, who thus become part of the enforcement machinery. Dealers have a strong incentive to ensure compliance with the law, since their own licences and livelihood are on the line if they provide a weapon to someone not appropriately licensed or for whom a permit to purchase has not been approved. Another section of the firearm-owning community was also incorporated into the new regulatory scheme: police-approved shooting clubs are the providers of safety training required for obtaining a gun licence. Many of the shooting organisations were originally opposed to the NFA (Hills, 1996; Tidswell, 1996), but over the years they have benefited financially from the fees for compulsory membership (Alpers, 2016).

Further notable provisions in the NFA include regulation of ammunition, safe storage requirements, and a five-year ban for domestic violence offenders. The primacy of public safety is recognised by other grounds for licence refusal and cancellation that allow for discretion and common sense: if the individual is ‘not of good character’, if a mental or physical condition makes them unsuitable, or if their possession of firearms is ‘not in the public interest’. The latter principle has been invoked, for example, in cases where possession of firearms could enable access to weapons by another household member who would be disqualified from holding a licence in their own name (Reuter & Mouzos, 2003).<sup>8</sup>

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<sup>8</sup> The courts have upheld the denial of licences or the imposition of a Firearms Prohibition Order on the basis of ‘public interest’ in cases such as: when the applicant’s son was at serious risk of suicide (*Emery v Commissioner of Police* [2022] NSWCATAD 122); when the applicant had a clean record but belonged to a motorcycle gang known to have criminal connections (*Savage v Registrar of Firearms* [2021] SASC 144); and when the applicant was married to a man who had been prohibited from possessing firearms (*Philp v Commissioner of Police, NSW Police Force* [2014] NSWCATAD 25).



**Box 2: Firearm Possession as a Conditional Privilege**

One topic of intense public discussion after Port Arthur was the status of gun ownership in Australia as a privilege rather than a right (Howard, 1996). The new laws subsequently adopted by most of the states and territories included variations of an explicit declaration that possession of guns is a privilege.<sup>9</sup> This statement was subsequently confirmed by the High Court of Australia.<sup>10</sup> When the NFA was updated in 2017 to incorporate additional norms agreed among the jurisdictions over two decades, its opening paragraph affirmed that ‘firearms possession and use is a privilege that is conditional on the overriding need to ensure public safety’ (Council of Australian Governments, 2017). This marks a fundamental difference from gun discourse in the United States.

**B. The Buyback of Prohibited Weapons**

Point 11 in the NFA was a buyback program to remove the newly prohibited arms from circulation. During a year-long amnesty, self-loading rifles, shotguns, and parts could be surrendered to police for compensation and destruction (Australian National Audit Office (ANAO), 1997). This was the aspect of the reforms that attracted most international media interest, generating dramatic images of huge piles of surrendered firearms bound for the smelters (Brazil & Berry, 1997; Sullivan, 1997). The first federal gun buyback program (1996–97) became the world’s largest civilian firearm collection system, with an official tally of 659,940 weapons handed in (Reuter & Mouzos, 2003).

The main buyback was funded by the federal government but run by the states and territories, leading to some variation in implementation. To prevent guns from moving around the country in search of higher payment, fair rates of compensation for each type and model were compiled in a national uniform schedule (ANAO, 1997). Compensation was paid for all newly banned weapons, whether legally owned or not, including dealer stocks of weapons and components. Dealers were asked to hand in their stocks immediately in return for compensation at their published retail prices of 1 March 1996. This halted the sale of prohibited weapons across the country, even before each parliament had changed its laws. According to ANAO (1997), in some jurisdictions, compensation was also provided for fully automatic weapons that

<sup>9</sup> The NSW and ACT laws “confirm firearm possession and use as being a privilege that is conditional on the overriding need to ensure public safety” according to s. 3 of *Firearms Act 1996* (NSW) and s. 5 of *Firearms Act 1996* (ACT). Very similar wording appears in South Australia’s *Firearms Act 2015* (SA) in s. 3. In Victoria, “the possession, carriage, use, acquisition and disposal of firearms are conditional on the need to ensure public safety and peace” from s. 1 of *Firearms Act 1996* (Vic.). In Queensland, “weapon possession and use are subordinate to the need to ensure public and individual safety” according to s. 3 of *Weapons Act 1990*.

<sup>10</sup> Mr Essenberg had claimed a right to own firearms under the English Bill of Rights of 1688, guaranteeing the right of Protestants to have arms for self-defence (*Essenberg v. The Queen*, 2000; *Essenberg v. The Queen*, 2002).

## Firearm Regulation in Australia

were already prohibited before 1996. Non-self-loading firearms could also be handed in under the amnesty, but compensation was not paid for these. Dealers could apply for additional compensation for the loss of business they expected to suffer as a result of the new laws. A survey conducted by the main shooters' group found that most participants were satisfied with the amount of compensation received (ANAO, 1997).

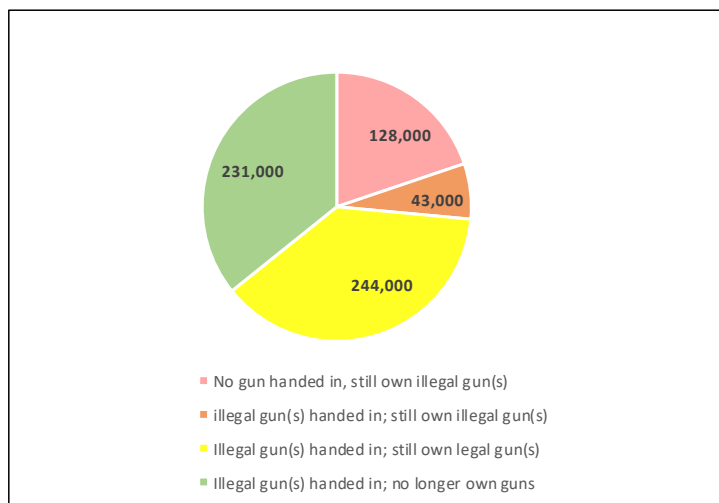
To fund the buyback, the national health insurance levy was increased by 0.2% for one year, raising about AU\$500 million (US\$391 or CA\$468 million in 1997). At the beginning, it was unknown whether this would be sufficient, since no reliable estimate could be made of the number of self-loading weapons in the country. In the end, about 80% of the funds raised, or AU\$398 million (US\$311/CA\$372.5 million) was spent on compensation payments; with AU\$63 million (US\$49/CA\$59 million) going to administration costs, including upgrading police computer capacity across the country to operate the new and enhanced licensing and registration systems (Attorney General's Department, 2006a; ANAO 1997). A further AU\$4 million (US\$3/CA\$3.7 million) went to public education on the reforms, while AU\$1.5 million (US\$1.2/CA\$1.4 million) was put toward firearm training programs (Attorney General's Department, 2006b). The remainder of the funds were applied toward a second buyback in 2002–03, which accompanied additional regulatory reform on handguns (Johns, 2004); the federal handgun buyback removed from circulation some 69,000 weapons, plus 278,000 parts and accessories, for compensation of AU\$97 million (US\$75/CA\$90.4 million) (Attorney General's Department, 2006b).

The audit conducted immediately after the main 1996–97 buyback noted that opportunities were missed to collect useful information (ANAO, 1997). For example, if states had been required to record the details of each weapon destroyed, the data could have been compared against existing records of firearm ownership, sales, and imports. This would have improved the quality and accuracy of the national data set and of estimates regarding the size and composition of the legal and illegal stockpiles.

A telephone survey commissioned by the federal government about three quarters of the way through the buyback sought to fill in some of the knowledge gap (ANAO, 1997). The findings indicated that about 14% of households contained guns, a figure much lower than previously believed. The survey results extrapolated to the population suggested that before the buyback, some 646,000 people (estimated to be 45% of all gun owners) had owned firearms that

subsequently became prohibited. At the time of the survey, 74% of those owners (equivalent to 475,000 people) had handed in all their illegal weapons for compensation; a further 7% (43,000 people) had handed in some but not all their illegal guns; while 20% (128,000 people) had not handed in any. (See **Figure I.1.**) The results of the telephone survey when extrapolated to the population suggested that of the 171,000 people who still retained illegal guns, 84% said they were likely to hand them in during the time remaining in the buyback period. The survey thus suggested that up to 96% of the owners of illegal guns either complied or intended to comply with the buyback.

*Figure I.1. Owners of Illegal Guns during the Buyback Program in 1997*



Source: Australian National Audit Office (ANAO) Performance Audit (18 December 1997), p. 33

After the buyback, the number of guns in the country was estimated at 2.5 million (Reuter & Mouzos, 2003). The national stockpile before the buyback would thus have been around 3.2 million – meaning that one in every five guns was eliminated by the first buyback alone (Reuter & Mouzos, 2003; Chappell et al., 1988).

### *C. Subsequent Reforms*

Six years after the adoption of the National Firearms Agreement, two more national agreements developed by the APMC were incorporated into federal, state, and territory laws. The National

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Firearms Trafficking Policy Agreement 2002 addressed trafficking with measures to strengthen customs capacity, tighten the regulation of dealers, improve reporting, and introduce specific offences related to illegal manufacturing, trafficking, defacing serial numbers, and falsifying records (APMC Firearms Policy Working Group, 2002). Penalties for firearm offences were also increased. Meanwhile the National Handgun Agreement 2002 restricted the classes of handguns that can be imported or possessed and tightened the rules applying to handgun licence-holders and shooting clubs (APMC, 2002). The Agreement provided for another buyback program in 2003, this time limited to handguns; an additional 68,727 pistols and revolvers were collected and destroyed (Hudson, 2004).

There followed 26 uncompensated firearm amnesties conducted by the country's eight states and territories (Alpers & Rossetti, 2016). In these, tens of thousands of gun owners voluntarily surrendered additional nonprohibited firearms without compensation (Alpers & Ghazarian, 2019). By 2015, at least 1,038,089 privately owned firearms – one third of the estimated national stockpile – are known to have been seized or surrendered and then destroyed (Chapman et al., 2018). The effort to curb the proliferation of firearms is ongoing, with another amnesty in 2017 yielding an additional 57,324 weapons for destruction or registration (National Firearms and Weapons Policy Working Group, 2017). In July 2021, the Federal Government announced a 'permanent national firearms amnesty' allowing unregistered or unwanted firearms to be handed in anonymously and without penalty to police or licensed firearms dealers (Australian Department of Home Affairs, 2021). Meanwhile, the number of guns in Australia has risen again with the importation of over 1.5 million mainly single-shot replacement weapons since 1996 (Alpers & Picard, 2021).<sup>11</sup>

Since 2014, additional policy adjustments have been made at state and territory level: for example, in 2021, Victoria enacted the Firearms and Other Acts Amendment Act 2021 to specify detailed gun storage standards, limit the loan of a firearm by a licensed dealer to 30 days, and clarify what constitutes evidence of identity for dealer licence applicants. Developments at Federal level have included extensive elaboration of the rules to prevent firearm trafficking,<sup>12</sup> as

<sup>11</sup> In 2017, Australia was the world's seventh major importer of small arms, while Canada was ranked third (Florquin, Haïnard, & Jongleux, 2020: Annex A2).

<sup>12</sup> Customs (Prohibited Imports) Amendment (Firearms and Weapons) Regulations 2021; Customs (Prohibited Imports) Amendment (Firearms) Regulations 2020; Customs (Prohibited Imports) Amendment (Shotguns and

well as improvements in record-keeping and information-sharing, police capacity-building, and firearm tracing. The Australian Criminal Intelligence Commission, a federal agency, supports the state and territory government with the Australian Ballistic Information Network, Australian Firearms Information Network, National Firearms Identification Database and the National Firearm Trace Program (ACIC, 2021). These technical improvements play an essential role in delivering the broader promise of firearm policy reform.

Since the Port Arthur tragedy, Australia has had eight federal governments (six Conservative and two Labor),<sup>13</sup> while the eight states and territories have replaced or renewed their governments dozens of times. There have been occasional backward steps,<sup>14</sup> and loopholes have come to light, especially in enforcement.<sup>15</sup> However, the overall framework of the National Firearms Agreement has proved workable and durable over a quarter of a century.

## II. Impact Assessment after 25 Years

### 1. What Has Been Achieved?

The policy changes outlined in the previous section have had a substantial and positive effect on gun violence in Australia. From 1979, leading up to and including the 1996 Port Arthur massacre and before gun law reforms, there were thirteen mass shootings in the country (Chapman, Alpers, & Jones, 2016).<sup>16</sup> In the twenty-two years that followed to April 2018, there were no such incidents (Chapman, Alpers, & Jones, 2016; Alpers, 2022). The number one resolution of Australia's gun law reforms (Australasian Police Ministers' Council, 1996: 1) – namely to remove from civilian possession the rapid-fire weapons shown to be most dangerous in mass

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Shotgun Magazines) Regulation 2016; Customs (Prohibited Imports) Amendment (Firearms and Other Weapons) Regulation 2015; Customs (Prohibited Imports) Amendment (Firearms and Firearm Magazines) Regulation 2015.

<sup>13</sup> Another Labor government was elected on 21 May 2022 (Basford Canales, Dingwall, & Neale, 2022).

<sup>14</sup> For example, in 2008, the NSW Parliament eliminated the 28-day waiting period for every gun purchase, requiring it only for the first firearm of a particular class (Firearms Amendment Act 2008).

<sup>15</sup> For example, John Edwards was granted a handgun licence despite a history of domestic violence and went on to kill his children and himself (McKinnell, 2021). The NSW Police subsequently overhauled the firearm registry's computer system and began looking for other potential licensing errors (Fife Yeomans, 2022).

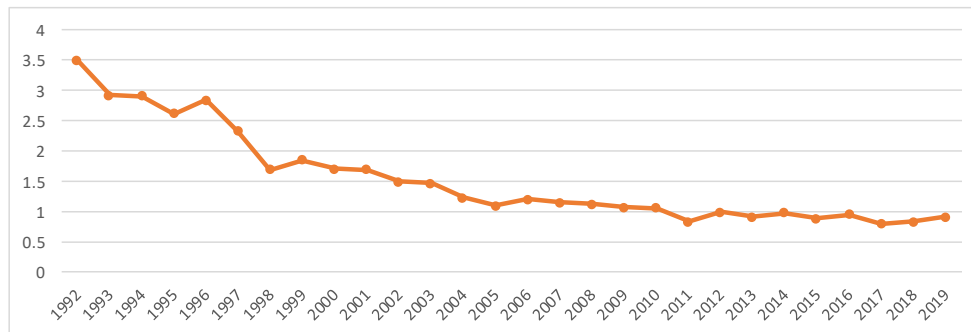
<sup>16</sup> A mass shooting is defined here (in line with previous research) as five or more victims, not including the perpetrator, who are killed by gunshot (see Chapman, Alpers, & Jones, 2016: Table 1 footnote; Chapman et al., 2006).

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shootings – was followed by an immediate, dramatic, and long-term reduction in firearm-related mass killings.

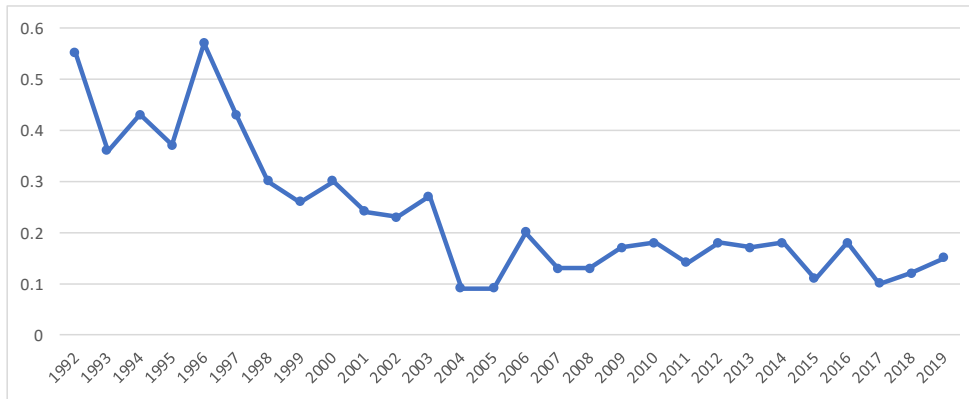
Positive results were also observed in much broader categories of gun death. Between 1979 and 1996, average annual firearm-related mortality was 3.6 per 100,000 people; after the National Firearms Agreement, it dropped to 1.2 per 100,000 people between 1997 and 2013 (Chapman, Alpers, & Jones, 2016). Firearm-related mortality had already been falling in Australia, but changes in the rate of firearm-related death accelerated from an average decrease of 3% per year before gun laws were upgraded to an average decrease of 4.9% per year afterward (Chapman et al., 2006). (See **Figure II.1** and **Figure II.2**.) There were sizable reductions in firearm-related suicides and homicides. The most noticeable drop after gun law reform was in firearm-related suicides, which currently account for about 70% of gun deaths in Australia (Negin, Alpers et al., 2021; Negin, Bell et al., 2021), with no evidence of substitution in methods of suicide (Chapman, Alpers, & Jones, 2016). Globally, Australia had one of the largest annual rates of change in the number of firearm-related deaths between 1990 and 2016 (Naghavi et al., 2018).

*Figure II.1. Rate of Gun Deaths in Australia per 100,000 People, 1993–2019*



Source: Australian Bureau of Statistics, *Causes of Death, Australia, 2019* (2020), compiled at GunPolicy.org (2022)

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**Figure II.2.** Rate of Gun-Related Homicide Deaths in Australia per 100,000 People, 1992–2019

Source: Australian Bureau of Statistics, *Causes of Death, Australia, 2019* (2020), compiled at GunPolicy.org (2022)

It is important to note that the number of non-firearm suicides and homicides has also fallen during the past quarter-century in Australia. Reductions in gun deaths overall, however, have been much more substantial. Between 1997 and 2013, there was a 55% reduction in the firearm-related suicide rate (as compared with a 16% reduction in the non-firearm suicide rate) and a 62% reduction in the firearm-related homicide rate (as compared with a 44% reduction in the non-firearm homicide rate).<sup>17</sup> A rare-events model has provided strong evidence that the absence of mass shootings in Australia between 1997 and 2017 was not merely a continuation of a pre-existing pattern (Chapman et al., 2018). No policy other than the sweeping national revision of gun legislation has been suggested to explain the large reduction in firearm-related mortality.

Studies have found that a country's estimated rate of firearm ownership is associated with its rates of firearm-related suicide and homicide.<sup>18</sup> As compared with the United States, Australia has fewer guns per capita, stronger gun regulations, and far lower firearm-related mortality. The effect of gun availability on violent death is substantial. For example, an international meta-analysis of intimate partner violence perpetrated by men found that having access to a gun was

<sup>17</sup> These data points are from David Hemenway's independent analysis of data contained in Chapman, Alpers, et al., 2016.

<sup>18</sup> See, for example, Anestis & Houtsma (2018); Hemenway, Shinoda-Tagawa, & Miller (2002); Miller, Azrael, & Hemenway (2002); Killias (1993).

linked to a more than tenfold increase in the likelihood of killing a partner, as opposed to committing nonfatal violence (Spencer & Stith, 2020).

Recent data from Australia's most populous state, New South Wales, includes non-fatal firearm-related injuries in addition to the mortality data outlined above (Negin, Bell, et al., 2021). Over the period of 2002 to 2016 for which data was available, the overall firearm-related injury rate in New South Wales declined from 3.4 per 100,000 population to 1.8 per 100,000, primarily due to declines in injuries caused by assaults and accidents. The rate of self-harm injuries with firearms remained relatively stable. Analysis has found that assault injuries were more common among younger urban men, while suicides were more common among older men living in rural and remote communities (Negin, Bell, et al., 2021).

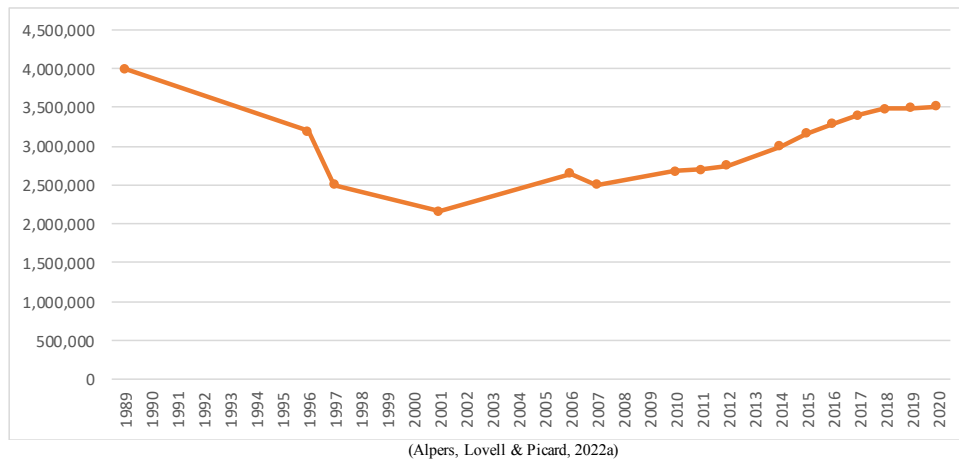
These reductions in fatal and non-fatal injuries by firearm have been achieved despite the overall number of guns increasing since 1996. One fifth of the national arsenal was destroyed in the initial buyback, but imports of mainly single-shot firearms over subsequent years more than replaced this numerical reduction.<sup>19</sup> The number of registered firearms in Australia now exceeds 3.5 million – a 62% increase since 2001 and 10% higher than the estimated stockpile before Port Arthur (**Figure II.3**). However, this does not translate into a higher rate of gun ownership in Australian society because that larger number of weapons is concentrated in fewer hands: in 2020, the number of licensed firearm owners was around 868,000, one third less than the estimated 1.2 million in 1996 (Alpers, Lovell, & Picard, 2022). Each owner now possesses around four guns on average, compared with three in 1996. With population growth, licensed gun owners now constitute 3.4% of the population, down from 6.5% in 1996. Despite the dramatic fall in gun ownership, Australia's sport-shooting community remains vibrant (Negin, Alpers et al., 2021), and groups such as farmers use firearms in much the same way as they did before the new laws were enacted.

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<sup>19</sup> From 1996 to 2020, Australians imported 1,475,859 guns (Alpers & Picard, 2021).



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*Figure II.3. Number of Registered Firearms in Australia*

These data show that reducing gun violence in Australia was not simply a matter of cutting the number of firearms. The weapons that were eliminated were the most dangerous kind; and the imported replacements have been less capable of rapid fire. In addition, the now larger civilian arsenal is contained within a smaller section of the population comprised of individuals who have undergone a much stricter vetting process than previously existed. Police forces in several states have set up dedicated gun crime task forces to pursue illegal firearms, as well as the criminals and the licensed gun owners who supply them (Johns, 2004; Ryan, 2018; NSW Police Force, 2022). Changes to policing – for example, surprise inspections of civilian firearm possession and arms dealerships – have encouraged new generations of officers to recognise the crime-fighting potential of toughened firearm legislation and to support its use (Sky News Australia, 2018; Pearson, 2019).

The legal reforms and buybacks have been accompanied by attitudinal change, driven by public and political determination. In the public consciousness of Australia, stringent gun control is now institutionalised. After decades of rejection by most states, uniform national gun owner licensing, firearm registration, and the removal of guns from situations of domestic violence and self-harm are now seen as basic norms (New Matilda, 2015; Essential Research, 2018). Politicians, mass media, and voters reliably voice alarm at attempts to weaken the regulation of firearms (see, e.g., Dingwall, 2016; Taylor, 2022). As recently as 2019, in a public opinion poll

## Firearm Regulation in Australia

following the Christchurch mosque mass shooting in New Zealand, 37% of respondents in Australia’s largest state thought Australia’s gun laws were too weak – a jump from 26% in 2018 (McGowan & Martin, 2019). Particularly in light of the mounting gun death epidemic in the United States, Australia’s 1996 reforms and their effects – precipitous declines in mass shootings, gun homicides, and gun suicides – are frequently cited as a source of national pride (see, e.g., Baird, 2013; Geelong Advertiser, 2022; Creighton, 2022). One brief letter to the Editor expressed a sentiment that is commonly voiced: ‘I have never voted conservative in my life, but I will always praise John Howard for his introduction of Australia’s gun laws. A legacy of which he should be rightly very proud’ (Douglas, 2022).

**Box 3: *The Limitations of Statistical Analysis when Examining the Effects of the National Firearms Agreement***

Several studies have used statistical analysis to ascertain whether Australia’s National Firearms Agreement was directly responsible for the reductions in mass shootings and firearm-related deaths outlined in this report (e.g., Leigh & Neill, 2010; Ramchand & Saunders, 2021; Baker & McPhedran, 2006; Lee & Suardi, 2008). Despite various complex regression methods, however, it is impossible to run a trial on the sort of sweeping real-world policy interventions involved in the NFA and subsequent reforms, as there is no control site or situation. Nonetheless, as Professor David Hemenway of Harvard University has noted, from a policy perspective, if the policymakers in 1996 had been told that the following 25 years would see such dramatic reductions in mass shootings and homicides, they undoubtedly would have considered their policy intervention a success (Unpublished peer review written in 2020 to the authors of a RAND Corporation research summary published the following year (Ramchand & Saunders, 2021)).

## 2. Policy Compliance

The many positive outcomes of the National Firearms Agreement have been achieved despite the agreement falling short of 100% compliance. At least five studies<sup>20</sup> have found that no Australian state or territory has at any stage fully complied with the 1996 and 2002 resolutions that collectively form the NFA (Council of Australian Governments, 2017). In important areas, state and territory legislation has been blocked or revised to dilute the effect of the NFA. Although two decades of political pressure from various interest groups have steadily reduced restrictions and undermined the NFA’s original intent, the core principles and restrictions remain largely intact (Alpers & Rossetti, 2017).

<sup>20</sup> Warner & Moller (1997); Rath & Griffith (1999); Warner & Sherwood (2006); Davies & Mouzos (2007); Alpers & Rossetti (2017).

### 3. Costs of Australia's Policy Settings

Economists Leigh and Neill have estimated the value and cost of the 1996–97 gun buyback program, using the leading estimate of the value of a life in Australia of AU\$2.5 million and assuming there was no offsetting increase in non-firearm deaths (Leigh & Neill, 2010). They calculated that the ongoing yearly preventive benefits of the buyback have an economic value of AU\$500 million (US\$391/CA\$468 million using 1997 exchange rates). As this amount is the same as the buyback cost in the first place, the program has repaid the original investment every year since (Leigh & Neill, 2010).

## III. Lessons from Australia and Other Countries

### 1. Why Regulate Firearms? The Public Health Approach

For many decades, injury by gunshot was seen almost exclusively as a 'crime problem', for which most proposed solutions were of the 'bottom of the cliff' variety – after-the-fact law enforcement and retribution (Zimring & Hawkins, 1997; Zimring, 1999). But to public health practitioners, bullets and firearms are the agents of harm, and both are amenable to standard injury prevention procedures. Instead of waiting until after damage is done, industrialised societies have developed a range of effective harm prevention measures for armed violence – just as they have for the tolls of automobile injury, tobacco-related disease, HIV/AIDS, smallpox, and many others (Hemenway, 2004).

On our roads, public health officials have deployed a holistic array of evidence-based public health measures to dramatically decrease the toll of death and injury by automobile (Hemenway & Lee, 2022; Sadat & George, 2019; CDC, 1994). Almost all parts of the world have embraced safer cars, safer roads, alcohol-restricting driving laws, traffic calming, and so on. Most importantly, however, automotive control is widely built on three pillars:

- The Person: License drivers
- The Object: Register vehicles
- The 'Right': Defined as a conditional privilege

The universal adoption of licensing and registration of vehicles since their advent did not lead to mass confiscation. Abusing the privilege of motorised mobility can result in loss of licence, yet cars remain symbols of masculinity, power, and freedom.

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Public safety campaigns from road safety and tobacco harm reduction to HIV, smallpox, malaria, and Ebola have saved countless lives. The same is being done today with COVID-19. In each case, public health and legal communities have overcome the denial of self-interest groups, and the world followed that example (Kickbusch, Allen, & Franz, 2016; Bazell, Koh, & Bloom, 2022). Firearm policy responses can learn from the public health approaches taken by road traffic safety campaigners, smoking cessation advocates, and infectious disease control.

***Box 4: Risks and Benefits of a Gun in the Home***

Within gun control debates in Australia and elsewhere, a common argument is that keeping a firearm close to hand can provide a degree of safety. In summarising the available research on this contentious topic, one leading academic in the field of firearm injury prevention has concluded:

[T]he scientific studies suggest that the health risk of a gun in the home is greater than the benefit. There are no credible studies that indicate otherwise. The evidence is overwhelming that a gun in the home is a risk factor for completed suicide and that gun accidents are most likely to occur in homes with guns. There is compelling evidence that a gun in the home is a risk factor for intimidation and for killing women in their homes, and it appears that a gun in the home may more likely be used to threaten intimates than to protect against intruders. On the potential benefit side, there is no good evidence of a deterrent effect of firearms or that a gun in the home reduces the likelihood or severity of injury during an altercation or break-in (Hemenway, 2011).

Similarly, the authors of a recent study that followed 17.6 million Californians for up to twelve years concluded:

Although personal protection is a major motivation for purchasing firearms, existing studies suggest that people living in homes with firearms have higher risks for dying by homicide... Living with a handgun owner is associated with substantially elevated risk for dying by homicide. Women are disproportionately affected... Overall rates of homicide were more than twice as high among cohabitants of handgun owners than among cohabitants of nonowners... Among homicides occurring at home, cohabitants of owners had sevenfold higher rates of being fatally shot by a spouse or intimate partner (Studdert, Zhang et al., 2022).

**2. How Should Firearms Be Regulated? The Three Pillars of Prevention**

More than a century ago, countries ranging from Great Britain and Russia to Japan and China began to introduce or strengthen a wide range of legislation to control civilian possession of firearms. The most common reason given was to curb public shootings and civil unrest (Kopel, 1992). Adaptations of these laws have gradually propagated to more than 150 countries around the globe.<sup>21</sup> Today in almost all nations, three central tenets of gun control law are dominant:

<sup>21</sup> See the website of GunPolicy.org.

- The Person: License gun owners
- The Object: Register firearms
- The ‘Right’: Defined as a conditional privilege

As with the central pillars of driver licensing, motor vehicle registration, and road safety law as noted above, these three methods of firearm injury prevention, which will be examined more closely below, are interdependent. Together, they have become a *de facto* global standard (Alpers & Lovell, 2022d).

Since 1996, Australia’s national firearm policy has mandated the most comprehensive and holistic suite of legislation to implement these standards. The NFA did not prohibit or confiscate all guns, only the limited types shown to be most dangerous in mass killings (Australasian Police Ministers’ Council, 1996: 1). As with cars, the country now has more firearms than at any previous time (**Figure II.3**). As with cars, the masculinity, individual power, and freedom of gun owners remain unaffected.

#### *A. Pillar 1: Gun Owner Licensing*

Of 198 sovereign States,<sup>22</sup> 191 (96.46%) publish their legislation on gun ownership and possession (Alpers & Lovell, 2022b). Of these:

- 162 maintain a ‘complete’ licensing system for civilian gun owners (84.82%);
- 12 maintain partial licensing systems in which only certain categories of persons or firearms require a current gun owner licence (6.28%); and
- 16 States prohibit civilian firearm ownership (i.e., no licences issued) or otherwise do not maintain gun owner licensing systems (8.38%).

All 38 Member States of the Organisation for Economic Cooperation and Development (OECD) publish their legislation on gun owner licensing. Of these:

- 35 maintain a ‘complete’ national civilian gun owner licensing system (92.11%);
- 1 maintains a partial national licensing system in which only certain categories of persons or firearms require a licence to possess (2.63%); and
- 2 maintain no national licensing system for almost all gun owners (5.26%).

<sup>22</sup> In addition to the 193 Member States of the United Nations, we include both UN Observer States (Palestine and the Holy See), plus three additional States with seats at the UN: Kosovo, Cook Islands and Niue. Each is a sovereign nation with its own independent national firearm legislation.

## Firearm Regulation in Australia

*B. Pillar 2: Registration of Firearms*

Of 198 sovereign States, 186 (93.94%) publish their legislation on firearm registration (Alpers & Lovell, 2022a). Of these:

- 168 require that civilian firearms be registered in some capacity (90.32%); and
- 18 countries prohibit civilian firearm ownership (i.e., no guns to register) or otherwise do not require that civilian firearms be registered (9.68%).

All 38 Member States of the OECD publish their legislation on firearm registration. Of these:

- 37 States require that civilian firearms be registered in some capacity (97.37%); and
- 1 State does not require that civilian firearms be registered (2.63%).

Resistance to a firearm registration system often includes the claim that a national register is too difficult or expensive. Yet to control epidemics of bovine disease, the European Community registers every cow (European Commission, 2022). In India, 280 million consumers (80% of households) use liquefied petroleum gas (LPG) for cooking and heating (DownToEarth.org, 2021). To discourage illegal manufacture and to limit explosions, their individually registered LPG cylinders are made, refilled, and exchanged by three closely controlled national companies (John, 2013; Hindu Business Line, 2020; Special Correspondent, 2021). As with most vehicles – of which there are more than a billion on the world’s roads – licensing and registration of potentially hazardous articles reduce public health risks and make people individually accountable for misuse.

*C. Pillar 3: A ‘Right’ to Possess Firearms*

Alpers and Lovell (2022c) have found that of 198 sovereign States:

- 2 guarantee a Constitutional right that is not limited by statute law (1.01%);
- 4 provide conditional guarantees that are limited by statute law (2.02%); and
- 192 provide no explicit guarantee or right to possess firearms (96.97%).

All 38 Member States of the OECD publish legislation regarding a right to possess firearms. Of these:

- 1 guarantees a Constitutional right not limited by statute law (2.63%);
- 2 provide conditional guarantees that are limited by statute law (5.26%); and
- 35 provide no explicit guarantee of a right to possess firearms (92.11%).

According to Article 10 of the Constitution of the United Mexican States, citizens have the constitutional right to possess guns at home for security and self-defence, except for types of weapons that are prohibited or reserved for armed forces. The text notes that federal law determines the conditions and circumstances in which individuals will be authorised to carry guns. In Guatemala, Article 38 of the Constitution recognises the right to possess firearms for personal use at home, except for prohibited weapons. Carrying a gun is also recognised as a right but is subject to regulation. Despite these constitutional mentions, both countries have relatively strict gun laws – for example, requiring registration of all firearms. By contrast, in the United States, the ‘right to keep and bear arms’ in the Constitution has posed a greater political and legal obstacle to the adoption of strong gun laws.

In 2021, the Czech Republic amended its Constitutional Code to state that ‘the right to defend one’s own life or the life of another person with a weapon is guaranteed under the conditions laid down by law’, as provided for in art. 6(4) of the Charter of Fundamental Rights and Freedoms. However, legal scholars have noted that the provision is primarily symbolic and does not make it easier to qualify for a firearm licence (Vikarská, 2021).

A few countries characterise gun possession as a right in their firearm legislation, even if not in their constitutions. For example, in Switzerland, Article 3 of the Federal Law on Weapons, Accessories and Ammunition guarantees the right to acquire, possess, and carry weapons in compliance with the law. Until recently, the gun law in Honduras recognised the right to own, possess, and carry firearms in compliance with the law (Law for Control of Firearms, Ammunition, Explosives and Similar Items, Art. 4). However, 2019 saw a new law come into effect, aligning national firearm regulation with Honduras’ international obligations and dramatically modifying the underlying premise. The earlier mention of a right was replaced by a note in the Preamble that possession and use of firearms by civilians is generally permitted for protecting life and property. The new law requires proof of reason for a gun licence and cancellation of the licence if the reason ceases to apply as per Article 41 of the Honduras Law for Control of Firearms (2018). Significantly, one of the guiding principles is that provisions of the law are to be interpreted in a restrictive manner, the presumption being against the issuing of a licence, according to Article 4. No data are available yet to indicate whether this restrictive principle is being applied.

### 3. Other National Initiatives to Remove Firearms

Since 1990, dozens of countries have conducted weapon collection programmes in which at least 10,000 firearms were destroyed. These include Albania, Angola, Argentina, Australia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Congo (ROC), Croatia, El Salvador, France, Germany, Haiti, Kosovo, Liberia, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Romania, Russia, Serbia, Sierra Leone, South Africa, Uganda, United Kingdom, United States, Uruguay, and Venezuela (Karp, 2007; Karp, 2009; Florquin & Waszink, 2003). Some of these programmes were ‘buybacks’ in which owners were paid for their newly prohibited firearms. The more prominent of these are summarised below.

#### *A. United Kingdom*

Following the Hungerford mass shooting in August 1987, the United Kingdom banned semi-automatic centrefire rifles and some shotguns. After the Dunblane school shooting in March 1996, the United Kingdom further banned all handguns (pistols and revolvers) through the Firearms (Amendment) Act 1997 and the Firearms (Amendment) (No. 2) Act 1997. Owners were paid market rates for their firearms, parts, and accessories (Chapman, 2013). As of November 2000, the UK government had paid GB£90.2 million (US\$D146 million) in compensation for returned firearms (Faltas, McDonald, & Waszink, 2001). A further national amnesty in 2003 collected another 43,908 guns (Home Office, 2003). From 1996 to 2009, 226,000 firearms were destroyed (Karp, 2009).

The rate of firearm-related death in the United Kingdom has always been low, and since the 1996–97 gun bans, this key indicator has continued to trend steadily downwards (Alpers, Lovell & Pavesi, 2022). The same 25-year period saw two mass shootings,<sup>23</sup> one in Cumbria in 2010 and another near Plymouth in 2021. All four UK shooting massacres were committed by a licensed gun owner with legally held firearms (Alpers, 2015).

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<sup>23</sup> In order to exclude far more common shootings between familiar persons (e.g., gang-related or domestic shootings), a mass shooting is defined here as five or more victims shot dead, not including the perpetrator (see Chapman, Alpers, & Jones, 2016).



*B. Brazil*

Brazil leads the world as the country with the highest number of firearm-related deaths (Malta et al., 2020). During the first term of President Lula da Silva in 2003, the Brazilian Congress passed a Disarmament Statute (L. 8.10826/03), which applied unprecedented restrictions on purchasing firearms, prohibited civilians from carrying them, introduced a firearm register, and prescribed a gun buyback to reduce the number of weapons in circulation. Between 2004 and 2005, the National Voluntary Firearms Handover campaign, led by non-governmental organisations, churches, and an army of volunteers, collected 459,855 firearms, or three per cent of the estimated private holdings in Brazil (Dreyfus, Nascimento, & Guede, 2008). In the first two phases of the campaign, the Ministry of Justice paid BRL\$32.7 million (US\$14 million) to purchase guns for destruction (Dreyfus, Nascimento, & Guede, 2008). Over a six-year period, the buyback program removed as many as 1.1 million firearms from circulation (Ferrazares, Sabia, & Anderson, 2021).

According to the Brazilian Justice Ministry, as a result of the voluntary weapon collection campaign and the ban on carrying guns imposed by the new law, there was an 8.1% reduction in the number of deaths by firearm in 2005 as compared to 2004. This was the first drop in more than a decade, and UNESCO calculated that the projected impact of the reduction was a 15% decrease in gun deaths, or more than 5,000 lives that would be saved (Bandeira & Bourgois, 2006). States that collected more firearms per capita saw higher reductions in firearm deaths (Malta et al., 2020). The buyback campaign in the state and city of Rio de Janeiro had significant effects on gun violence, with an 11% drop in the rate of firearm-related deaths (Dreyfus, Nascimento, & Guede, 2008). According to the Mapa da Violência and Instituto de Pesquisa Econômica Aplicada (IPEA), two research institutes in Brazil, the Disarmament Statute contributed to a sharp decline in gun-related homicides. Researchers there estimate that it may have saved as many as 160,000 lives between 2004 and 2012 (Muggah & Risso, 2019).

In 2018, as he campaigned successfully for the presidency of Brazil, Lula's successor Jair Bolsonaro promised to loosen gun laws. Since coming to power, his government has introduced more than 32 changes to make it easier for Brazilians to keep weapons at home; to halve the frequency of vetting gun owners by lengthening the validity of gun licences from five years to ten; to increase the number of guns allowed per person; and to loosen restrictions on ammunition and the ability to buy more powerful weapons. In 2020, police reported that the number of

privately owned firearms had doubled since 2017. Experts predict ‘a lot of consequences for many years’ (Watson, 2021).

### *C. Argentina*

After a fifteen-year-old boy killed three classmates at a school near Buenos Aires, in December 2006 the Government of Argentina established the National Programme for the Voluntary Surrender of Firearms (PEVAF, or ‘the Disarmament Law’). Between July 2007 and December 2008, the programme collected 107,761 firearms for destruction (Ronconi, Lenis, & Schargrodsky, 2011). An innovative aspect of the buyback was that it classified gun violence as a critical public health problem. Overall, from 2007 to 2015, more than 300,000 privately owned and state-owned firearms were destroyed (Ware, 2020), representing between 14% and 20% of the estimated total stock of weapons in the country. The PEVAF programme has since been biannually renewed by Congress according to Ley 27529/2019 (Argentina). In 2017 alone, the ongoing amnesty reported the surrender and destruction of 11,000 firearms (Argentina, 2018).

### *D. New Zealand*

In the early 1980s, due to the inability of police and the reluctance of gun owners to keep accurate records, Police National Headquarters acknowledged that the national firearm register had broken down (Alpers, 1997; Forsyth, 1985; Kopel, 1992). Although shotguns had been exempt from registration since 1930, ‘as the task was a burden for the police’ (McCallum, 1982: 3), the Arms Act 1983 (NZ) still required that every licensed gun owner be held personally responsible for each rifle or handgun in their possession. During the same years in which desktop computers proliferated, NZ Police maintained a million individual records in two separate manual paper-card filing systems at seventeen locations around the country (New Zealand Police, 1984). Two thirds of the licence certificates were found to contain errors, mainly incorrect addresses for gun owners (Alpers, 1996).

Despite its inaccuracies, the system was still being used. In 1982, a NZ Police survey found that of the officers who had consulted the country’s firearm register for a criminal offence, 67% found that it assisted in the apprehension of an offender (McCallum, 1982). Three quarters of these officers had used the register successfully to help catch criminals more than three times each, solving cases from illegal gun sales to armed robbery. The survey concluded, ‘The [firearm

registration] index was of great assistance in locating offenders’, and ‘despite its shortcomings, the present registration index is widely used and is of benefit to the police’ (McCallum, 1982). Of the 172 police officers polled, 161 (94%) wanted to keep the existing system of firearm registration (McCallum, 1982 Appendix R; 6:5.3).

A few months later, New Zealand scrapped its register of rifles, leaving 97% of privately owned firearms no longer registered to their owners. In announcing the new system of owner-licensing only, a police media release declared, ‘A major piece of good news with the introduction of the new Arms Act is that there is to be no limit on numbers of firearms anyone may gather as his personal collection’ (McMillan, 1984). Handguns, restricted weapons, and (from 1992) Military Style Semi-Automatic long guns (MSSAs) remained registered, subject to stringent storage requirements and attentive policing. The result of these restrictions on the firearms considered to be most dangerous is that crime with registered firearms in New Zealand is rare (Alpers & Morgan, 1995; Bird, 1973). However, those firearms that are subject to minimal restrictions have proliferated and become the most frequently misused. Common sporting long guns – both full-length and sawn-off – are the weapons most used in gun homicide and in non-fatal misuse of guns, including firearm-related domestic violence (Gardiner, Norton, & Alpers, 1996).

In 2019, an Australian visitor who had been denied such weapons in his own country exploited New Zealand’s lack of regulation to gain a firearm licence and to buy and convert an entry-level rifle into an ‘assault rifle’. On 15 March, while live-streaming his massacre on the Internet, this licensed gun owner fatally shot 51 people and injured another 40 at two Christchurch mosques (Christchurch Mosque Shootings, 2022). Less than a month later on 10 April, MPs voted 119–1 to ban, then to buy back centrefire semi-automatic firearms, their accessories, and parts (Faidell & Wright, 2019). The Arms Amendment Act 2019, which received royal assent the following day, also prohibited ownership of some pump-action shotguns, other self-loading long guns, and most large-capacity ammunition magazines. Semi-automatic .22 rimfire rifles with a capacity of ten rounds or less, plus five-shot-or-less shotguns were exempted (New Zealand Police, 2019). In a five-month amnesty from prosecution and gun buyback, which ended on 20 December 2019, owners were paid market price. A total of 57,716 firearms and 205,209 magazines and parts were collected for destruction, at a cost of NZ\$103.8 million (US\$65/CA\$86million) (New Zealand Police, 2020). In the absence of evidence due to

decades of data decay, it is estimated that between 55,000 and 240,000 prohibited firearms might remain to be found and destroyed (New Zealand Controller & Auditor General, 2020).

In June 2020, the Arms Act was significantly amended. Commencing in June 2023, every firearm will once again be registered to each owner. The aim is to populate a fresh, computerised firearm registry with new data as gun owners renew their licences or transfer firearms to other owners over a five-year period from June 2023 to June 2028, or later (New Zealand Police, 2022).

#### **4. Evaluation of Buybacks**

Only the Australian and Brazilian gun buybacks have been evaluated in peer-reviewed studies. Long-term analyses of the British and Argentinian programmes seem non-existent, and the tightening of gun laws in New Zealand is too recent to show clear effects. Due to confounding factors, it is commonly not possible to establish the cause of any post-buyback changes in broader categories, for example in gun homicide, overall homicide, or violent crime as a whole.

#### **5. Firearms in Canada from an International Comparative Perspective**

These data visualisations compare Canada to other countries in the following categories, in both English and French:

- [Rate of Civilian Firearm Possession per 100 Population](#)
- [Proportion of Households with Firearms](#)
- [Rate of Licensed Firearm Owners per 100 Population](#)
- [Rate of Registered Firearms per 100 Population](#)
- [Rate of All Gun Deaths per 100,000 People](#)
- [Rate of Gun Homicide per 100,000 People](#)
- [Rate of Gun Suicide per 100,000 People](#)

Hundreds more comparisons can be charted between Canada and other individual countries using the GunPolicy.org interactive visualization tool for that country (Alpers, Picard & Pavesi, 2022a).

#### **IV. Conclusions**

The Australian experience with firearm regulation provides important lessons for other jurisdictions with high rates of gun violence. This example demonstrates that taking a public health approach to firearm injury prevention by reducing access, strengthening regulation, and engaging the community can reduce gun deaths. Along with emerging evidence in New Zealand after the Christchurch mosque massacre, it also shows that a mass shooting incident can be a galvanising event for a country to improve policies on a wide scale. Australia's sweeping policy change used a substantial amount of the political capital of the relatively new, right-leaning Prime Minister. The support of many conservatives was crucial and was secured by overwhelming pro-firearm regulation opinion polls and media pressure. Gun policy reforms were supported by all major political parties, whereas conservative parties in many other countries staunchly oppose such reforms. The success of firearm regulation has since become a source of pride for many Australians.

Mass shootings account for a small proportion of firearm-related deaths, but they tend to receive a substantial amount of media coverage and can focus the attention of the public and politicians on gun violence more broadly. Although preventing gun deaths is essential, focusing on deaths obscures another tragic reality of firearm violence. Beyond the people killed with firearms, a larger number are injured and have life-changing pain, disability, and psychological distress, which leads to substantial expenses related to medical care, mental health care, and rehabilitation. Australian firearm policy now focuses more than it did in the mid-1990s on domestic and family violence, which often involves additional victims besides intimate partners, including children.

While firearm injury prevention has been a notable public health success in Australia, the field of firearm injury prevention is remarkably under-researched and poorly understood. This public policy gap undermines gun control successes. Data on firearms and firearm violence in Australia is patchy, inconsistent, and incomplete. Most studies are based only on deaths and ignore injuries completely. Eight jurisdictions store widely variable data, often in obsolete and inaccurate firearm registers. In order to support the policy response, strong data collection and data use, as well as data-sharing across jurisdictions, are required. This can allow the monitoring of trends and impacts as well as the analysis of the impact of policy changes over time.

The Australian experience also highlights the need for a multi-pronged approach to firearm violence prevention. Australia’s policy response was not only about the high-profile buyback but built on a range of policy actions and regulations that have held up over time despite consistent attempts to dilute them.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Supporting Survivors and  
Communities after Mass Shootings**

**Jaclyn Schildkraut  
State University of New York at Oswego**

May 2022

[masscasualtycommission.ca](https://masscasualtycommission.ca)

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## SUPPORTING SURVIVORS AND COMMUNITIES AFTER MASS SHOOTINGS

### INTRODUCTION

Events like mass shootings and other mass casualty incidents provide unique challenges about how best to support not only those who have been impacted, but also the affected community or communities. Despite the growing number of such events,<sup>1</sup> however, there is no recognized set of best practices to guide this process. As a result, decisions about what resources to provide and to whom often fall to the organizations and governmental entities in charge of the recovery efforts. This can be a daunting task, especially without knowing where to begin. There is much to be learned about the road to recovery and resiliency from similar tragedies that have occurred prior. Although each impacted individual and community is unique, these lessons can provide an important foundation from which to begin developing a comprehensive support plan.

This report draws upon original research conducted to better understand the needs of those affected by mass shootings. Beginning in 2017, this report's author conducted interviews with survivors and community members from different communities that experienced mass shootings in the United States.<sup>2</sup> Upon receiving approval from the university's institutional review board,<sup>3</sup> participants were recruited using snowball sampling after the research call was shared by a survivor support organization, The Rebels Project. A total of 37 interviews were conducted via Skype and phone between October 2017 and May 2018. A second round of interviews was conducted in December 2021 with one additional survivor as well as four service providers from affected communities for this report. Research findings from the first round of interviews based on a subset of the participants (individuals from the Columbine community) were published by this author in 2021.<sup>4</sup>

This report represents a synthesis of this author's study with existing scholarly research and other literature (e.g., governmental resources) to better understand the needs of those most impacted and of communities in the wake of a mass casualty event.<sup>5</sup> When examined as an aggregate "survivor network," these experiences can aid the Mass Casualty Commission in making meaningful recommendations that can be used by government and communities to support those who were impacted by the April 2020 tragedy in Nova Scotia.

### WHO ARE THE "SURVIVORS"? CONSIDERING THE IMPACT OF A MASS VIOLENCE EVENT

To date, there is no single way in which the term "survivor" is conceptualized in the context of mass casualty incidents.<sup>6</sup> Oftentimes, this term is a label that has been self-applied by individuals who have been impacted by the tragedy or scholars studying the effects of the event. As a result, research examining the effects of these events on survivors has varied in who has been included in this context. One study examining the impact of the 1991 mass shooting in Killeen, Texas, for example, included anyone present at the restaurant during the shooting (customers, employees, responding law enforcement), as well as off-duty restaurant employees and individuals residing in neighboring apartment buildings.<sup>7</sup> A separate study involving survivors of the 1999 Columbine High School tragedy encompassed immediate and extended family members of persons killed in the attack, individuals who were present in the school during the shooting (both injured and uninjured), and those with a connection to someone in the building (such as the parent of a student).<sup>8</sup> Still another study assessing social support among survivors of the 2007 mass shooting at Virginia Tech utilized a broader sample of students enrolled the fall semester after the tragedy, not all of whom necessarily were on campus on the day of the shooting.<sup>9</sup>



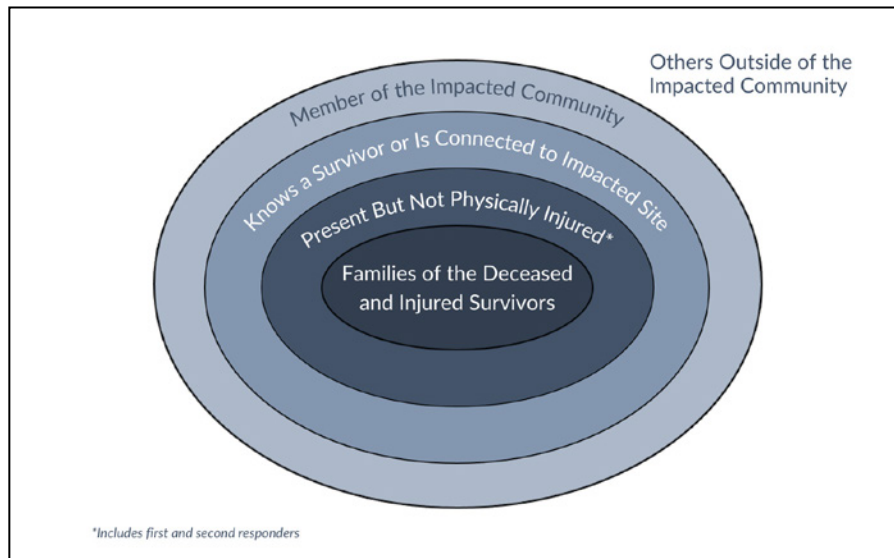
SUPPORTING SURVIVORS AND COMMUNITIES AFTER MASS SHOOTINGS

Regardless of how the term “survivor” is applied, there are countless individuals who may, in some manner, be impacted by a mass casualty event. Thus, it is imperative to consider how these events encompass different groups or layers of survivors, and an earthquake can provide a useful metaphor for conceptualizing this impact (see **Figure 1**).

At the epicenter are the people who were physically injured in the attack and the immediate families of those who were killed; much in the way of resources and services typically are prioritized around these individuals. Moving outward from the epicenter are those individuals who were present at the scene of the event but were not physically injured, although some may have been more directly exposed to stressful stimuli (e.g., seeing the perpetrator(s) or victims, hearing gunshots) than others. This layer also may include individuals in the immediate vicinity of the site (e.g., neighboring residences or businesses), as well as first responders (police officers, firefighters, and emergency medical technicians) and hospital personnel who treated persons injured in the event. These first two layers represent those who are considered to be *directly* impacted by the event.

It also is important to recognize those who may be indirectly affected or who may have experienced vicarious victimization. This can include individuals who have a direct connection to the event site but were not present as well as those who know someone who was directly impacted (such as immediate and extended family or friends of those at the epicenter). As the impact continues to spread outward, it can engulf the broader community where the event took place. Here, individuals may experience

**Figure 1**  
The Layers of Impact for Survivors of Mass Casualty Events



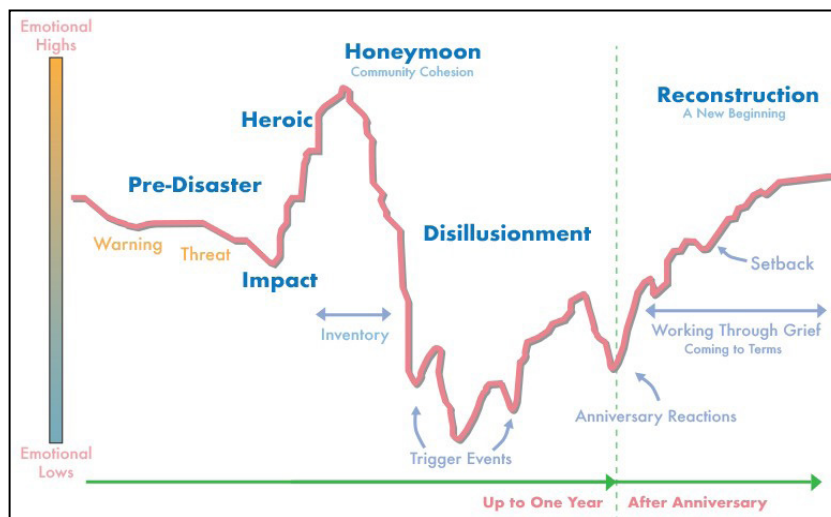
## SUPPORTING SURVIVORS AND COMMUNITIES AFTER MASS SHOOTINGS

trauma symptomology due to “trigger events,” such as seeing a heavy first responder presence (lights, sirens, helicopters).<sup>10</sup> Even more broadly, there may be others who are impacted, including prosecutors, medical examiners, funeral directors, support service providers (e.g., victims’ advocates, crisis counselors, and others who are sometimes referred to as “second responders”), community partners (including faith-based leaders), former residents of the community who feel a sense of loss, and survivors of previous tragedies who may be retraumatized by the event’s occurrence. In sum, the impact of mass casualty events is both immeasurable and widespread, and no two individuals will move through the trauma recovery process in the same way.

### THE PHASES OF DISASTER

Although individuals who are impacted by a mass casualty event may move through the recovery process differently, the way in which such a disaster and corresponding psychological responses to it unfold is largely consistent across cases. The United States’ Substance Abuse and Mental Health Services Administration (SAMHSA) conceptualizes disasters across six different and progressive phases,<sup>11</sup> as illustrated in **Figure 2**, from before the event occurs through recovery (reconstruction). Each of these phases presents unique challenges both for impacted communities and individuals as well as for those who are seeking to support them. The remainder of this section summarizes these phases as described by SAMSHA in their training manual,<sup>12</sup> while also incorporating additional resources to help further understand what occurs during each stage of the process.

**Figure 2**  
Phases of Disaster



Note. Adapted from model developed by Leonard Zunin and Diane Myers, as cited by DeWolfe (2000).

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The first phase is the *pre-disaster* period and is when warnings or threats of the impending event may appear. There is considerable variability in how much advance warning a community receives depending on the type of disaster that occurs. For mass shootings specifically, research has found that the perpetrators of these events engage in considerable planning rather than just “snapping.”<sup>13</sup> Often, however, the accompanying warning signs (e.g., leakage, shifts in behavior) are not associated with an impending attack until after it has occurred,<sup>14</sup> leaving the community with little or no time to prepare or prevent.

The second phase is the *impact* phase, which coincides with the occurrence of the event. The length of this phase also varies based on the type of disaster. For mass shootings, the average incident is over in approximately five minutes.<sup>15</sup> This interval, however, is sensitive to several factors, including law enforcement response time and whether the perpetrator is mobile and attacks multiple sites rather than a single location. Importantly, it is not only those who are at the location where the event is occurring who are impacted. For example, during mass shootings, individuals who are offsite but have family members at the affected location(s) will experience anxiety until they are reunified with their loved one(s). Individuals also may experience or exhibit panic, confusion, and disbelief while being focused on both self and family preservation.

The third phase, the *heroic* phase, begins in the immediate aftermath of the event. In the context of a mass shooting or other mass casualty event, this is when the threat (perpetrator) is neutralized and the imminent danger to community safety is terminated. At this time, efforts shift to providing medical care to injured individuals and evacuating the impacted site. As a general practice, families of deceased victims will be notified by law enforcement with the help of a victim advocate, though it may take hours until positive identifications can be made (see below). Survivors who do not need medical care typically are transported off-site for family reunification, at which time witness interviews with law enforcement also may occur. Although there is seemingly a lot of activity during the heroic phase, the actual output of such productivity is typically low. In other words, while affected individuals may engage in tasks to keep themselves busy (e.g., going to the grocery store, attending routine appointments), they

**Challenges for Family Notifications**

Through this author’s research, family members of individuals killed have recounted difficulties related to the death notification process. One parent whose child was killed at an elementary school, for example, described how she and others waited at a reunification center for information, though none was provided until more than five hours after the shooting. By the time that they were finally notified that their loved ones had been killed, they were the only remaining individuals at the location. Other families in similar situations indicated that rather than waiting at one single location, they spent the time driving all over the city to check hospitals when they were not getting any information. In some instances, death notifications were not made until more than 24 hours after the attack occurred, leaving families without any information about their loved ones.<sup>16</sup> To avoid exacerbating grief and trauma associated with death notifications, it is important that all potential survivors be provided with regular informational updates, even if it is to let them know that there is no new information. Providing them with a time of when they can expect another update (e.g., 30 minutes) also may be helpful.

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may have difficulty completing them as normal. Altruism is present both among individuals and the community, and outsiders with similar shared experiences also may reach out to lend support. This phase often is short-lived, lasting just a few days at most.

The fourth phase is known as the *honeymoon* period, a time when community cohesion and group bonding are particularly high as individuals unite over their shared experiences of the tragedy.<sup>17</sup> This may include participating in memorials or attending funerals for those who were killed in the event. Support among community members is both given and received, which can reinforce this cohesion, and these individuals also may experience optimism about the possibility of rebuilding. During this phase, more formalized resources from the government, such as disaster mental health (e.g., crisis counseling through agencies like the American Red Cross) and community-based family assistance centers, are made available. The honeymoon phase begins about a week after the event and can last for up to a few months before survivors become fatigued and discouraged from dealing with the fallout of the event.

This gives way to the fifth phase – *disillusionment*, which occurs as the community becomes further removed temporally from the disaster. Assistance that was provided in the immediate aftermath from both the government and volunteer groups will begin to pull out. This can lead survivors to feel abandoned and resentful as they come to realize the challenges of rebuilding after the tragedy and the limits of their own resources. At the same time, the broader community will have begun to return to “business as usual,” leaving those most impacted to feel alienated in some ways.<sup>18</sup> This divide may be furthered as monetary resources are doled out unequally, with priority given to those most impacted, thereby breeding resentment among others who perceive their impact to be similar.<sup>19</sup> Consequently, the cohesion built during the honeymoon phase may be disrupted by increasing divisiveness and hostility. As stress and other pressures (e.g., financial loss, family problems, bureaucratic processes) increase, individuals may turn to less effective (maladaptive) coping mechanisms, including drugs and alcohol, anger, or isolation. The disillusionment phase can last for months or even years as individuals work through their grief. Such progress, however, may be impeded by trigger events (e.g., additional mass casualty events that spark reminders of an individual’s own tragedy), year marks,<sup>20</sup> or other setbacks. Communities also may experience added tragedies either directly or indirectly related to the mass shooting. For example, in the respective year following both Columbine and the Marjory Stoneman Douglas High School shooting in 2018, two survivors of each tragedy died by suicide, which undoubtedly further impacted each community still reeling from the initial events.<sup>21</sup>

The sixth and final phase of a disaster is the *reconstruction* phase. Reaching this phase is the ultimate goal for a community following a disaster like a mass shooting or other mass casualty event. It typically begins around the one-year mark and can continue for years after. During this time, survivors continue to grieve their losses from the tragedy, but they also begin the process of rebuilding, both physically and emotionally, and adjusting to the “new normal”<sup>22</sup> of life after the event. Although they are on the road to recovery, survivors still may experience setbacks at year marks or as the result of other trigger events, though they continue to build the necessary skills (e.g., resilience) for healthy coping.

While this model can provide an overview of how survivors and communities *may* react and respond to a disaster like a mass shooting in its aftermath, it is important to remember that each situation is unique. Not only may differently impacted individuals and communities move through these phases

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**Further Considerations for Differential Impacts of Individuals and Groups**

There are other considerations that must be accounted for when understanding how individuals and groups may be impacted differently by mass casualty events. Specifically, consideration must be given to individuals and groups who are historically marginalized or stigmatized and how their responses and needs may differ as a result. Importantly, even when individuals belong to the same impacted group, they may be affected differently.

Indigenous communities in the United States typically are afforded tribal sovereignty, which means that their land and, by extension, their residents are beyond the reach of the government, media, and public.<sup>23</sup> After a mass casualty event, the reservation may close its borders and turn inwards to manage the tragedy, as was the case in 2005 after the Red Lake High School shooting in Red Lake, Minnesota. Many resources that normally would be afforded to communities, such as financial support, either were not provided or were denied by the Red Lake community, which further exacerbated the challenges as the community was and still is economically depressed, with more than one third of its residents living in poverty.<sup>24</sup> The community also struggled in respect to mental health and addiction before the shooting, which subsequently exacerbated these issues and increased their prevalence. Aside from the cultural differences related to mental health, many of the individuals who were impacted by the shooting also lacked basic resources like transportation to get to service appointments. Consequently, even more than 20 years later, individuals who were impacted by the shooting still struggle with their trauma, with continued addiction and suicides plaguing the community.<sup>25</sup>

Gender identity also must be considered when assessing the impacts of mass shootings, such as the 2016 attack at Pulse nightclub in Orlando, Florida. Research has found that not only were members of the LGBTQ+ community concerned about the safety of themselves and their peers, but they felt less protected in places once considered safe havens (gay and lesbian bars).<sup>26</sup> Moreover, these differences in experiences and responses can be more pronounced among certain subgroups<sup>27</sup> or when there is an intersection of marginalization, such as for LGBTQ+ persons of colour,<sup>28</sup> as was the case after Pulse. This can amplify emotions as LGBTQ+ individuals may internalize violence differently (and in different ways based on other facets of their identity),<sup>29</sup> which can adversely affect their coping processes.

Also compounding the effects of mass shootings is when such attacks are hate crimes targeted towards specific racial or religious groups. This was the case in Charleston, South Carolina in 2015, where a self-radicalized White supremacist targeted the city's oldest historically Black church, killing nine of its parishioners during a Bible study class.<sup>30</sup> Similarly, in 2018, eleven worshippers were killed in Squirrel Hill (Pittsburgh), Pennsylvania in an anti-Semitic attack on a Jewish temple.<sup>31</sup> In each, it is possible that the targeted nature of the attack created complexities for the trauma after the shootings, though existing community cohesion may have balanced this.

Understanding the complexities of such events is critical to providing trauma support through a **culturally sensitive lens** that addresses the challenges of the communities while allowing group characteristics to help guide healing and recovery. It is important to note, however, that attacks against marginalized individuals and communities may have even further reaching consequences. Other individuals from such groups outside of the affected area may identify with the victims, leading to potentially adverse reactions on a broader scale.<sup>32</sup>

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at varying rates, but such progression may not always be linear or sequential. Phases of the disaster may be skipped or, in some cases, impacted individuals may retreat to earlier points in the process. How individuals and communities progress along this path is influenced by several factors, including the magnitude of the event and how exposed each person was to it. Individual factors, such as their previous life experiences, preexisting psychopathology or psychological distress, coping styles, family and social support, and financial resources, also play a role in how someone progresses through the phases, as do other extrinsic factors. These challenges are described in more detail in the next section.

### **CHALLENGES FOR SURVIVORS AND COMMUNITIES IN THE AFTERMATH OF MASS CASUALTY EVENTS**

There are numerous challenges in the aftermath of a mass shooting or similar event that can affect responses to the tragedy, particularly in the phases (heroic and honeymoon) just after it occurs. These can include such factors as the media coverage and corresponding public attention as well as either an overabundance or lack of resources (or both). Understanding the challenges posed by each of these sources for survivors is critical to identifying the ways in which to best support impacted individuals and communities.

#### **The Media**

When news of a mass shooting breaks, the media often rush to the scene to cover the event minute-by-minute, detail-by-detail. In some cases, their arrival occurs while the event or initial response is still in progress and can continue for days or even weeks. Reporters often incorporate interviews with impacted individuals into the coverage. This includes immediately after the event has occurred, as survivors are being extricated from the impacted scene and still trying to make sense of what they just experienced. Survivors of mass shootings interviewed by this author have recounted instances when the media camped out on their residential streets or in front of their homes, called their phones (despite them having unlisted numbers), and went so far as to impersonate grief counselors to make connections. In addition to seeking out survivors in the minutes and hours after the attack, the media usually cover its aftermath, including memorials, funerals, and other important events (e.g., injured survivors being released from the hospital, impacted sites reopening, legal proceedings). As a result of the pervasive media attention, survivors have likened this experience to “grieving in a fishbowl,” as described by one individual during an interview with this author.

When the media retreat from the impacted community, sometimes as quickly as they arrived, their departure can leave survivors and the community as a whole feeling abandoned. It is not uncommon for survivors to struggle with feeling as though others have moved on and forgotten about their tragedy while they are unable to. Such feelings are not only related to the presence or lack thereof of the media. Attention from the broader public often is high in the immediate aftermath of a mass shooting, with people offering thoughts and prayers as well as resources. After a short period, however, these too diminish. As this attention may be perceived as a form of social support, its absence can have a negative impact on survivors, who may perceive it as another loss that compounds their initial impact and creates an added obstacle for their recovery journey.

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**Recommendations for Reducing the Impact of the Media***(Adapted in part from the Toolkit for Response for Advocates in Colorado)<sup>33</sup>*

- During the event and immediate aftermath, work with law enforcement to create media staging points away from the scene or locations where survivors are gathering.
- Assign a Public Information Officer (PIO) to each family or injured survivor.
- Notify family/survivor PIOs and victim advocates of information to be covered at press conferences so they can prepare the impacted individuals they are working with.
- Assign a gatekeeper to field media requests and connect them with persons who have expressed an interest or willingness to provide public interviews.
- Incorporate these same practices for other instances where impacted individuals will be congregated together, such as at funerals, when returning to the event site, and year mark commemorations, as well as for any legal proceedings stemming from the event.
- Provide resources to impacted individuals about healthy media consumption practices (e.g., limiting the amount of media consumed each day; seeking out verified information from trusted and credible sources).
- Encourage the media to adopt a NoNotoriety<sup>34</sup> policy when covering the event in any context, including at annual observance ceremonies. No Notoriety challenges the media to reduce the attention given to a perpetrator in the coverage of a crime, including limiting the use of their name (instead referring to them as “the perpetrator”) and image, avoiding prominent placement of the story, and avoiding publishing their manifestos.

**Donations**

Mass shootings and similar events also bring about challenges related to resources. Immediately after the tragedy, well-intentioned individuals who want to support the impacted community and individuals may offer help by donating money or goods (from teddy bears to concert tickets). This can create a separate set of challenges beyond just how best to distribute them. For instance, the community already will be taxed in terms of existing resources and may not have the infrastructure in place to deal with the influx of donations not only from the local community but potentially from across the nation or internationally. This can strain the postal system not only for the impacted community but also for those that surround it, as mail may be incorrectly addressed without a central location where items can be sent. It also can add stress to already strained volunteers who will need to figure out where to store the donations and how to distribute them as well as the practical logistics of doing so.<sup>35</sup>

Similarly, people may seek to offer monetary donations to impacted individuals and the community but not know precisely how to do that, particularly if the community has not yet had the opportunity to

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### **Recommendations for Managing Financial Donations**

*(Adapted in part from the Toolkit for Response for Advocates in Colorado)<sup>36</sup>*

- Identify an existing agency (e.g., a nonprofit organization) or financial institution that is able and willing to accept private donations on behalf of individuals impacted by the event. (If possible, establish such relationships before an incident occurs.)
- Consider establishing two separate funds: one specifically for funds donated to help the victims and one that can be used to provide services both for the victims and for the community.
- Determine who is eligible to receive these funds and clearly communicate this information to both donors and potential recipients.
- Advertise the fund(s) through the media and other community outlets, emphasizing that these are the “official” central funds for the crisis to discourage donations to potential scammers.
- Establish various channels through which potential donors can contribute through (e.g., PayPal, Venmo, GoFundMe, and/or similar crowdfunding sites, websites with credit card portal).
- Ensure there are mechanisms in place for timely disbursement, as survivors often will need assistance soon after the event to help with medical costs, lost wages, temporary lodging (if the event occurred at their residence), and/or replacement items.
- Maintain accurate records of all donations and corresponding disbursements.

In lieu of financial contributions, individuals and organizations also may wish to donate goods and services, such as “no-cost” mental health services, providing crisis counseling, and services for special populations (e.g., individuals with disabilities or those needing interpreters or other assistance). Like monetary donations, such contributions require a centralized agency not only to oversee the receipt and distribution of the goods and services, but also to answer calls from potential contributors, to screen and vet providers seeking to offer their services, and to store the goods.

establish a centralized fund. This may be further complicated by crowdfunding campaigns (e.g., GoFundMe) set up by families or friends of impacted individuals. Survivors interviewed by this report’s author also have noted that, in some instances, multiple accounts may be set up on their behalf, which leads to more steps needing to be taken to access any funding received. Money received into a general community fund presents a separate set of challenges regarding how it will be disbursed and who will be eligible to receive it.

### **THE PSYCHOSOCIAL IMPACTS OF MASS SHOOTINGS**

As noted above, the impact of mass shootings is widespread, encompassing individuals who are both directly and indirectly affected. These events have been found to lead to high rates of psychological



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distress.<sup>37</sup> Mental health outcomes related to mass shootings include but certainly are not limited to posttraumatic stress disorder (PTSD),<sup>38</sup> posttraumatic stress symptoms (PTSS),<sup>39</sup> major depression,<sup>40</sup> anxiety,<sup>41</sup> acute stress disorder,<sup>42</sup> mood disorders,<sup>43</sup> and alcohol-related conditions.<sup>44</sup> Prevalence rates for these disorders vary across the research, but the most chronic and severe dysfunction (e.g., PTSD) is not as common among mass shooting survivors as has been assumed. Research has, however, found that mass shooting survivors are very likely to experience PTSS, affecting upwards of 95 percent of individuals evaluated.<sup>45</sup> Many survivors also struggle with grief,<sup>46</sup> worry,<sup>47</sup> and dissociation.<sup>48</sup> Moreover, surviving these types of events can affect individuals' fear of victimization,<sup>49</sup> perceived risk of harm,<sup>50</sup> and emotional and behavioral well-being.<sup>51</sup>

Traumatic experiences can manifest themselves through a range of different responses.<sup>52</sup> Mass shooting survivors may experience intrusions (seeing, smelling, hearing, tasting, or feeling something that causes the individual to relive the event), flashbacks, or nightmares. These reactions may be triggered by either internal or external cues at any point. Some survivors, for example, have expressed to this author having sensitivity to sounds that resemble gunshots, such as fireworks or cars backfiring, or sounds that remind them of the response to the shooting (e.g., emergency sirens, helicopters). They may have trouble falling or staying asleep, and also may experience hypervigilance or other forms of arousal that can manifest through startle responses, irritability, new or exaggerated fears, or difficulty concentrating on a task or retaining information. They may adopt avoidant strategies to try to cope with their trauma, both emotionally (shutting down, refusing to talk about their experience) or behaviorally (e.g., staying away from the scene of the event). Some impacted individuals interviewed by this author describe experiencing "survivor guilt," whereby they blame themselves for what occurred or how they did or did not respond to the event. They may question why they survived the shooting when others did not. In some instances, individuals struggling with survivor guilt may feel as though they do not deserve to live, which could lead to them taking measures to end their own lives.<sup>53</sup>

The emotions experienced by survivors of mass shootings have been found to be influenced by a variety of different factors. As noted, individuals may be impacted either directly or indirectly, and research has found that the level of exposure to the shooting can affect trauma symptomology.<sup>54</sup> Incident exposure can be measured as the physical proximity to the attack or how much the individual saw or heard during it. Knowing or being close to someone who was killed or injured in the attack, as well as not being able to contact friends or loved ones during or after the attack, also are markers of incident exposure that can adversely affect individuals.<sup>55</sup> Research has provided some evidence that there is a positive association between exposure level and the length of time that more pronounced symptomology is present, with more extreme and direct exposure to traumatic stimuli corresponding to longer periods of psychological reactions like PTSS for mass shooting survivors. Still, even those with greater levels of indirect exposure, including consuming news media about the shooting or having informal conversations about it with family and friends, can exhibit trauma-related psychological reactions.<sup>56</sup>

Beyond individuals' experiences with the mass shooting, there are other factors that can affect their reactions to it. Individuals with previous psychological distress or trauma exposure have been found to be at an increased risk for posttraumatic symptomology and difficulty coping.<sup>57</sup> Social resources (e.g., social support, solidarity) have been found to be inversely correlated with post-incident mental health outcomes, such that fewer social resources lead to a higher likelihood of adverse reactions in survivors. There also is evidence that sociodemographic factors can affect mental health outcomes. These

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include but are not limited to gender, race and ethnicity, age, marital status, education, family history of mental illness, and socioeconomic disadvantage (e.g., income levels and employment status). Research has found, for instance, that women often exhibit greater posttraumatic growth than men.<sup>58</sup> Similarly, one study found that the prevalence of PTSD among exposed children following an elementary school shooting was 91 percent,<sup>59</sup> whereas other studies of adults have reported prevalence levels between 5 and 64 percent.<sup>60</sup> In sum, even a single mass shooting event can affect survivors differently based on a variety of factors, such that no two individuals respond the same.

It is important to recognize that the trauma-related impacts of events like mass shootings are dynamic rather than static. Research has found that impacted individuals are more likely to report such symptomology in the honeymoon phase right after the event (several weeks to one month).<sup>61</sup> As time passes and the individuals become more removed from the event, the elevated levels of symptomology can decline. Notably, however, not all mass shooting survivors exhibit trauma symptomology along the same timetable relative both to the onset and to the corresponding decline. For some individuals, trauma reactions may be delayed; the person also may choose not to acknowledge their presence or be able to make the connection between their feelings and the event. In one example described to this report's author, a Columbine survivor who was a student on the day of the shooting noted that although he entered counseling almost immediately after the event, it was not until eight years later that he disclosed the impact to his therapist, allowing for the connection to be made and underlying issues to be addressed.<sup>62</sup> Given such variability, it is important to identify the needs of survivors of mass shootings, especially from their perspective, and understand how these can change over time. This information is vital for planning efforts for community leaders, support providers, and others tasked with assisting survivors in working towards recovery and resiliency.

### WHAT RESOURCES DO SURVIVORS NEED?

Given the disparity in how different individuals are impacted by a mass shooting, there inevitably is variability in the types of resources and supports that they need to help them along their posttraumatic journey. Physical needs may be perceived as the easiest to provide as they relate to those injuries that can be seen. Individuals wounded in a mass shooting, for example, will require medical treatment and may need physical therapy afterwards. The level of the severity of injuries will dictate how much treatment and resources are needed to help the individual heal (e.g., identifying if they can be treated and immediately released or if they will require longer hospital stays; if their injuries are temporary or permanent, such as a spinal cord injury that leaves the impacted individual permanently paralyzed). Often, however, the number of people who sustain physical injuries account for the smallest proportion of impacted individuals.<sup>63</sup>

Instead, individuals impacted by mass casualty events are far more likely to sustain injuries that cannot be seen. These "invisible" injuries create the need for emotional and psychological supports, including psychological first aid, not only in the immediate aftermath of a mass shooting but also for years after. Given the widespread number of individuals who are impacted by such events, it can mean that an untold number of people with both direct and indirect victimization may need such support. In fact, individuals who are present at an impacted location during the event but are not physically injured are a critically overlooked group in this respect because their trauma is not visible. Supports for emotional and psychological needs may take the form of both formal and informal resources.

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**What are Recovery and Resiliency, and How Do They Differ?**

Oftentimes, the aftermath of traumatic events like a mass shooting is viewed through the lens of **recovery**.<sup>64</sup> Immediately after the event occurs, individuals may exhibit elevated trauma symptomology and distress. After a period of heightened arousal, these symptoms can decrease gradually. At some point, the impacted individual returns to a state of pre-event functioning or something that closely resembles it. This period of disruption can last for months or even years, as the amount of time that it takes the individual to return to “normal” depends on the severity of the trauma and how exposed or impacted that person was.<sup>65</sup>

When it comes to mass shootings and similar traumatic events, **resiliency** is conceptually distinct from recovery and often is a more realistic goal for impacted individuals. Resilience has been described as:

the ability of adults in otherwise normal circumstances who are exposed to an isolated and potentially highly disruptive event such as the death of a close relation or a violent or life-threatening situation to maintain relatively stable, healthy levels of psychological and physical functioning, as well as the capacity for generative experiences and positive emotions.<sup>66</sup>

Individuals who have developed resilience after trauma are better able to meet the demands of their everyday lives while managing their stress well. Although they may still experience trauma-related stressors, the impact of these is milder, less prolonged, and typically does not interfere with cognitive functioning as it would for people who have failed to build resiliency. Most individuals tend to exhibit resiliency after trauma,<sup>67</sup> but they also may either underestimate or not be aware of how resilient they are.

Both recovery and resiliency are the product of individuals’ coping capabilities. Coping has been defined as “constantly changing cognitive and behavioral efforts to manage specific external and/or internal demands that are appraised as taxing or exceeding the resources of the person.”<sup>68</sup> Individuals who are impacted by a traumatic event and consequently experience stress or other symptomology must devise different strategies or plans to respond to these challenges, and how they are able to do so is dependent on a number of factors, including social support and prior traumatic experiences.<sup>69</sup>

Research on the topic has identified four different types of coping strategies that may be employed by survivors of mass shootings:<sup>70</sup>

- **Problem-focused coping:** involves changing or removing the source of stress by either doing something about the problem, coming up with ways to resolve the underlying issues, or making sense of it through religion or spirituality
- **Emotion-focused coping:** involves managing negative feelings and stress through social support (e.g., seeking out advice or empathy, venting about frustrations)
- **Avoidance:** involves finding ways not to deal with the stressor (e.g., distraction, denial, restraint, or evading the issue by using drugs or alcohol)
- **Acceptance:** involves coming to terms with the stressor and working to deal with it

Of these types, avoidant coping has been most linked with prolonged trauma symptomology.<sup>71</sup> Notably, however, research has also found that employing multiple strategies predicts greater resilience following a trauma<sup>72</sup> and that the use of different strategies may change over time.<sup>73</sup>

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**Formal Resources: Counseling and Therapy**

Formal psychological supports most commonly take the form of counseling and therapy resources. Initially after a mass casualty event occurs (during the heroic and honeymoon phases), mental health support can be provided through short-term crisis counseling and psychological first aid.<sup>74</sup> This involves helping survivors understand what they just experienced and the reactions that follow, providing emotional support and teaching coping strategies to help reduce stress and other posttraumatic reactions, and connecting them to other individuals and agencies that can provide additional resources and more sustained support.<sup>75</sup> While broad support, such as teaching stress management and mindfulness techniques, can be provided to impacted individuals throughout the community, triaging and risk assessment may be used to identify those who are in need of immediate attention and connect them with the appropriate services.<sup>76</sup> Early intervention efforts should focus on promoting a sense of safety, calm, community and self-efficacy, connectedness, and hope.<sup>77</sup> Having trained counselors available in the immediate period after a mass casualty event can help to mitigate the risks of posttraumatic symptoms later in the recovery process.<sup>78</sup> Still, it is important to understand that some impacted individuals will reject mental health-related services initially and possibly even for years to come. Even for those individuals who do utilize crisis support, it may not be viewed as helpful, particularly among those most in distress.<sup>79</sup>

As more time passes and the initial impacts (e.g., shock, denial) wear off, more traditional forms of counseling and psychotherapy will be needed to treat the trauma and underlying issues (during the disillusionment through reconstruction phases). Although PTSS prevalence rates typically are higher in the immediate aftermath of the event, failing to treat the source of trauma can increase the potential for relapses, comorbidities with other outcomes (e.g., alcohol or drug addictions), and later diagnoses of PTSD.<sup>80</sup> Longer term, however, significant and ongoing counseling may not be needed as survivors continue to progress along their trauma journeys. Some individuals impacted by mass casualty events even may exhibit posttraumatic growth<sup>81</sup> or report positive changes resulting from their traumatic experiences,<sup>82</sup> though others may require long-term or more complex treatment, particularly if they did not benefit from the supports offered at the immediate aftermath. Notably, this also may be when an increasing number of first and second responders seek trauma supports as they may have delayed seeking treatment or their symptoms may have gone unrecognized during the earlier phases (heroic and honeymoon) of the aftermath.<sup>83</sup>

It is important that the types of treatments that are offered to or sought out by survivors are both trauma-informed and empirically supported. Although research has yet to systematically evaluate the therapy methods that are most helpful for mass shooting survivors or that were the most successful in treating their trauma responses, the American Psychological Association (APA) does provide recommendations about interventions used with PTSD that also may be used to support these individuals.<sup>84</sup> These include cognitive behavioral therapy (CBT), cognitive processing therapy (CPT), cognitive therapy (CT), prolonged exposure therapy (PE), brief eclectic psychotherapy (BEP), eye movement desensitization and reprocessing (EMDR), and narrative exposure therapy (NET). Among these, CBT, CPT, CT, and PE receive the strongest recommendations from the APA, although mass shooting survivors interviewed by this report's author have highlighted EMDR as being especially helpful, with one survivor calling it a "game changer."<sup>85</sup> Although not included in the APA's guidelines, researchers have found that for first and second responders, including medical workers and crisis counselors, critical incident

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stress debriefing (CISD) can be used to treat posttraumatic symptomology, including depression and anxiety, during the immediate aftermath of the disaster.<sup>86</sup> Mindfulness-based psychotherapies, such as Acceptance and Commitment Therapy (ACT) and mindfulness-based cognitive therapy (MBCT), also can provide benefits to these groups relative to reducing the impacts of both direct and vicarious trauma.<sup>87</sup> Similarly, beyond the APA's recommended interventions, there may be other types of therapy that can benefit survivors. Some communities, for examples, have incorporated equine therapy<sup>88</sup> and creative arts therapy<sup>89</sup> into their offerings.

Just as survivors will vary in their timelines for when they seek out mental health support, they also will differ in respect to the types of supports that are most effective. As such, those tasked with spearheading support efforts for the impacted community can work to identify service providers trained in each of these different types of intervention, carefully screen and vet them for their ability to respond to the current crisis,<sup>90</sup> and distribute a master list of approved providers to those affected and in need of services. It also is important to consider the impact that a mass casualty event will have on community mental health providers due to a surge in referrals for impacted individuals, which can significantly disrupt more routine operations.<sup>91</sup> Identifying multiple individuals and agencies that can provide each

#### Differentiating Between Recommended PTSD Interventions

Through their *Clinical Practice Guideline for the Treatment of PTSD* resource,<sup>92</sup> the APA describes the aforementioned treatments as follow:

- **Cognitive Behavioral Therapy (CBT):** Emphasizes changing feelings, thoughts, and behaviors by addressing underlying problems and symptoms that impact functioning.
- **Cognitive Processing Therapy (CPT):** Teaches individuals to challenge and modify negative or unhelpful beliefs to improve functioning. CPT is a form of CBT.
- **Cognitive Therapy (CT):** Focuses on changing negative evaluations and memories of trauma to stop them from interfering with an individual's behaviors and thoughts.
- **Prolonged Exposure Therapy (PE):** Teaches individuals to confront their trauma-related thoughts, feelings, and memories through a gradual approach to lessen their impact.
- **Brief Eclectic Psychotherapy (BEP):** Combines CBT with psychodynamics to help an individual change their adverse feelings (e.g., shame, guilt).
- **Eye Movement Desensitization and Reprocessing (EMDR) Therapy:** Combines bilateral stimulation (eye movements) with a brief focus on the traumatic event to reduce the vividness of associated emotions.
- **Narrative Exposure Therapy (NET):** Teaches the affected individual to ground their traumatic event in their broader life narrative.

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different type of services is key to having enough resources available for all who are affected.

### **Informal Resources: Social Support**

One of the most important predictors of posttraumatic growth and a reduction of trauma-related mental health concerns is positive social support,<sup>93</sup> or the amount of support, both emotional and instrumental, received by a person from others within their environment.<sup>94</sup> Its presence can help protect against the onset of trauma symptomology, including PTSD. Positive social support also can act as a buffer against the deleterious effects of mental health problems that do set in, either by decreasing the severity of symptoms or minimizing the amount of time it takes the individual to go into remission (meaning that the heightened symptomology is no longer being experienced on a consistent basis). It enables impacted individuals to be able to manage their trauma and recovery more successfully by promoting resilience, posttraumatic growth, and successful coping strategies. When positive social support is absent, however, survivors may be more likely not only to develop adverse trauma-related mental health outcomes but also to experience more chronic bouts of symptoms.<sup>95</sup>

Importantly, not all social support – even when well-intentioned – is positive.<sup>96</sup> Whether such efforts are viewed as positive is dependent on whether the receiver believes they need support, whether the help matches the individual's needs, and/or whether the efforts are requested or unsolicited.<sup>97</sup> Research has found that for bereaved individuals more broadly, efforts such as creating opportunities for those affected to express their feelings and be involved in activities often are viewed as positive, as is having support providers express concern for them.<sup>98</sup> Conversely, efforts may be viewed as negative when they are perceived to minimize the impacted individual's feelings, discourage open communication or grieving, or hurry recovery, offers of unsolicited advice, forced attempts at cheerfulness, and attempts to associate with their trauma (e.g., saying "I know how you feel" without having the same experience) also have been poorly received. In such cases, these attempts at social support may adversely affect not only the receiver but also the provider.<sup>99</sup>

Losing someone to homicide has been described as one of the most severe traumatic experiences that a person can have, due in part to how rare it is.<sup>100</sup> As a result, these losses can lead to the stigmatization and even isolation of those who have been impacted. Even intact social support systems may be weakened over time as non-affected individuals struggle to understand the magnitude of the loss for survivors. Put simply, the lack of shared experiences between homicide survivors and their support networks can have significant consequences that can magnify the impact of the loss, particularly related to mental health outcomes. Given the violent and random nature of mass shootings, it is reasonable to conclude that the occurrence of a mass casualty event can exacerbate these challenges for affected individuals.

While the lack of shared experience can be a significant barrier to posttraumatic growth, one of the most valuable social supports identified in the research is connections with other individuals who have experienced a similar trauma.<sup>101</sup> These "similar others" are uniquely positioned to provide positive social support because they can validate an impacted individual's emotional responses as "normal" (relative to the extremity of the situation) having been through a comparable trauma themselves. Having come out on the other side of tragedy successfully, similar others become role models for survivors, who may observe and imitate what they believe to be successful techniques for managing their trauma.

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ma.<sup>102</sup> They also can provide different types of assistance, including advice and encouragement, while being less likely to push the survivor towards quick recovery, to minimize their concerns, or to dismiss their feelings and experiences entirely.

Like homicide survivors, individuals who are impacted by mass shootings also have identified connection with similar others as the most beneficial resource they have during their recovery.<sup>103</sup> As described to this report's author by one survivor, "Just to be around people who have been through the same trauma makes you feel normal for a second. It validates your feelings." Not only does this connectedness help to reinforce that the survivor did not go through the event alone, but it also fosters solidarity and cohesion that can help them navigate their trauma long after the honeymoon phase of the disaster has passed. Moreover, it can act as a buffer against the potential negative effects of outsiders, whether it be the media or even family and friends who either intentionally or unintentionally attempt to deny the survivor their experience.

Importantly, research from this report's author finds that social support tends to be viewed as positive not only when it comes from another survivor but when that provider has experienced the shooting in the same way (e.g., both the receiver and provider lost a loved one in the tragedy, they both were in the same space within the affected location during the incident). This holds true not only for the most affected individuals but for any impacted person. For example, one individual who lost their child in a mass shooting in a school noted in their interview with this report's author:

"[We] had 12 other families who had lost somebody, and we became close with them. Although it was this horrendous tragedy, [it] was extremely important – I think in terms of getting through all this and seeing how they dealt with it. Walking into this group of people and [you] knew you didn't have to explain how you felt. They were there and they knew, and you could just start talking. They knew it was okay to laugh sometimes."

At the same time, another individual, who was in the same school but was not physically injured during the shooting, highlighted during their interview that "The only time that I felt comfortable was when I was surrounded by people that I was in the room with," referencing the nearly 60 other students they were locked down with. Although these two individuals were impacted differently by the same tragedy, they still both sought connections with others who more analogously shared their experience.

One way to promote the development and sustainment of this type of social support is to utilize support groups. Although largely unstudied in the context of mass shootings, research has documented the success of support groups for homicide survivors.<sup>104</sup> These groups allow individuals to bond with others who have a similar experience, to have their feelings validated, and to make sense of their loss. At the same time, survivors can build mutually beneficial relationships with others, and they may seek out those who share more similar experiences to their own. The ability to find a dedicated place among others who understand what they are going through can help to stabilize the effects of the trauma. It also can help individuals to expand their social support networks in meaningful ways. In the context of those impacted by mass casualty events, creating support groups based on the way individuals are impacted can help to further connections with similar others and promote posttraumatic growth.

Through this author's research with survivors, the concept of community also has been identified as



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**Leveraging Existing Resources to Build Community**

Cultivating opportunities for impacted individuals to connect with similar others can happen not only within the affected community but also by leveraging existing survivor support networks. One of the most prominent is The Rebels Project (TRP), an organization founded by survivors of Columbine after the mass shooting at the movie theater in neighboring Aurora, Colorado in 2012. The group began with about 100 members but has since grown to approximately 1,400 members representing more than 100 communities impacted by mass casualty events, including from Canada.<sup>105</sup>

Although members of the group are spread out geographically, the fact that TRP exists primarily online (through the group's website and social media platforms) helps to cultivate a surrogate sense of community. It allows for the fostering of social solidarity across both space and time, while creating a forum where individuals can share the lessons that they learned along their trauma recovery journey. This is particularly important as members are all inherently at different stages of this process, whether they are Columbine survivors who are more than 20 years out from their initial trauma or survivors of a mass casualty event within the past few months.

While research, including this author's, finds that virtual networks such as this are helpful for survivors of mass shootings,<sup>106</sup> this type of community cannot completely replace in-person connections. As such, TRP hosts annual in-person survivor gatherings, as well as other events throughout the year, to bring impacted individuals together in a setting that focuses on mindfulness and healing.

Survivors of numerous mass shootings have highlighted the importance of their membership in TRP as it helps them to have a place where they can go when they need support. During the course of this author's research, one survivor noted:

I wish I had someone who understood. ... I found The Rebel's Projects [and] I feel like having them there was what I wanted so I had people who understood, who talked to me, and who knew what I went through or what I was going through.

At the same time, survivors also highlight the importance of TRP not only for finding support for themselves but also for their ability to support other impacted individuals in return, which also can help to promote their own posttraumatic growth, as noted by one individual interviewed by this report's author:

It has completely changed my life. I'm in the spot now where I'm able to help other people that have been involved in things like this in their life. I'm in a different place than they are. We can help them where they are now because we've been there.

Support providers can help to foster opportunities for connection between these survivors and members of TRP. This may occur in several different ways. First, events, such as speaking engagements, may be organized that bring survivors from other tragedies to the impacted community or communities. This may involve bringing in a panel of survivors who have been affected in various ways (thereby accounting for the different layers of impact to reflect the variability within the community) and holding open community events, or it may be beneficial to arrange individual sessions based on impact level so that individuals can spend more time one-on-one or in smaller groups with those survivors who have the most similar experiences. Second, a grant program may be established to assist survivors with attending in-person gatherings with The Rebels Project via their annual retreat or other initiatives.



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being vital to understanding the shared experiences of mass shooting survivors, and it may have both positive and negative effects. In this sense, community is defined not only geographically (referring to a group of people living in the same place) or socially (e.g., a school or religious group), but also as a more abstract sense of fellowship or belonging with others who have a shared experience. Survivors have noted that when the community is close-knit prior to a mass tragedy occurring, it can facilitate the recovery process by helping to get things back to “normal” (or, as noted, the “new normal”) more quickly. Community partners, including other residents, can work alongside those most affected to not only rebuild the physical location(s) but also provide emotional support. At the same time, if those most affected need some type of resource to facilitate that process but are unable to procure it, there are other forms of support beyond the community that can potentially step in and assist.

Conversely, community may be perceived as having a negative effect on the recovery process when there is strife among members. As noted, even within a geographic community that is impacted by a mass casualty event, individuals will be affected – and at times prioritized both formally and informally – differently, often with the greatest focus on those most affected (families of the deceased and injured survivors). This can foster tension among survivors, who perceive other impacted individuals from the broader community as not understanding their experiences or being treated differently. Such tension can have adverse effects on trauma recovery.

The loss of community, often as the result of leaving the geographic area associated with the original trauma, also can present challenges for impacted individuals. Rather than being surrounded by others who, albeit to varying extents, also experienced the traumatic event, impacted individuals who relocate out of the community may struggle to connect with others in their new location.<sup>107</sup> The inability to form meaningful relationships with individuals who can relate to or understand their trauma can create a sense of social isolation, which can further impede the recovery process. As such, it is important to foster opportunities to help impacted individuals build new or expand additional social and community support structures.

### Other Resource Needs

To provide for both the physical and emotional/psychological needs of individuals impacted by mass shootings and other mass casualty events, a third form of support is required: financial resources. This type of support is needed for a host of different needs for survivors, including, but not limited to, subsidizing or completely covering the costs associated with medical care (both short- and long-term), burial assistance, lost wages, and temporary or permanent housing (if the event causes individuals to be displaced). Financial support also may be needed to assist with covering the cost of counseling and therapy resources, including insurance copays. Further, financial support may be needed to help restore or rebuild the location where the event occurred.<sup>108</sup>

Regarding financial resources, there are two key sets of considerations in planning how to support survivors and communities impacted by mass casualty events. The first set involves deciding who is eligible to receive financial support and how these resources will be distributed. Undoubtedly, individuals will have varying needs based on the manner or degree to which they were impacted. As such, for the purposes of providing resources, it may be necessary to define up front (either before a tragedy occurs or immediately after when resource assistance is activated) who will be considered a primary,

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secondary, or even tertiary victim.<sup>109</sup> In terms of distributing resources, it must be decided how this will occur – whether through assessments of individuals’ applications on a case-by-case basis, set amounts of money based on the level of impact, or designated formulae that account for a variety of factors.<sup>110</sup> Other decisions will need to be made regarding who is responsible for overseeing the distribution process, how that individual or committee will be appointed, and the formula for resource allocation (if used). Once established, this same process also may assist with dividing donated goods and services.

The second set of considerations must account for the long-term needs of individuals and communities. In the United States, for example, funding through the national Office for Victims of Crime (OVC) is made available for up to three years (maximum) after the initial impact of the event.<sup>111</sup> As noted, however, in the immediate aftermath and even in the first few years following a mass casualty event, it is possible that survivors are either unwilling to accept resources or do not realize that they need them. For some, by the time that they are able or willing to utilize these supports, the resources have expired, meaning that their needs can potentially remain unfulfilled. One Columbine survivor interviewed by this report’s author, for example, noted that it was not until eight years after the shooting that he realized he needed to seek help. Even those survivors who do seek out more immediate assistance still may need resources later, such as counseling following other mass casualty events or other community-based traumas. As such, it is important that those who are tasked with leading the support efforts engage in planning for a longer period and coordinate the necessary resources to be able to do so, including money.<sup>112</sup> Conducting ongoing needs assessments at specific intervals (e.g., every three to five years) beyond the initial evaluation can be beneficial in coordinating or rearranging efforts for the upcoming period. Such assessments typically are conducted by administrators at victims’ services agencies in collaboration with community agencies, academic institutions, consultants, or others skilled in such evaluations.<sup>113</sup>

### **ADDITIONAL AVENUES FOR SUPPORTING INDIVIDUALS AND COMMUNITIES AFTER MASS SHOOTINGS**

#### **Memorials and Annual Remembrance Events**

There are other types of social support efforts that have been found to promote resiliency and reduce the traumatic impact among mass shooting survivors.<sup>114</sup> Such efforts include community-based rituals and events that take place in the aftermath of mass shootings (during the honeymoon period). Immediately following the event, temporary memorials may appear either at the impacted site or elsewhere in the community where people can leave flowers, teddy bears, signs, and other tokens.<sup>115</sup> Candlelight vigils often occur,<sup>116</sup> and there may be other public events, such as community marches and even funerals, that provide opportunities for impacted individuals to gather to share in their grief.<sup>117</sup>

Both planned and unplanned rituals such as these can have a significant effect on survivors of mass casualty events, particularly when they are struggling to make sense of what just happened. One study following a mass casualty event found that 70 percent of people felt more connected with others in the community in the immediate aftermath,<sup>118</sup> likely due to such rituals. The unity fostered by participating in these community-based events can improve feelings of belongingness that serve to promote well-being, recovery, and solidarity, all which can promote more positive coping mechanisms.

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It is not uncommon that these rituals will continue long after the initial tragedy and transition from spontaneous to more permanent efforts. The candlelight vigils held in the days after the mass casualty event, for instance, often become annual observance ceremonies held at each year mark (during the phase of reconstruction) to honor the individuals killed and injured in the tragedy as well as the broader community. Like the earlier rituals, annual observances serve to bring people together in solidarity to share in their collective grief while promoting belongingness and well-being, which can buffer any potential trauma-related symptomology stemming from the year mark and the recalling of events. It is important, however, that when such observances are held, that they involve input from those impacted and that any event plans are reviewed for trauma sensitivity.<sup>119</sup>

Communities also may choose to establish a permanent memorial to commemorate the event and the people impacted by it.<sup>120</sup> These sites can provide centralized places for impacted individuals to grieve as well as for outsiders to pay their respects, and they may host the annual observance ceremonies. Permanent memorials can take a considerable amount of time to plan, as well as construct, because there are a lot of decisions to be made. Input should be collected from those who are most impacted as well as from the broader community to ensure that the permanent memorial is reflective of those who it is dedicated to. Multiple design concepts usually are solicited, and members of the community may be given an open period during which they can review the concepts and provide comment to the planning committee.

While the process can be lengthy, the opportunity for survivors (particularly those who are most impacted) to assist in the planning can help further promote well-being and positive coping by giving them a creative outlet and a way to ensure that their loved one's memory is honored. Families of Columbine victims interviewed by this report's author, for example, have noted the benefits received from working with the other families to build the school's new memorial library. Although not specifically a community memorial (e.g., being offsite), the process of working to raise financial support, assisting with planning the design of the space, and seeing it through to opening was found to be a helpful way to channel their grief. Selecting the site for the permanent memorial also is important and can have unanticipated benefits. Establishing the memorial offsite or some distance away from the impacted location(s) can serve to provide some space between those who are most affected and individuals who may come to the space to mourn.<sup>121</sup> Similarly, impacted individuals may prefer a location away from the site of the original tragedy as grieving there could be triggering.

### Resiliency Centers

Another opportunity to provide support to survivors and the broader community after a mass casualty event is to establish a resiliency center. Resiliency centers focus on promoting physical and emotional wellness among all impacted individuals, from the most affected to the broader community, without the clinicalized aspects of more traditional forms of counseling. Instead, resiliency centers offer a range of services, including support groups, therapy groups (including for bereavement or secondary trauma), exercise classes, activities, healing therapies (e.g., yoga, massage, meditation), and trauma education.<sup>122</sup> They often are staffed by a collaborative team of trauma-informed practitioners and service providers from different disciplines and specializations.<sup>123</sup> The centers also combine existing programs with emerging resources to create a therapeutic community.<sup>124</sup>

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In the context of mass shootings specifically, resiliency centers typically develop out of the reunification and family assistance centers that are established immediately after the tragedy. For those earlier centers, the goal is to provide short-term support and an information clearing house. Resiliency centers, on the other hand, are focused on providing a longer-term community-based space where impacted individuals can connect with one another while utilizing free services focused on wellness. The first known resiliency center established after a mass shooting was in Aurora, Colorado following the movie theater shooting in 2012 (though the center did not actually open until July 2013, one year after the tragedy). Since then, similar centers have been established after the mass shootings in Orlando, Florida (2016), Las Vegas, Nevada (2017), Parkland, Florida (2018), Santa Fe, Texas (2018), Pittsburgh, Pennsylvania (2018), Thousand Oaks, California (2018), Virginia Beach, Virginia (2019), and El Paso, Texas (2019). Like the center in Aurora, many of these centers opened approximately one year after the mass casualty event, as time was needed to establish a long-term planning committee, secure a location, hire the necessary staff, and build the infrastructure for the center to operate. Nearly all are still presently open and operating as of the time of this report, except for Aurora, which closed in 2019 after six years of service (citing an increase of resilience-enhancing programs in the community).<sup>125</sup>

As with other aspects of support for mass shooting survivors discussed throughout this report, there is no set of guidelines or best practices available for how to establish and operate a resiliency center.<sup>126</sup> Stakeholders wishing to establish a similar resource can, however, draw from the experiences of those who have already begun navigating this process.<sup>127</sup> In speaking to the staff of several resiliency centers and community partner agencies, the author of this report found that they believe their clients are satisfied with their services and benefit from having a range of options. In many ways, the centers pride themselves on having something for everyone. This includes holding meetings with the families of victims and providing information updates (e.g., about forthcoming court proceedings), which can help ensure that they are the first to know and not caught off guard.

When establishing a resiliency center, it is important to consider existing organizations within the community that can help. These organizations also may be tasked with staffing and operating the center, and in some instances may be the initial or primary funder. As noted, in the United States, affected communities can apply for funding through OVC, which is part of the Department of Justice, under its Antiterrorism and Emergency Assistance Program (AEAP).<sup>128</sup> These grants, however, can take a considerable amount of time (18 months or more) to be awarded and disbursed, meaning that communities seeking to set up a resiliency center or provide other services must have alternative seed funding.

Another challenge of the AEAP is that funding can only be used to support select individuals rather than anyone who is impacted, meaning that the government ultimately defines victimhood in a way that limits who is eligible for support. These individuals typically include primary (families of the deceased, injured survivors, witnesses, and first responders) and some secondary victims. It can omit members of the broader community who also may be impacted by the mass casualty event and would benefit from such services, which resiliency centers have noted creates obstacles to helping all who have been affected. Having a community organization leading the efforts to establish and maintain the resiliency center can help to address this challenge by leveraging their own resources and existing partnerships. There also may be opportunities for members of the community to help underwrite the costs of supporting the broader community, including providing resources to those individuals who are not covered under AEAP funding. In Parkland, for example, a local businessperson and philanthropist

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established a nonprofit organization within two months of the shooting. The nonprofit, Parkland Cares, serves as a funding “warehouse,” accepting donations from community members and then issuing grants to local service providers, including the resiliency center. Although direct funding to impacted individuals is not available, the grants offered by the organization indirectly underwrite services to a broader segment of the community.<sup>129</sup>

A third challenge of the AEAP is how long funding is available. For mass casualty events involving a perpetrator who survives, grant funding is available for up to three years; when the perpetrator dies in the attack, the funding is limited to 18 months. Many impacted individuals, as noted, may not seek services for years after the mass casualty event, which means that the government funding may no longer be available and they may not be able to access the necessary support.<sup>130</sup> Having an organization that can continue to provide services after the government funding has expired is crucial not only for individuals but for the broader community in terms of maintaining resilience long-term.

Beyond funding considerations, it is important to identify who will lead the resiliency center as its director. The first step to making this determination is crafting a job description that aligns with the mission and goals of the center itself. This will then guide the search and subsequent selection. Choosing the right person is important, as the director wears many hats, from public information officer to manager to even janitor at times. The most important role of this individual, however, is to help filter through the different ideas and perspectives that inevitably come up as the center is being developed.

Once up and running, it is critical to make the community aware of the center, its services, and who is eligible to use them. This can be done through local media (e.g., television, newspapers) and social media. A key to the success of a resiliency center, however, is not to wait for the impacted individuals to come to the location, but instead to meet them where they are. Several resiliency center directors interviewed by this report’s author have indicated that it is very important to be out among the community, attending events (e.g., religious services, farmer’s markets) and passing out informational material (flyers, business cards), and generally being present. Choosing a location for the center that is in a higher traffic area also can help to increase awareness of the center and may encourage walk-ins, while having a phone app can help expand accessibility to different services and can make signing up for them easier.

Additionally, it is important to recognize that there is no set menu of services for all resiliency centers. Flexibility and adaptability are key, as all options tried may not be successful. If the center is considering trying out a therapy and a cost-benefit analysis suggests that the risk is low-stakes, then moving forward with it is a good thing. If it ends up not working out, it easily can be phased out of the offerings. Adopting this approach also will help the center to be flexible as the needs of the community and the center’s clients can change over time. There will be some services, however, that prove to be staples based on the clients’ needs and providing them consistently will be key. When determining what services will be offered, it is important to also consider how they will be branded and marketed. One resiliency center’s assistant director interviewed by this report’s author noted the challenge of labeling services as “therapy” given the community’s bias against the term. By being rebranded as “wellness” support, however, they were better received, even though they were delivered with a therapeutic focus.

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Finally, it is important to recognize that there is no set period of time that the resiliency center should be open. Ultimately, this will be dependent on the community. Some communities may want the center to close after several years to remove the reminder of the mass casualty event, while others may come to see it as a staple of the community and want it to remain. To help guide such decisions, the center's director can conduct follow-up needs assessments,<sup>131</sup> either using surveys or focus groups, with clients as well as service providers throughout the community.

### **CONCLUSION: A ROADMAP FORWARD**

The impacts of mass casualty events are widespread and long-lasting as both individuals and communities travel the complex path of trauma. Although many will travel this path, their journeys will not all be the same, which can present challenges for those who are tasked with supporting them. Understanding these challenges from the onset is critical to the success of support efforts, which must not only be tailored to the needs of those who are impacted but also be flexible as time passes.

Among the most important considerations for support efforts is the breadth of those who are impacted. Unsurprisingly, efforts often are focused on those who are most affected by the tragedy and therefore need considerable support. Underestimating how many people are affected and ultimately need support, however, can lead to chronic problems, not only for those individuals but for the broader community. As such, effective support efforts must account for this bigger footprint and aim to make resources available and accessible to all who need them. Establishing a community resiliency center is one such way to accomplish this goal. Such a center can provide both improved access to resources and a range of service to meet the varying needs of all who are impacted.

At the same time, it is critical to understand that trauma and the recovery from it do not occur according to a specific timetable. Too often, resources are gone before those who need them are ready to take advantage of them. Trauma recovery is a marathon rather than a sprint, and those tasked with providing support must be prepared to do so for the long run. This can be a complicated balancing act, given that much in the way of trauma symptomology presents itself early after the tragedy, yet the ability for individuals to effectively seek help and manage it will not come until later. Thus, planning for the future is critical, though it is important to not be overly focused on the long term as this can cause the more immediate needs of impacted individuals and the broader community to be overlooked. Leveraging resources from both within the impacted community and beyond, including existing survivor support networks (e.g., The Rebels Project), can help ensure a sustainable model for the future while enabling the focus to remain on what is needed in the present.

Finally, it is critical to be both present and consistent. Not only will keeping the lines of communication open help support providers to know what is needed from them, but impacted individuals also will feel as though their voices are being heard and their needs are being met. This can be accomplished both formally, such as through community forums, and informally, by having service providers out within the community. At a time when it may feel as though nothing is normal or safe, the consistent presence of those who care can be an invaluable resource for those individuals and communities impacted by mass casualty events.

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21 Suicides by survivors occur not only in the year after the initial tragedy. In the three months following the one-year mark of Parkland, two survivors of other mass shootings also took their own lives: the father of a victim of the Sandy Hook Elementary School attack (7 years post-tragedy) and a Columbine survivor who had been shot in the library (20 years post-tragedy).

22 Survivors of mass shootings often describe the aftermath of their tragedy as the “new normal” as they recognize the profound and seemingly permanent impact of the event on themselves and their community.

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Consequently, they feel that they must essentially re-learn how to live in a world that is fundamentally different than before the event occurred. The term “new normal” was highlighted in Schildkraut et al. (2021). See note 4.

Another term that mass shooting survivors also often incorporate into descriptions of their impact, including through interviews conducted by this report’s author, is being members of “the club that nobody wants to be a part of,” highlighting their unique experience shared by few people while emphasizing their lack of control or choice they had in being affected.

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People are resilient, but unaware of it. *The Journal of Positive Psychology*, 5(4), 275-280. <https://doi.org/10.1080/17439760.2010.498615>

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61 Lowe & Galea (2017). See note 5.

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63 As an example, following Columbine, just about 7 percent of the more than \$800,000 in funding disbursed to primary victims was for medical and dental expenses. By comparison, 68% of funding was allocated to mental health-related expenses. How much is needed to support individuals who are physically injured will depend on not only how many people are impacted in this capacity as well as the type of injuries sustained, but also whether they have health insurance that can provide coverage. See *Colorado's CVC response to the Columbine tragedy*. (n.d.). Retrieved January 9, 2022 from <https://docs.google.com/viewer?a=v&pid=sites&srcid=c3RhdGUuY28udXN8dHJhY3xneDo2NjA3NzljODNlMzY4MzVi>

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65 See notes 54-57 above.

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75 Substance Abuse and Mental Health Services Administration. (n.d.). *Crisis counseling assistance and training program (CCP)*. U.S. Department of Health and Human Services. <https://www.samhsa.gov/dtac/ccp>

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84 American Psychological Association. (2017). *Clinical practice guidelines for the treatment of posttraumatic stress disorder (PTSD) in adults*. <https://www.apa.org/ptsd-guideline/ptsd.pdf>

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affect using creative arts therapy after a school shooting: A pilot study. *The Arts in Psychotherapy*, 65, 101586. <https://doi.org/10.1016/j.aip.2019.101586>

90 Importantly, during the screening and vetting processes, it is important to account for cultural factors when selecting approved providers. These cultural factors, such as traditions, norms, and values, can impact how impacted individuals mourn the tragedy as well as how and when funerals are conducted. Ensuring that cultural competence underlies support efforts will be critical. See, generally, Cacciatore, J., & DeFrain, J. (Eds.). (2015). *The world of bereavement: Cultural perspectives on death in families*. Springer International.

It also is important to account for other potential impediments to support services, such as language barriers and immigration status, to ensure that those who need to access such resources can. Blocked opportunities that restrict access to support may lead to persistent and exacerbated mental health distress, which in turn adversely affects both the individual and the community.

91 Toolkit for Response for Advocates in Colorado. (2018). *Mental health*. <https://cdpsdocs.state.co.us/ovp/TRAC/community-response/MentalHealth.pdf>

92 American Psychological Association. (2020). *PTSD treatments*. Clinical Practice Guideline for the Treatment of Posttraumatic Stress Disorder. <https://www.apa.org/ptsd-guideline/treatments>

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94 Maercker, A., & Müller, J. (2004). Social acknowledgement as a victim or survivor: A scale to measure a recovery factor of PTSD. *Journal of Traumatic Stress*, 17(4), 345-351. <https://doi.org/10.1023/B:JOTS.0000038484.15488.3d>

95 Charuvastra, A., & Cloitre, M. (2008). Social bonds and posttraumatic stress disorder. *Annual Review of Psychology*, 59(1), 301-328. <https://doi.org/10.1146/annurev.psych.58.110405.085650>

96 Wortman, C. B., & Lehman, D. R. (1985). Reactions to victims of life crises: Support attempts that fail. In I. G. Saranson & B. R. Saranson (Eds.), *Social support: Theory, research, and applications* (pp. 463-489). Springer Publishing Company.

97 Revenson & Lepore (2012). See note 69.

98 Lehman, D. R., Ellard, J. H., & Wortman, C. B. (1986). Social support for the bereaved: Recipients' and providers' perspectives on what is helpful. *Journal of Consulting and Clinical Psychology*, 54(4), 438-446. <https://doi.org/10.1037/0022-006X.54.4.438>

99 Kessler, R. C., Price, R. H., & Wortman, C. B. (1985). Social factors in psychopathology: Stress, social support, and coping processes. *Annual Review of Psychology*, 36(1), 531-572. <https://doi.org/10.1146/annurev.ps.36.020185.002531>

100 For context, in both the United States and Canada, homicide accounts for 0.2%-0.3% of all violent crime offenses known to law enforcement.



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101 Hawkins, N. A., McIntosh, D. N., Silver, R. C., & Holman, E. A. (2004). Early responses to school violence: A qualitative analysis of students' and parents' immediate reactions to the shootings at Columbine High School. *Journal of Emotional Abuse*, 4(3/4), 197-223. [https://doi.org/10.1300/J135v04n03\\_12](https://doi.org/10.1300/J135v04n03_12); Thoits, P. A. (2011). Mechanisms linking social ties and support to physical and mental health. *Journal of Health and Social Behavior*, 52(2), 145-161. <https://doi.org/10.1177/0022146510395592>

102 Schildkraut et al. (2021). See note 4.

103 A notable gap in the scholarly literature assessing the impact of mass shootings is the failure to utilize qualitative methodologies to provide a rich and robust understanding of survivors' experiences. Just one study to date, conducted by this report's author, has begun to address this limitation. The remainder of this section is based on this research, published in part in Schildkraut et al. (2021). See note 4.

104 Blakley, T. L., & Mehr, N. (2008). Common ground: The development of a support group for survivors of homicide loss in a rural community. *Social Work with Groups*, 31(3-4), 239-254. <https://doi.org/10.1080/01609510801980971>; Briere, J., & Scott, C. (2006). *Principles of trauma therapy: A guide to symptoms, evaluation, and treatment*. Sage.

105 For more information on The Rebels Project, visit their website at <https://www.therebelsproject.org>.

106 Hawdon & Ryan (2012). See note 9. See also Jackson, S. D. (2017). "Connection is the antidote": Psychological distress, emotional processing, and virtual community building among LGBTQ students after the Orlando shooting. *Psychology of Sexual Orientation and Gender Diversity*, 4(2), 160-168. <https://doi.org/10.1037/sgd0000229>

107 As an example, one survivor interviewed by this report's author who was a junior at Columbine on the day of the shooting moved out of state to attend college. She noted that being away from her family, friends, and others who attended the school made her feel "very isolated," which had an adverse experience on her college experience.

108 There is no one "right" way to move forward after a tragedy like a mass shooting, and different communities have taken different approaches to restoring, rebuilding, or otherwise repurposing impacted locations. Sites such as the Columbine school library, the movie theater in Aurora, and the Walmart in El Paso, Texas, were renovated and reopened to continue to serve the community. Sandy Hook Elementary School was torn down after the shooting, and a completely new school was built on the same site. The First Baptist Church in Sutherland Springs, Texas, originally was turned into a memorial, but parishioners voted in 2021 to tear it down. Although Pulse nightclub permanently closed for business after the shooting, the location was designated as a national memorial by President Joe Biden in 2021 and will be turned into a permanent memorial with a museum and education center located less than a half mile from the property.

109 See National Association of Crime Victim Compensation Boards. (2000). *Compensation protocol: A guide to responding to mass-casualty incidents*. [https://cdpsdocs.state.co.us/ovp/TRAC/RepsPubs/Natl\\_Assoc\\_Crime\\_Victim\\_Comp.pdf](https://cdpsdocs.state.co.us/ovp/TRAC/RepsPubs/Natl_Assoc_Crime_Victim_Comp.pdf)

110 Following the Columbine shooting, for instance, an administrative team was brought in to make individual assessments about how resources should be supplied to the 761 applications received from primary victims.

Initially after the Aurora movie theater shooting, a set amount of money was provided to victims who had been injured and to the families of the deceased. A team was brought in shortly thereafter to develop a formula,

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which was based on whether the person had been killed or injured and, if the latter, how severe the injuries were (based on the number of nights spent in the hospital). Impacted individuals who did not stay in the hospital were not eligible for any funding. See Toolkit for Response for Advocates in Colorado. (2018). See note 33.

111 Office for Victims of Crime. (2020). *Antiterrorism and Emergency Assistance Program (AEAP): Types of assistances available through AEAP*. <https://ovc.ojp.gov/program/antiterrorism-and-emergency-assistance-program-aeap/types-assistance>

112 Notably, there is no specific period that has been identified for being an appropriate point at which to terminate resources. More than 20 years after the shooting, Columbine survivors still acknowledge needing ongoing support, with some still not even getting initial assistance.

113 Office for Victims of Crime. (2015). *Helping victims of mass violence and terrorism: Planning, response, recovery, and resources — Needs assessment of event or criminal act*. <https://ovc.ojp.gov/sites/g/files/xyck-uh226/files/pubs/mvt-toolkit/victim-assistance.html#naeca>

114 Nurmi, J. (2017). *Shared experiences of mass shootings: A comparative perspective on the aftermath*. Routledge.

115 For memorial items left in the aftermath of a mass casualty event, the community will require a system to be able to collect and store the items until further decisions can be made. Items that pay tribute to a specific victim may be offered to that individual's family, who can then determine how it should be treated (kept, donated, or disposed of). More general items that commemorate the broader tragedy may be collected and used later in a permanent memorial. See Toolkit for Response for Advocates in Colorado. (2018). *Initial and permanent memorial sites*. [https://cdpsdocs.state.co.us/ovp/TRAC/Long-Term/Permanent\\_Site\\_Memorials.pdf](https://cdpsdocs.state.co.us/ovp/TRAC/Long-Term/Permanent_Site_Memorials.pdf)

116 Felix, E. D., Dowdy, E., & Green, J. G. (2018). University student voices on healing and recovery following tragedy. *Psychological Trauma: Theory, Research, Practice, and Policy*, 10(1), 76-86. <https://doi.org/10.1037/tra0000172>

117 Høeg, I. M. (2015). Silent actions – Emotion and mass mourning rituals after the terrorist attacks in Norway on 22 July 2011. *Mortality*, 20(3), 197-214. <https://doi.org/10.1080/13576275.2015.1012488>

118 Thoresen, S., Flood Aakvaag, H., Wentzel-Larsen, T., Dyb, G., Kristian, O. K. (2012). The day Norway cried: Proximity and distress in Norwegian citizens following the 22nd July 2011 terrorist attacks in Oslo and on Utøya Island. *European Journal of Psychotraumatology*, 3, 1-11. <http://dx.doi.org/10.3402/ejpt.v3i0.19709>

119 For recommendations and considerations for organizing annual observances, see Toolkit for Response for Advocates in Colorado. (2018). *Annual observances*. [https://cdpsdocs.state.co.us/ovp/TRAC/Long-Term/Annual\\_Observances\\_narrative.pdf](https://cdpsdocs.state.co.us/ovp/TRAC/Long-Term/Annual_Observances_narrative.pdf)

120 Hawke, A., & Ness, O. (2017). Rituals that helped heal a nation after a terror attack. *Scandinavian Psychologist*, 4, e6. <https://doi.org/10.15714/scandpsychol.4.e6>

121 This can help to address the issue of onlookers. Numerous communities have noted that people come by, either for altruistic or morbid reasons, to the location where the mass casualty event occurred. If this location is still in operation, however, it can make it uncomfortable or even insecure for the people who must go to the space (e.g., for work, school, or other purposes). Situating the memorial some distance away may draw the onlookers away and provide the opportunity for those most affected to heal without fear of disturbance.

## SUPPORTING SURVIVORS AND COMMUNITIES AFTER MASS SHOOTINGS

122 Although resiliency centers are not clinically focused, they may offer referrals to psychotherapists and similar resources as needed.

123 See, for example, The Resiliency Center of Greater Philadelphia. (2021). <https://theresiliencycenter.com/>

124 Morrow, E., Call, M., Marcus, R., & Locke, A. (2018). Focus on the quadruple aim: Development of a resiliency center to promote faculty and staff wellness initiatives. *The Joint Commission Journal on Quality and Patient Safety*, 44(5), 293-298. <https://doi.org/10.1016/j.jcjq.2017.11.007>

125 Importantly, the organization tasked with overseeing the center consulted with survivors and community members before deciding to close the center location and transition services to other community-based organizations. See Aurora Mental Health Center. (2019). *Announcement: Aurora Strong Resilience Center transition* [Press release]. Retrieved from <https://www.aumhc.org/wp-content/uploads/Aurora-Strong-Resilience-Center-announcement-4-29-19.pdf>

126 Beyond the interviews conducted by this report's author, only one dissertation published to date has examined any aspect of resiliency centers as a support for communities affected by mass shootings. See Solomon, H. R. (2020). *Appreciative inquiry of an exemplary trauma informed wellness center created for the community and families affected by a school shooting* (Doctoral dissertation). Nova Southeastern University. [https://nsu-works.nova.edu/cgi/viewcontent.cgi?article=1068&context=shss\\_dft\\_etd](https://nsu-works.nova.edu/cgi/viewcontent.cgi?article=1068&context=shss_dft_etd)

127 Information contained herein, unless otherwise cited, is based on interviews by this author with several resiliency centers and community partner agencies for this report. In order to maintain confidentiality, only the main themes of these interviews are discussed.

128 For full details for the program, including eligibility requirements, see the website for the Office of Victims of Crime: <https://ovc.ojp.gov/program/antiterrorism-and-emergency-assistance-program-aeap/overview>.

129 Since its establishment, Parkland Cares has awarded \$800,000 to 10 non-profit organizations. This has enabled these organizations to provide 500 hours of crisis intervention, 2,843 hours of trauma-informed therapy, 757 hours of case management, and more. See Parkland Cares. (2022). *Parkland Cares: Impact on our community since 2018*. <https://parklandcares.org>

130 Schildkraut et al. (2021). See note 4.

131 See, for example, Center for Victim Research. (n.d.). *Needs assessment*. <https://victimresearch.org/tools-training/needs-assessment/>; Community Toolbox. (2022). *Assessing community needs and resources*. <https://ctb.ku.edu/en/assessing-community-needs-and-resources>

**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**When We Know Something is Wrong:  
Secondary and Tertiary Intervention  
to Address Abuse Perpetration**

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**August 2022**

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## Definitions

**Intimate partner violence (IPV)**, sometimes referred to as domestic violence, refers to violence and abuse that occurs in the context of an intimate relationship. This relationship can refer to a dating relationship, cohabitation, or marriage and includes same-sex relationships. Although both men and women can be perpetrators of violence, research suggests that male violence against women is more frequent and more severe in terms of physical harm, psychological harm (e.g. victim fear, changes in behaviour) absenteeism from work, and risk of death (Conroy, 2021a, Conroy, 2021b, Cotter & Savage, 2019). IPV includes a range of different behaviours, including but not limited to the use of physical violence against an intimate partner. Other common forms of IPV are sexual abuse (any unwanted, nonconsensual activity), psychological or emotional abuse (gestures, words or activities that serve to threaten, intimidate, undermine, humiliate, or isolate the victim), economic abuse (actions that deprive a victim of the ability to provide for their own basic needs and/or those of their children), and spiritual abuse (exerting power and control over someone by using their faith or beliefs, blaming abuse on spiritual figures). Abuse may be perpetrated in person, through others, or via technology, as is the case when a perpetrator misuses technology to harass, stalk, threaten, or harm the victim with actions such as making threats via telephone, text message, or email; blocking caller-ID so the victim is unaware that the perpetrator is calling; sending and/or posting pictures or videos of the victim for the purpose of distressing or harming the victim; and accessing victim's accounts (email, phone, social media, etc.) without the victim's consent and/or without their knowledge. Although IPV may be an isolated incident, most IPV consists of repeated incidents and patterns of abuse.

**Coercive control** describes a pattern of behaviours to assert control over a person through repeated acts that disempower the other partner in a number of possible ways, including through fear for the safety of self or others, removal of rights and liberties or fear of this removal, by isolating them from sources of support, exploiting their resources and capacities for personal gain, removing the victim's rights and liberties, depriving them of the means needed for independence, resistance, and escape, or regulating their everyday behaviour. Coercive control is now being recognized in law, such as in the amendments made to the Divorce Act in Canada which include various forms of family violence such as a pattern of coercive and controlling behaviour or behaviour that causes a family member to fear for their safety or the safety of

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another person (section 16-4). There have also been calls to have coercive control recognized in the Canadian Criminal Code (Gill & Aspinall, 2020).

**Children exposed to IPV** can refer to a child seeing, hearing, being told about, or seeing the aftermath of abuse and coercive control against an intimate partner who is their parent. Children who are exposed to IPV are at risk for both short- and long-term harm, including emotional, behavioural, and developmental problems. Exposure to IPV is recognized in Canada as a form of child emotional abuse (Public Health Agency of Canada, 2010).

**Meta-analysis and systematic review** are methods of combining the findings of many selected studies on a particular topic in order to synthesize an answer to a research question. These methods involve systematically reviewing and summarizing an area of research by setting a clearly stated objective with predetermined eligibility criteria for inclusion of studies, using an explicit and reproducible method of finding studies, assessing the validity of findings in the included studies, and systematically presenting and synthesizing the findings. A meta-analysis is a type of systematic review that uses statistical methods to combine the findings of many selected studies to provide one common measure of the results. Advantages to systematic review and meta-analyses are that results are based on much larger amounts of data than an individual study, meaning that there is usually increased confidence in the results (Littell, Corcoran & Pillai, 2008).

### Scope of the Review

In this review, I examine intervention approaches in terms of their ability to interrupt the use of abusive and harmful behaviours by male-identifying persons in intimate and family relationships. It is important to note four issues/questions that are *not* covered within this review. First, there are likely many other benefits to various intervention approaches discussed. For example, improved emotional regulation, better social support, greater access to employment, etc. In this review, such outcomes are evaluated only to the extent that they relate to abuse perpetration. Second, I have not covered interventions to address the use of gender-based violence in non-intimate relationships. Examples include acts of misogyny and sexual harassment perpetrated against strangers in online and public spaces (e.g., by incels). Third, this review focuses on interventions designed for those identifying as male, unless such interventions aim to address

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abusive behaviours with couples or with all genders. I have not examined interventions targeting use of intimate partner violence by persons identifying as female or as gender-diverse. Most existing interventions do not have the same content and approach for men using intimate partner violence as for women, and very few programs have been designed for individuals identifying as nonbinary. Finally, this report does not address approaches to prevent intimate partner violence from occurring, such as programs targeting young people in high schools, colleges, and universities.

This report reviews research on IPV interventions and presents a vision for a comprehensive system of specialized interventions for IPV perpetrators that prompts involvement as early as possible, through as many doors as possible, in a “web of accountability” for keeping perpetrators in view while working to promote victim safety and perpetrator change. My report is divided into four sections. To help guide readers, I begin by describing the overall vision for this web of accountability, which I then describe in more detail with relevant research evidence.

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## 1. Overall Vision

This report will come to the overall recommendation for the development of specialized intervention for IPV perpetrators that uses a feminist intersectional lens; is flexible to individual needs; collaborates and aligns with services for survivors of gender-based violence; engages and collaborates with criminal justice, addictions, mental health, child and family mental health, and social services; and is offered by a workforce with specialized expertise in this area. Such a service would create a “web of accountability” for IPV perpetrators – a way of keeping perpetrators in view while working to promote victim safety and perpetrator change. This system would help to close current loopholes that implicitly condone the actions of perpetrators by allowing them to feel vindicated or victimized by the system, or that place the burden of risk management on victims, family members, neighbours, and community members. At present, perpetrators may engage with a range of services and agencies, a minority of which recognize and respond to abuse-related risk. IPV perpetrators rarely come in contact with service providers who have the specialized expertise necessary to manage risk and promote change. Services often do not include analysis of factors and risks that give rise to men’s abusive conduct, resulting in missed opportunities to recognize risk and need and to effectively engage with perpetrators. When services to perpetrators exist, they often function in a disjointed and uncoordinated way, creating unnecessary siloes and gaps.

The overall vision of specialized intervention is based on multi-agency collaboration for consistent and constructive engagement with perpetrators over time. Such a system should recognize that IPV constitutes “core business” in addictions, policing, and child protection and is an extremely common root and/or co-occurring problem for individuals receiving mental health and social services (e.g., employment assistance) and within child and family mental health services. It should build on existing IPV specialist perpetrator agencies by continuing to offer the group-based services that also include partner contact, which has been the hallmark of the field, but it would also expand agencies’ mandates. The broader mandate would include specialized groups for specific populations (e.g., men presenting with both addictions and IPV, men with diverse identities, cultures, and languages, etc.), comprehensive intake meetings as a basis for assessing risk and need, individual case management during service for risk management, follow-up planning, and the ability to flexibly provide individual services to address risk.

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Services would be offered by a workforce with specialized knowledge of IPV, including skills to centre diversity and engage actively in decolonization. In Nova Scotia specifically, this would mean building on the six programs within the province that have as a core mandate the aim of addressing perpetration of IPV.<sup>1</sup> Augmented funding would gradually grow a suite of service options that is flexible to meet the needs of men and include provisions for cross-agency work to facilitate greater coordination of services. Victim safety, including the safety of children, would remain a core guiding priority of service, and as such, programs would maintain their strong linkages to services for survivors. Finally, this system should include investments that can strengthen collaborative responses that bring together organizations within a community. Coordinated community response processes would allow organizations to collaboratively plan for ways to address high-risk situations and seemingly intractable perpetrators and to ensure clear consequences and collective responsibility to address men's potentially ongoing abusive and violent behaviour, risk for such behaviours, and failure to comply with court orders.

### 1.1. A Feminist, Intersectional Lens

Discussion of intervention to address IPV can easily and quickly move into old controversial territory on whether to take an approach that recognizes gender and inequity as key contributors to abusive behavior or an approach that focuses instead on social determinants of health (e.g., adequate food, housing) and psychological aspects of violence in relationships (e.g., poor emotion regulation, men's trauma). This debate is often over-simplistically and inaccurately reduced to using or not using the Duluth model or, even more inaccurately, using the Power-and-Control wheel (<https://www.theduluthmodel.org/wheels/>) during intervention (Gondolf, 2007).<sup>2</sup> At the onset of this report, this debate can be set aside because contemporary theories have moved beyond this blunt dichotomy.

<sup>1</sup> See the province of Nova Scotia's webpage "Men's Intervention Programs," <https://novascotia.ca/coms/families/MensIntervention.html> (last updated 22 November 2012).

<sup>2</sup> The Duluth Model is a model of intervention based on shifting the way a community works together to ensure victim safety and promote perpetrator accountability. One component of the Duluth model is psycho-educational program for perpetrators. The Power-and-Control Wheel is a resource developed following the Duluth model that is now widely used to describe how a variety of abusive behaviours are used by a perpetrator to gain power and control over a victim (Pence, Paymar & Ritmeester, 1993).

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Though they are beyond the scope of this report, contemporary theories and models of IPV perpetration consistently incorporate multiple intersecting factors as explanatory. For example, the social-ecological model provides a comprehensive framework for understanding IPV perpetration that includes risk factors from across four ecological levels: societal (e.g., gender inequality), community (e.g., community poverty), relationship (e.g., conflict resolution; together or separated relationships), and individual (e.g., exposure to domestic violence during childhood) (Centre for Disease Control and Prevention, 2021; Hardesty & Ogolesky, 2020). This academic focus on multiple drivers of IPV is echoed in national and international consensus documents from major policy bodies, which state that IPV services should recognize gender inequity, along with other intersecting forms of inequity, as important drivers of IPV (i.e., the feminist approach), alongside personal factors that contribute to or exacerbate IPV (i.e., a social determinants and/or psychological approach) (see Guedes et al., 2016). As stated in the final report from Victoria Australia’s Royal Commission into Family Violence:

We can have a feminist approach, but still apply RNR [Risk, Need, Responsivity] principles and we believe that programs need the capacity, not to have a different type of program, but to overlay what they are already doing ... with a capacity to be able to have an individualised tailored approach and to address some of these other issues, but that doesn’t necessarily mean abandoning a gendered based approach to the work (Neave, Faulkner, & Nicholson, 2016: Volume 3, p. 259).

### **1.2. Coordinated and integrated responses**

A comprehensive system of intervention for IPV perpetrators is built on a foundation of coordination and integration across services. To close the gaps in our systems and create a web of accountability for perpetrators, there needs to be enhanced coordination, collaboration, and information-sharing between specialist IPV service providers and other systems in which perpetrators and their families are involved, including policing, justice, addictions, child protection, and mental health. IPV is a prevalent and pervasive social problem, and it needs to be addressed as such. Various models can help with the kind of necessary multi-agency collaboration and tracking of higher-risk perpetrators. Such responses can build on community-based coordinating committees, situation/high-risk case conference committees, co-location models, and cross-agency secondments. Whatever the model, it is necessary to ask and answer: Who is following up with the perpetrator? How is the perpetrator’s level of dynamic risk being monitored, and who is communicating this information back to the survivor? If one form of

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intervention didn't work, how will we know, what is the next plan, and who is going to do outreach and follow up to make sure it works? Querying how our systems do or do not function in ways to keep the perpetrator in view is part of the accountability required of a community that takes IPV seriously.

**1.3. Multiple Routes to Engagement**

Finally, and as will be reviewed in more detail in section 4 below, a system of response to IPV perpetration must have multiple routes of engagement and entry. Currently within Canada, most identification of IPV perpetration is done with and through police and the justice system. This is despite many years of recommendations that a much broader range of community members (i.e., neighbours, friends, families, work colleagues), services (e.g., health care, social service, housing), and systems (e.g., mental health, child protection) be trained to recognize key risk factors and warning signs of IPV, have the capacity to respond in safe and effective ways, and be able to make referrals to specialist interventions for this issue. In part, the problem rests in the fact that professional education efforts have often focused primarily on recognizing and responding to victimization, with much less focus on recognizing and responding to perpetration. Additionally, the success of such efforts has been hampered by the fact that even when IPV perpetration is identified, in many communities across Canada, there is limited access and/or long waitlists to access specialist service providers to work with IPV perpetration outside of justice-based referrals. Required is a system in which:

- Services can be easily identified;
- Services can respond to perpetrators immediately with short-term assessment and management of dynamic risk;
- The range of service options is wide and able to provide tailored and culturally appropriate services to perpetrators to promote change;
- Services work alongside survivor-focused organizations in broader efforts to end IPV in society;
- A wide range of health and social service professionals regularly consult and refer to these services.

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**1.4. Nova Scotia Exemplar**

Within Nova Scotia, the Bridges Institute is an excellent example of the type of specialized service agency needed to address IPV perpetration.<sup>3</sup> Bridges has a clear mandate and specialty in addressing IPV, with a core part of their mission being to seek to prevent domestic violence by raising awareness about different forms of abuse. Bridges offers these services within the context of a broader suite of related interventions that can be individualized to the risks and needs of individuals. Recognizing the need for multiple routes to engagement, the staff complement includes outreach workers who engage with communities with preventative education and who can help facilitate referral. Bridges also works in close collaboration with services for survivors and is a core partner in organizing inter-agency teams that bring together representatives of local agencies to coordinate responses to intimate partner violence within the community.

**2. Interventions to Address Abuse Perpetration: Evidence of Efficacy**

This section of the report will review the current state of programming for IPV perpetration in Canada, summarize research on the efficacy of short-term, group-based programming, and consider the promise of a range of recommendations made for improvement.

**2.1. Typical Canadian Programming for IPV Perpetration**

In every province and territory in Canada, there is at least one intervention program offered that is specifically designed to address IPV perpetration. A substantial number of these programs serve only men referred by the justice system. Others serve the needs of court-referred perpetrators (who make up a majority of participants) and men who attend voluntarily (i.e., self-referral) or as a result of a referral from another service or agency (e.g., family service agency, child protection service). Very few IPV perpetrator programs in Canada provide services *only* to voluntarily attending men. Historically, many of the programs for perpetrators were offered by standalone agencies or shelters that saw their role as providing prevention, public education, and advocacy to end IPV. Today, many programs across the country are housed in larger service agencies (such as John Howard Society), family service organizations, health services, or

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<sup>3</sup> See the Bridges website, <https://www.bridgesinstitute.org/>.

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Indigenous organizations (for more information, see Heslop et al., 2016; and Scott, Heslop et al., 2017).

Most agencies that offer intervention for IPV perpetrators have one choice of intervention: a program that is group-based and runs for a length of between 12 and 27 weeks. Exceptions are programs for men deemed as at low risk to reoffend and who are referred through diversion court processes; these are sometimes shorter. In some regions, additional program options are offered to IPV perpetrators deemed at higher risk for re-offending. In BC, for example, the Respectful Relationships program (ten sessions, 2.5hrs per session) is provided to all IPV perpetrators under probation supervision, after which moderate- to high-risk perpetrators are referred to the Relationship Violence program (seventeen sessions, 2hrs per session). There are a small handful of programs that engage men for between 40 and 52 weeks of service. Although most services are primarily group-based, a sizable minority offer individual sessions as a standard component of their program. Individual sessions are also often a nonstandard part of intervention for men who cannot be served in a group, such as those with significantly compromised cognitive skills or those who deal with psychiatric issues. Programs that offer both group and individual sessions typically hold individual sessions before group to focus on issues of engagement. Couples therapy is offered by few agencies, but very seldom as a first point of access for perpetrators. Most programs across Canada also include outreach and contact with partners as part of services.

In terms of theoretical orientation, about one third of programs in Canada describe their primary mode of intervention as psycho-educational, a third as cognitive behavioral, and the final third as narrative. Many programs also describe using a combination of perspectives. Agencies providing services to cultural minorities often indicate that programming has been adapted to the specific population being served. Differences in stated theoretical orientation aside, a review of the content of intervention finds broad consistency. Virtually all programs include sessions devoted to defining and describing abuse in intimate partner relationships and raising awareness of the impact of this abuse on others. Programs all include a focus on men taking responsibility for past abuse. Most programs include sessions on recognizing and managing intense emotions and skill-development/problem-solving for difficulties in relationships. Often programs include discussion of warning signs for conflict or abuse, awareness of self-talk, and material designed to prompt the development of healthier relationships. Less

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consistent across programs are materials on men's inner experience of shame, trauma, grief, loss, and self-care. There is also varying focus on addressing the influence of masculinity and gendered attitudes and norms on abusive behaviour.

## 2.2. Is It Possible to Change Abusive Behaviour?

The question of whether intervention for IPV perpetrators is effective is often conflated with the question of whether or not it is possible to change abusive behaviour. To start, it is useful to consider evidence of consistency and change in IPV. There is clear evidence from multiple sources and across several countries that a significant proportion of men who engage in abusive behaviour at one time do not continue once this behaviour has been identified. Longitudinal follow-ups of men generally find that between one third and two thirds of men who have perpetrated at least one instance of abuse go on to avoid subsequent abusive behaviour as measured by self-, official, and victim reports (Babcock et al., 2004; Gondolf, 2012; Kerr et al., 2017; Klein & Tobin, 2008; Millstead & Coghlan, 2016). Perpetration of emotional and psychological abuse tends to decrease alongside reductions in physical abuse for the majority (Gondolf, 2012).

Focusing on Canadian data, recent analyses of victim-reported abuse found that four in ten victims (40%) report experiencing a single incident of intimate partner violence in the past five years (Conroy, 2021b). Most other Canadian data relies on rates of recidivism in police data, which tends to show somewhat lower rates of recidivism. Hilton and Eke (2016) have found that with an average follow-up of 7.5 years (including significant time in the community), 24% of perpetrators had a new IPV offence documented by police, not including charges related to breaching administrative conditions (e.g., violating a no-contact order, failing to comply with a court order to attend intervention). Similar results have been reported by Jung and Buro (2017) in their research on recidivism data from Alberta, where over an average 3.3-year follow-up, 16% of male offenders had subsequent charges for IPV-related offences and 25.2% for any subsequent violence. When administrative charges are included in follow-up, rates of recidivism generally fall between 50 and 55%. **Table 1** provides similar data over three years from a large police jurisdiction in Ontario.

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*Table 1: Rates of IPV and general reoffending over three years in a large Ontario jurisdiction*

Individuals charged with IPV-related offences over a 3-year follow-up period (breaches excluded)			Percent also charged with non-IPV related offenses (tickets excluded)	
	<i>n</i>	%	<i>n</i>	%
0	1,980	76	584	30
1	398	15	226	57
2	151	6	104	69
3	48	2	38	79
4 +	29	1	24	83
Total	2,606	100	976	37

Table 1. IPV charges were captured by flagging cases where the individual was identified as a person of interest (suspect or subject), or were arrested, charged, issued a ticket, or issued a warning by the police officer. The baseline (index) case for each accused person was drawn from the years 2015–2017. Data from 2015–2020 was included in the analyses, allowing for a 3-year follow-up period for those accused during the 2015–2017 time-period.

Looking at the first set of columns, over a three-year follow-up period, 24% of accused were arrested for at least one subsequent IPV offence over three years, excluding charged related to breaching administrative conditions; 76% were arrested only once.

In reviewing data on IPV recidivism, it is also important to note that longitudinal follow-up studies and intervention studies generally find that there is a group of IPV perpetrators, often around one in five (or 20%), who reoffend quickly and are disproportionately likely to engage in abusive behaviour that is injurious and potentially lethal. These reoffenders are predominantly male. Studies tracking recidivism in IPV consistently show that risk for repeat offending is highest in the weeks and months following arrest, with some studies suggesting a peak at around four weeks, and all finding that a majority of recidivism occurs within six months (Boxall & Morgan, 2020; Kerr et al. 2017; Morgan et al., 2018; Poynton et al. 2016). Importantly, this means that re-offending is occurring at a point in time when perpetrators are, or should be, visible within the system. It is also clearly the case that for domestic violence, like other forms of offending, prior offending predicts future offending, with each prior incident increasing the odds of future incidents (Boxall & Morgan, 2020; Morgan et al., 2018).

A question often asked is whether the subgroup of men who are most likely to re-offend are those who can be described or diagnosed as having antisocial personality disorder, and, relatedly, whether such men are particularly poor candidates for IPV intervention. The literature on these questions was recently reviewed and summarized by Hamberger and Langhinrichsen-Rohling (2020), who drew connections between the characteristics of antisocial personality



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disorder and men described in perpetrator typology research as generally antisocial (i.e., perpetrators who commit violence in both intimate and non-intimate relationships, who have longer and more severe histories of criminality, and who experienced the most childhood adversity). The authors were cautious, however, in drawing conclusions about antisocial personality disorder specifically, since neither diagnosis of antisocial personality disorder nor antisocial traits such as callousness have consistently predicted reoffending or treatment response. In the limited intervention research available, there is no consistent evidence that current interventions are less effective with men who have features of antisocial personality disorder as compared to others. Hamberger and Langhinrichen-Rohling have gone on to suggest that there is some reason to argue that the ways that most intervention is organized – structured and skills- or action-oriented and including consequences for non-compliance – is well suited to working with antisocial clients.

**2.3. Methodological Limits of Studies on Intervention**

Many studies have been conducted on the effectiveness of IPV perpetrator intervention programs. Due to the volume of literature, comments and summaries herein are based mostly on systematic reviews and meta-analyses. There are several limitations to the research methodology used in these studies that must be understood so that the results may be interpreted correctly. First, most of this research has been conducted in the United States and some in Europe. Many fewer studies have examined programs offered in Canada. Additionally, meta-analytic literature is biased towards outcomes for men who were court-mandated to attend intervention, not men who self-referred to the programs. Other methodological critiques include deviations from randomization, variations in how attrition is analyzed, inconsistency in length of follow-up, and disregard of the quality or consistency of services provided (Cheng et al., 2021; Gondolf, 2001; Gondolf, 2012; Karakurt et al., 2019).

Another important critique of this literature is its narrow definition of a successful outcome. Most studies use officially reported recidivism of IPV as the main outcome, which has resulted in an over-focus on physical violence perpetration while ignoring other damaging forms of domestic violence (e.g., nonviolent controlling behaviours; psychological abuse, etc.). A myopic focus on physical violence recidivism as an outcome measure for program effectiveness may also fail to capture other important outcomes following intervention, such as the victim's

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sense of safety, reductions in nonphysical forms of abuse, or changes in men’s attitudes that may be related to violence (e.g., acceptability of violence).

Addressing this issue from the perspective of survivors, Project Mirabal in the United Kingdom interviewed survivors and program providers to identify potential domains of outcomes that should be considered (Kelly & Westmarland, 2015). Measures for six outcome domains were developed on the basis of this work. One was safety and freedom from violence and abuse; the other five were respectful communication; expanded space for action (including reductions in controlling behaviour by perpetrators); safe, positive, and shared parenting; men’s enhanced awareness of self and others (including an understanding of the impact that domestic violence has had on their partner and children); and finally, for children, safer, healthier childhoods in which they feel heard and cared about by their fathers. Few studies have examined this broader range of outcomes.

Other critiques of outcome have pointed out that changes or lack thereof in the broader systems around men and their victims are also often ignored in research on program outcomes. For example, evaluations seldom ask questions like: did men’s participation in the program result in increased communication between key systems (e.g., police, shelter, child protective services) about this man and his level of risk throughout the program, and did this increased communication result in increased support for and feelings of safety in women and children (Gondolf, 2012)?

#### **2.4. General Conclusion: Short-Term “One-Size-Fits-All” Intervention Results in Small Reductions in IPV Perpetration**

Summarizing across literature and with methodological limitations in mind, the overall conclusion from meta-analyses is that short-term, one-size-fits-all interventions for IPV result in small reductions in IPV recidivism of men who complete intervention (Arce et al., 2020; Babcock et al., 2004; Cheng et al., 2021; Fernández-Fernández et al., 2021; Karakurt et al., 2019; Smedslund et al., 2011). In other words, referring men to intervention programs results in a modestly reduced rate of recidivism. Results tend to look more promising when either official reports (i.e., re-arrest) or men’s self-reports on recidivism are used, compared to when the results are based on victim reports of perpetrator recidivism, though this result must be tempered by the generally low response rate for victim reports. Even if effect sizes are small, the impact of such

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change should not be underestimated when viewed at a population level. Using modest effectiveness rates as the basis of estimation, Paymar & Barnes (2006) have calculated that US perpetrator intervention programs protect an estimated 42,000 intimate partners from violence annually.

### 3. Recommendations for Improving IPV Perpetrator Intervention Services

An important challenge in interpreting the current literature on IPV interventions is that the vast majority of research examines outcomes of short-term, one-size-fits-all intervention. This is despite the fact that since the early 2000s, recommendations have been made and consistently repeated for a number of key program improvements. In part, these recommendations are based on studies of moderators of intervention (i.e., characteristics of intervention or of individuals receiving intervention that contribute to greater success). Many factors that might influence the likelihood of IPV intervention being successful have been examined, and many discarded. Aspects of intervention that are generally *not* predictive of intervention success across multiple studies include specific theoretical approaches (e.g., CBT versus feminist versus narrative), the presence or absence of personality disorder/psychopathology in men, program length (though generally only shorter-term programs have been studied), and whether or not men are attending treatment voluntarily or as a result of a court order (Arias et al., 2013; Cheng et al., 2021; Fernández-Fernández et al., 2021; Ferraro, 2017; Karakurt et al., 2019).

Factors that *are* more consistently supported include those related to men's substance use, the extent to which intervention uses a motivation enhancing approach, the use of the risk, needs, responsivity model to organize intervention, and the degree to which programs include trauma components (Karakurt et al., 2019; Santirso et al., 2020; Scott et al., 2015; Stewart et al., 2014). Program dropout versus completion is also consistently predictive of recidivism, raising the likelihood of reoffending by a factor of around 2.5 (Bennett et al., 2007; Gondolf, 2004; Jones et al., 2004). There is debate in the literature as to whether the association between dropout and recidivism is due to its co-occurrence with other variables (e.g., young age, prior criminal offences, unemployment, and substance abuse) that are themselves predictive of recidivism or whether dropout itself is an important dynamic risk indicator. Regardless, there is agreement that dropout is an important indicator of increased risk for reoffending. Aspects of intervention that are less often investigated but have some support include group versus individual sessions,

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culturally specific programming, and considering variables such as level of staffing, training, supervision, and the way in which the program is connected to the broader system of response.

Numerous academic commentaries have summarized literature on recommended changes to intervention for IPV perpetrators (e.g., Aaron & Beaulaurier, 2017; Fitz-Gibbon et al., 2020; Scott, Heslop et al., 2017). Building from and adding to this body of research are major expert review processes aimed at making recommendations to reduce IPV. Two notable examples are the 2009 Experts Roundtable commissioned by the Family Violence Prevention Fund at the National Institute of Justice (Cluss & Bodea, 2011) and the Royal Commission into Family Violence in Victoria Australia (Neave et al., 2016). The following section provides a review and commentary on the most commonly identified recommendations for change reported in expert review processes and in the academic literature.

### **3.1. Funding for Staffing, Supervision, and Ongoing Training**

A consistently identified concern for perpetrator programs is adequate program funding, which in turn is associated with consistent staffing and ongoing supervision and training. The lack of training and supervision is sometimes influenced by funding arrangements. Funding arrangements for perpetrator programs vary but have often been based on a “per group” or even a “per group completion” basis. Funding for contacting and supporting survivor partners is often a small “add on.” Particularly in non-urban, northern, and culturally diverse regions, this often means that staff are hired only part-time to do this work. Even in larger centres, it is common for there to be waitlists for accessing services and significant strains on funding for activities such as individual follow-up with clients, public education, and collaborative community work.

In addition to the need for funding for full-time, specialist staff members, there is a need to invest in staff training and supervision. The Centre for Research and Education on Violence Against Women and Children (CREVAWC) has recently completed a survey on the training needs of IPV specialist service providers across Canada, including 121 responses from IPV specialists who work with men who perpetrate IPV (Lopez et al., 2021). The overall picture from these respondents is of a workforce whose members are not well prepared when they start their positions and do not have access to adequate training or supervision for ongoing skill development. Specifically, when asked to think back to when they started work in the field, over half of those surveyed (51%) reported that their training or preparation was “not nearly enough,”

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and only 8% reported that they were well prepared to take on the job. Once working, less than half of service providers reported that they received individual or small-group supervision at least once a week (27%) or at least once a month (12%), with most of the remainder reporting that supervision was on an “as-needed” basis or done as part of debriefing (15%). In terms of ongoing training, 30% of respondents indicated that their service setting does not provide or require them to complete any annual formal training in a normal year and that few agencies had sufficient funding to support training. It is perhaps not surprising then that 58% of respondents reported that in a typical year, they participated in at least one ongoing training event relevant to their role using their own time and own money.

### 3.2. Workforce Capacity

A workforce capacity approach is one way to begin to address the wide gap the currently exists between the preparation of service providers and the expertise needed to intervene to end IPV. A workforce capacity approach is based on the recognition that responding effectively to IPV requires service providers with specialist knowledge, attitudes, and skills, or “core competencies” for IPV work. A capacity approach is distinct from one focused on empirically based programs in that it recognizes that although providing empirically supported programming is important and valuable, IPV service provision involves skills that both contribute to and go beyond a manualized group. For example, the workforce requires skills for making decisions on which men are and are not a good fit for group services, being aware of escalations in risk among clients, being able to communicate about risk to others, and making judgements in group about which direction to take an intervention.

A number of countries have taken a workforce capacity development approach to improving IPV service provision, including Australia (Victoria State Government, 2017) and New Zealand (New Zealand Government, 2017, New Zealand Government, 2021). Other efforts have been made within states, regions, and organizations in other parts of the world. In Canada, there has been significant work done to recognize and articulate the expertise of IPV service providers. Released in 2022 and based on collaborative work of over 70 service providers, survivors, and researchers from across all of Canada’s provinces and territories, the Flourishing Practice Framework for IPV specialists articulates the expertise of IPV specialist service

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providers in practice with: 1) women survivors, 2) infants, children, and youth who have experienced violence, and 3) men who have behaved abusively (Scott et al., 2022).

This framework (see **Figure 1**) was developed on the basis of a scoping review of the literature, qualitative interviews with IPV specialists and survivors, consensus-building methods, and many collaborative working group meetings and workshops over the course of two years. The Flourishing Practice model provides a roadmap for skill development for IPV service providers and direct investment in training. It was expressly not developed in service of a regulatory framework for the field or to promote professionalization; such goals would be inconsistent with the field's recognition and valuing of a range of expertise, including that of survivors, and with a commitment to actively decolonize. The model is briefly described here in order to demonstrate the depth and scope of practice, knowledge, and skills required to effectively address IPV.

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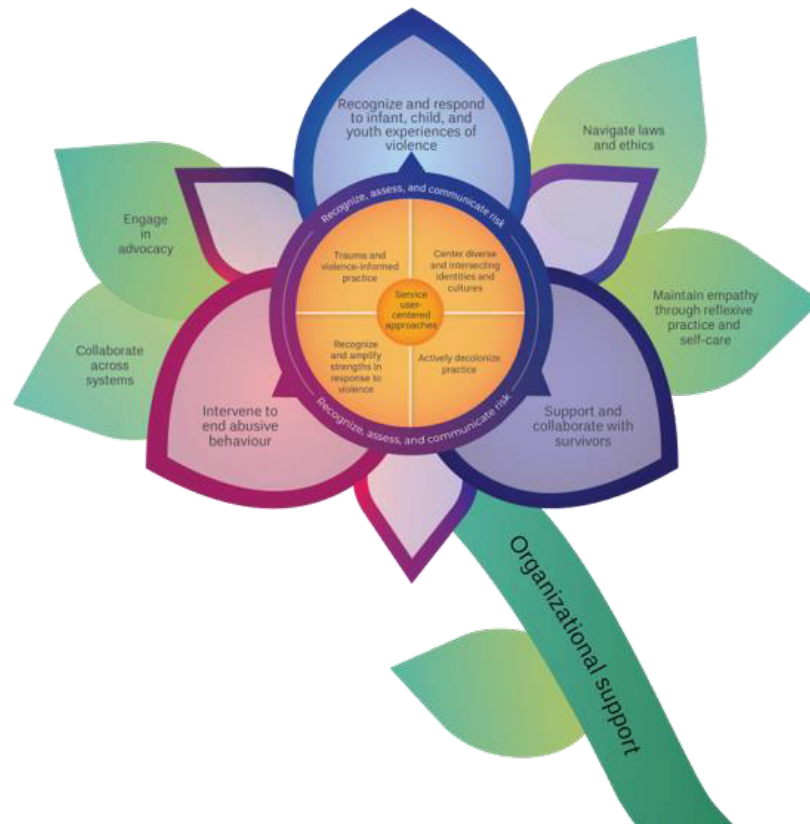


Figure 1. *The Flourishing Practice Model* (Scott et al., 2022, p. 17)

Most parts of the Flourishing Practice Model are equally important for all IPV specialists, regardless of whether they are working with women survivors, children exposed to IPV, or men who have perpetrated IPV. Areas of common expertise are represented by the stem, leaves, and core of the “flower.” Briefly, the “inner core” of the Flourishing Practice Model includes the knowledge and skills needed to work in ways that centre the experiences, identities, and strengths of those seeking services. Four areas of knowledge and skill are outlined as necessary for practicing in ways that center service users:

- 1) Being able to **centre diverse and intersecting identities and cultures** (e.g., knowing that different people experience violence differently and that IPV specialist work cannot

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be done without a strong foundational capacity to apply an intersectional, anti-racist, and anti-oppressive approach);

- 2) **Recognizing and amplifying strengths in response to violence** (e.g., capacity to recognize and value the fact that service users are the experts of their own lives and that ways of responding to violence signify wisdom, strength, and resiliency);
- 3) **Actively decolonize practice** (e.g., IPV specialists need knowledge of colonization, need to be able to provide strengths-based services that center Indigenous cultures and identities, and need to commit within themselves to anti-colonization);
- 4) **Trauma and violence-informed practice** (e.g., recognizing and responding to the ways systems of intervention can be retraumatizing).

The knowledge and skills to centre service-user experiences is surrounded by the “outer core” of the model, which includes sector-wide fundamentals of risk and safety. For example, all IPV specialists should deep knowledge of risk and protective factors for IPV and an understanding that risk and safety are individual, intersectional, and dynamic, have knowledge of risk associated with different patterns and severities of abusive relationships, and have skills for promoting safety and accountability.

The “leaves” of the Flourishing Practice Model represent aspects of knowledge and skills that underlie the work of all IPV specialists. Included in this part of the model are knowledge and skills to:

- 1) **Navigate laws and ethics** (e.g., legal and court-related knowledge, skills required to support service users who are navigating these systems, and an understanding of how courts often exacerbate trauma associated with IPV);
- 2) **Engage in advocacy** (e.g., ability to identify systemic gaps in policies, programs, and services and to raise voices to prompt recognition and elimination of gender-based violence);
- 3) **Collaborate across systems** (e.g., provide a coordinated, holistic response to maintain the safety of service users, effectively conduct risk assessment, manage risk, and create safety and prompt collaboration of different types of services, including those related to basic needs, immigration, separation, mental and physical health, and more);
- 4) **Maintain empathy through reflective practice and self-care** (e.g., knowledge that bearing witness to and taking action against violence, abuse, and trauma can be emotionally challenging for IPV specialists, especially when such work is done within a system that fails to recognize and respond in a socially just way to IPV and intersecting systems of oppression).

Finally, “petals” of the Flourishing Practice Framework represent the specialized knowledge and skill that is unique to IPV specialists working in different areas or with different populations.



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These petals “grow” from the commonality in the other parts of the framework. Blank petals represent areas of expertise that have not yet been articulated. The petal for “Intervene to end abusive behaviour” includes capabilities for four aspects of practice:

- 1) **Managing risk and promoting safety in men who have behaved abusively** (e.g., adeptness in asking questions, gathering risk-related information, and monitoring, managing, and prompting change);
- 2) **Changing abusive behaviour** (e.g., capacities for centering adult and child survivor safety while working to increase men’s skills in emotion regulation, empathy, equality, and other skills necessary for healthy relationships);
- 3) **Recognizing and addressing denial, blame, and minimization** (e.g., capacity to recognize and address denial, blame, and minimization);
- 4) **Addressing fathering** in men who have behaved abusively (e.g., within an understanding of culture, social context, and intergenerational histories, helping men understand and prioritize the safety of children).

Taking a workforce capacity approach means investing in training and support for ongoing development of IPV specialists service providers in these areas of skills and knowledge. Clearly, developing the knowledge and skills articulated within this framework requires more than on-the-job training and as-needed supervision. Significant investment in ongoing training is warranted. It may also be worthwhile and necessary to consider the curricula of preparatory training programs (e.g., schools of social work, Master of Counselling) and ongoing training criteria of professional accrediting bodies to ensure workforce capacity.

### 3.3. Culturally Relevant, Holistic Programming

Although actively decolonizing practice and centering the diverse and intersecting identities and cultures of individuals accessing services are recognized as core priorities, obligations and necessary capacities of IPV specialists, there is widespread recognition within Canada that programs themselves need to be culturally relevant and ideally embedded within culturally specific services. There are several excellent models of holistic, community-based services for IPV perpetrators developed by Indigenous communities in Canada and elsewhere (see review by Gallant et al., 2017). An important feature of these programs is recognition of colonization, intergenerational trauma, and systemic social, economic, health, inequities as important contributors to men’s perpetration of violence. Building from this foundation, Indigenous models of intervention for IPV perpetration most often use a holistic approach that addresses men’s

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violence against women and children alongside healing from experiences of victimization (Gallant et al., 2017). Programs developed within Indigenous contexts also consistently build cultural strengths, cultural connection, and healing into intervention models. For example, the Yarra model uses a culturally appropriate river metaphor to integrate thinking about addressing socioeconomic, political, and psychological aspects of men’s journey towards change, using gendered accountability, healing, intersectionality, and culture as foundational practice elements towards safety for women and children (Andrews et al., 2021). Culturally relevant programming is also critically needed for other groups in Canada that face structural and systemic inequities, including Black, Asian, South Asian, and other racialized Canadians, newcomers to Canada, and perpetrators of IPV who do not identify as male.

Although more research is needed, the most well supported benefits of culturally specific programming appear to relate to access and acceptability. Men value culturally specifically programming and appreciate attention to their specific identities and needs (Parra-Cardona et al., 2013; Williams, 1992). Being able to attend intervention that is culturally appropriate may also have the benefit of reducing dropout (Aymer, 2011; Waller, 2016). Success of programming, however, does not seem to vary based on whether or not programs are culturally specific (Gondolf, 2008), suggesting that common content/features of programming might be relevant to many perpetrators.

### **3.4. Beyond “One Size Fits All”: Coordinated Group-Based Interventions and Individual Case Management**

There is widespread agreement that services within a local area need to be integrated and coordinated as part of a comprehensive and holistic community-based response to IPV perpetrators and victims (Dobash et al., 2000; Davies & Biddle, 2018; Gondolf, 2002; Kelly & Westmarland, 2015). Coordinated community response models recognize that multiple service agencies will likely be involved with families experiencing IPV and that key information about risk and safety is likely held by different partners. By working together and coordinating service, coordinated community responses aim to break down silos, reduce fragmentation of services to victims to enhance their safety and well-being, and close gaps and loopholes in services to perpetrators to increase accountability.

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Beyond coordination, there is a need to expand the range of services that are available to go beyond one-size-fits-all interventions (Cluss & Bodea, 2011, Neave et al., 2016). Existing IPV perpetrator programs have been criticized for being “blind” to the variability of needs and contexts of participants. There is clear evidence that men who engage in abusive behaviour are heterogenous in many ways, including histories and patterns of past violence, current levels of risk for recidivism, presence of other co-occurring problems, and levels of overall disadvantage (Carbojosa et al., 2017; Dixon & Browne, 2003; Lishak et al., 2021). Academic, practice, and policy experts have continued to call for the development and evaluation of more individualized and targeted programs that respond to the diverse needs and characteristics of the men referred (Bowen & Day et al., 2019; Cluss & Bodea, 2011; Fitz-Gibbon et al., 2020; Neave et al., 2016).

A flexible and responsive system of intervention requires a combination of group and individual services. Group-based intervention should remain a feature of interventions for perpetrators. Qualitative studies that have asked men to reflect on the ways that intervention changed their abusive behaviours have demonstrated that men value group processes, including being challenged and held accountable for their behaviours by other men, seeing how other men achieve positive changes in their relationships, learning from the experience of other men, feeling supported by other men, reducing the perception of isolation, feeling increased motivation to change due to seeing other men’s progress or comparing how far they have come compared to newer group members, and in some cases, seeing the consequences for men who fail to make positive changes (Boira et al., 2013; Holtrop et al., 2017; McGinn et al., 2020; Morrison et al., 2021). There is also some evidence from studies that have directly compared outcomes of individual versus group-based approaches, showing that a group-based approach resulted in better outcomes (Murphy et al., 2020; Stith et al., 2004).

Individual sessions are recommended for providing case management, assessing and managing risk, and supplementing services to meet individual needs. From a practical standpoint, it is recommended that individual sessions be integrated throughout services. A practical example of a model of service that combines group and individual sessions is provided by the Caring Dads program for fathers who have perpetrated abuse in their families (Scott et al., 2006). Caring Dads begins with individual session(s) with men focused on engagement and motivation. Fathers then go into a seventeen-week intervention program, most of which is group-based but which also includes a mandatory individual session with men midway through. To

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prepare for this session, group facilitators integrate information from the participant's referrers, partners, and the facilitator's own observations. They use this information as part of collaboratively creating a clear and measurable change plan with men individually. The implementation of this change then becomes the focus of the remaining Caring Dads sessions. Subsequent individual sessions are provided if men are not making progress in change and/or for whom a referral to an additional service is going to be required. These types of service models, which combine the strength of group-based change processes with the value of individual sessions for monitoring and communicating about progress, managing dynamic risk, and meeting needs not addressed in group-based services, should be a feature of future service development.

Beyond these more general recommendations to coordinate service and to combine group and individual models of intervention for more targeted and individualized service, four specific empirically-supported recommendations can be made: address clients' concurrent problems with substance use; address co-occurring criminal behaviours; provide specialized intervention to address men with complex mental health needs, including PTSD; and address fathering. These four recommendations are discussed in detail in the following sections.

*3.4.1. Addressing Concurrent Problems with Substance Use*

There is clear need for the development of tailored collaborative interventions for men presenting with problematic substance use and IPV. Substance abuse and IPV are highly comorbid problems (Cunradi et al., 2014), and multiple studies have linked substance use to an increased likelihood of perpetrating domestic violence (Choenni et al., 2017; Foran & O'Leary, 2008; Lipsky et al., 2005; Oram et al., 2013; Stith et al., 2004; Trevillion et al., 2015). Moreover, ongoing problematic substance use is a predictor of dropout from intervention and has emerged as one of the few consistent predictors of men's continued use of or desistance from violence (Choenni et al., 2017).

Despite high rates of co-occurring problems and frequent calls in the literature for integrated and coordinated IPV and addictions services, there are very few Canadian programs (and few programs generally worldwide) that offer any tailored or coordinated services for IPV and addiction. One exception was the Alberta-based "Sobering Effect" program, which is now discontinued due to lack of funding (Tutty et al., 2011). When such programs are available, research suggests that outcomes are improved (Tarzia et al., 2020; see Stephens-Lewis et al.,

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2021 for an opposing opinion). In a recent meta-analysis and systematic review of programs for IPV, Karakurt and colleagues (2019) have concluded that combined IPV and substance use intervention or IPV intervention augmented with sessions addressing substance use results in significantly greater change. In-depth qualitative explorations have also supported the value of integrated intervention, with service-users and program providers emphasizing advantages in terms of exploring and addressing the complex interplay of substance use and IPV perpetration (e.g., Dheensa et al., 2021; Gilchrist et al., 2019). Although a promising direction for program development, it is worth noting that few studies have triangulated outcome data; in particular, there has been little corroboration of outcomes based on survivor reports. In programs where women were contacted to corroborate data, discrepancies have been found between men's and women's reports (Easton et al., 2018; Easton et al., 2007; Murray et al., 2020). More research in this area is needed.

*3.4.2. Addressing Co-occurring Criminal Behaviours*

Another common co-occurring issue is general criminal behaviour. Offense data generally finds that a substantial minority of IPV perpetrators have prior arrests for non-IPV-related violent and nonviolent crimes. Column 2 of Table 1 (see above) provides information on the relationship between IPV and non-IPV related recidivism. 57% of IPV perpetrators charged with one subsequent IPV offense over three years also had at least one subsequent charge for general offending. Among IPV offenders with three, four, or more subsequent IPV offenses, around 80% had other non-IPV-related charges. Given the relationship between IPV and non-IPV recidivism, it is perhaps not surprising that descriptions of heterogeneity in IPV perpetrators generally include general criminal behaviour. For example, in a Canadian study of the extent to which criminality might be useful in differentiating among subgroups of domestic violence perpetrators, Lishak et al. (2021) have found that the presence of co-occurring criminality was associated with more extensive childhood violence exposure, greater childhood externalizing behaviour, and more adult internalizing psychopathology. Data such as this has led researchers to suggest that in the population where IPV perpetration and general antisociality overlap, theories and models of criminal rehabilitation may be essential to understanding and promoting change (Moffitt et al., 2000).

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Within the literature on criminal rehabilitation, there is a well-developed model of rehabilitation that directs many intervention responses: the Risk, Needs, Responsivity (RNR) model (Andrews & Bonta, 2006; Andrews & Bonta, 2010). The RNR model has three core principles: that the intensity of intervention effort should match the offenders' level of risk to reoffend (the risk principle); that intervention should address issues that predict future offending (the need principle); and that services should be matched to the learning style and situation of offenders (the responsivity principle). RNR principles have received a great deal of support in the empirical literature on general rehabilitation (Gendreau et al., 2006; Hanson et al., 2009). As just one example, on the basis of a meta-analysis of over 13,000 offenders in 97 correctional programs, Lowenkamp and colleagues (2006) found that programs adhering to the risk principle of the RNR model were associated with up to an 18 percentage point reduction in recidivism rates relative to programs that did not.

There is also good initial evidence for the value of integrating this model into IPV intervention approaches, with systematic reviews concluding that IPV programs that adhere to RNR principles have better outcomes (Travers et al., 2021). Consistent with the literature supporting this model, there is a move within Canadian IPV programs to align programs with the risk principle of RNR by providing longer services to men deemed at higher risk (Radatz & Wright, 2016; Stewart et al., 2014). British Columbia, Manitoba, New Brunswick, the Northwest Territories, and Nova Scotia have at least one domestic violence court that offers less intense intervention for offenders deemed at lower risk and more intense intervention for those deemed at higher risk. Canadian-based evaluations of these differentiated programs are promising. Evaluation of BC's Respectful Relationships/Relationship Violence program by the Research Division of Stroh Health found a 42 percent reduction in spousal assault reoffending over two years for individuals who completed the Respectful Relationships program (i.e. lower-risk offenders) as compared to a group of men who did not receive programming, though results may not have been maintained longer term. Also observed was a 50 percent reduction in domestic violence reoffending and a 60 percent reduction in general reoffending over two years for higher-risk men who completed the combined Respectful Relationships/Relationship Violence as compared to a group of men who received community supervision only (BC Ministry of Public Safety and Solicitor General, 2009). Stewart and colleagues (2014) have reported that moderate- and high-risk domestic violence offenders who were incarcerated by Correctional Services

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Canada and received intervention showed statistically significant pre- to post-treatment changes in a range of attitudes and were 69 percent less likely than untreated offenders to be involved in a spousal assault incident following release.

Although the burgeoning development of differentiated systems based on RNR is promising, three major concerns warrant consideration. The first relates to program length and the risk principle. There is emerging international consensus that programs addressing low- and moderate-risk DV offenders should be at least 22 weeks in length and run over a period of at least six months (Neave et al., 2016; Respect UK, 2017). In terms of complex and higher-risk offenders, the criminal rehabilitation literature generally suggests that a minimum of 100 hours of intervention is needed to make a significant difference in rates of recidivism (Abrams et al., 2011; Bourgon & Armstrong, 2005; Lipsey, 1999; Makarios et al., 2014; Sperber et al., 2013). Most Canadian programs for both lower- and higher-risk IPV perpetrators fall short of these recommendations. Moreover, in the many communities across Canada that have only one model of group-based service, the only option for intervention with higher-risk perpetrators seems to be to refer them to complete the same program over and over again. This is clearly not adequate to address the needs of higher-risk, repeat perpetrators.

This question about intensity of service relates to the second point of concern: integration and coordination of services across systems. Many higher-risk IPV perpetrators present with a range of co-occurring problems also related to higher rates of reoffending. The needs principle of RNR requires consideration of all these needs. It might be that men at greater risk and with greater needs are in fact receiving a sufficient dose of intervention when all the services that they are receiving to address their individual needs are combined. Perpetrators may, for example, also be involved in services for substance abuse, for mental health, in support of employment, or for other reasons. What is less clear is how these interventions are or are not being coordinated to build on and reinforce each other, who is responsible for this coordination (particularly when there is no probation officer involved), and how this information is being shared among service providers working to prevent future offending.

Finally, within the RNR model more generally, evaluation focus has been on the outcomes for perpetrators, particularly rates of recidivism. As discussed earlier, there is a need for broader consideration of outcomes in programs for IPV perpetrators. In particular, there is a

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need to consider how various aspects of the application of RNR-informed responses impact expanded space for action for survivors; safe, positive, and shared parenting; and men's enhanced awareness of self and others. There is also a need to consider how survivor voices are or are not considered in case coordination and planning. Future developments and evaluations of RNR models for IPV perpetrator intervention will benefit from having greater involvement of IPV specialists in consideration and planning.

### *3.4.3. Specialized Intervention for Complex Mental Health Needs, including PTSD*

A third area in which there is clear need for tailored collaborative interventions is mental health. As part of the critique of one-size-fits all programming, authors have suggested that short group-based intervention are likely insufficient for perpetrators with complex mental health needs, particularly those who present with concurrent diagnoses of post-traumatic stress disorder (PTSD), major depressive disorder, or other major mental health problems (Neave et al., 2016). Most research in this area has focused on two problems: PTSD and depression. There is considerable evidence that among men with co-occurring PTSD, symptoms of trauma increase risk of perpetrating severe IPV (Bell & Orcutt, 2009; Craig & Zettler, 2021; Marshall et al., 2005; Sherman et al., 2006; Spencer et al., 2019; Taft et al., 2011). In addition, there is evidence that within samples of IPV perpetrators, more severe PTSD symptoms predict more severe violence perpetration (Barrett et al., 2011; Shorey et al., 2012). Depression, as well, is a co-occurring diagnosis that deserves more attention. There is consistent evidence for a weak to moderate effect of depression as a risk factor for men's perpetration of IPV (Spencer et al., 2016), with the relationship between depression and abuse stronger when more severe IPV perpetration is considered (Birkley & Eckhardt, 2015; Schumacher et al., 2001). A consistent recommendation from domestic violence death review committees is for professional education of mental health professionals in recognizing and responding to risk for IPV (Jaffe, Scott & Straatman, 2020).

Effective IPV intervention with men who have complex co-occurring mental health problems requires a degree of collaboration between mental health and IPV services that very seldom exists. Findings from domestic violence death review committees and inquests consistently note that although a substantial minority of IPV perpetrators who go on to commit homicide have recent contact with the mental health system, mental health professionals seldom



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ask about IPV or recognize IPV-related risks (even when risks are high) and fail to make connections between mental health and IPV risk. It has been recommended that training for all mental health professionals includes information on the link between depression, suicidal ideation, and domestic homicide and that routine screening for IPV be implemented with depressed and suicidal clients in general mental health settings.

There is also a need within the IPV specialist field to develop skills to address concurrent mental health issues and/or for creation of models of collaborative service across mental health and IPV. Specific competencies for identifying and responding to complex co-occurring needs are outlined in the Flourishing Practice model discussed earlier. Service models that bring IPV and mental health services together are also needed. Most developed in this area are models of intervention that address IPV in the context of trauma. A few writers (Augusta-Scott & Dankwort, 2002; Augusta-Scott & Maerz, 2017; Lehman & Simmons, 2009; Taft et al., 2016; Voith et al., 2020) have outlined models of intervention appropriate for use with men who present with both IPV and symptoms of trauma. Across Canada though, due to limitations in programming and in workforce capacity, it is extremely difficult to access either service providers with the expertise to address both IPV and mental health concerns or collaborative programs/services addressing both IPV and mental health needs.

#### *3.4.4. Addressing the Issues of Fathering*

A final underdeveloped area of service is programs that help perpetrators understand the effects of violence on their children and become better fathers. Interventions designed to work with IPV perpetrators as fathers have significant potential to improve collaboration and connection with child protection and other child- and family-focused services, thereby increasing the reach of intervention. Having intervention focused on fathering may also assist with initial engagement and leverage of men's motivation, both of which are consistent challenges for the field (Bourassa et al., 2013; Fleck-Henderson & Areán, 2004; Perel & Peled, 2008; Oliffe et al., 2021). Finally, having programs and services focused on fathering is deemed important by survivors (Westmarland & Kelly, 2012).

There are a number of intervention programs developed specifically to address fathering in the context of IPV (Labarre et al., 2016). Some integrate materials on fathering into existing programs for men who have perpetrated intimate partner violence (e.g., Fathering After

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Violence), some are standalone intervention programs within the IPV specialist service sector (e.g., Caring Dads, Strong Fathers), and some involve integration of IPV programming into non-specialist family-based services, such as supervised visitation centres, support centres for young men, substance use programs, and in-services to incarcerated populations (e.g., Fathers for Change). Interventions for fathers in the context of IPV generally prioritize children’s safety and well-being and recognize that children’s safety is integrally connected to the safety of their mothers. Such programs include reducing men’s abuse of children’s mothers as a core goal. These programs are generally offered collaboratively with IPV services, particularly women’s advocacy services, men’s perpetrator programs, and child protection services and endorse the need for a web of accountability for fathers in which intervention around men’s role as fathers is viewed as one part of an ongoing commitment to monitor, address, and contain risk with men who have perpetrated violence.

#### 4. Engagement and Retention

So far, this report has focused on the characteristics of interventions needed to address abuse perpetration. Equally important in creating a web of accountability is considering how men might be *engaged and retained* in such services – how perpetrators “remain in view.” A few general points from the literature are helpful to frame this section. First, it is important to know that problems with engagement and retention in services to address IPV perpetration are widely acknowledged in the literature, with systematic reviews finding rates of dropout around 20–35%, though some studies report dropout rates of more than 50%, even reaching as high as 78% (Travers et al., 2021; Jewell & Wormith, 2010).

Research has found that some of the problems with engagement and retention relate to internal factors that hinder help-seeking in men. Studies have outlined several barriers to help-seeking, including traditional masculinity (e.g., “I can do it myself”; “this is private”); resistance to engaging (e.g., because of isolation, system blaming, justification, hopelessness, passivity); and minimization/externalization of blame for violence (e.g., “what I did wasn’t so bad, and wouldn’t have been necessary if she had just...”) (Calcia et al., 2021; Campbell et al., 2010; Forsdike et al., 2021; Morgan et al., 2014).

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An equally important concern for engagement is barriers in the system that make it difficult for perpetrators to seek or receive help. In an important early study on this topic, Campbell and colleagues (2010) found that among 57 men who eventually attended a perpetrator program, 63% had previously reached out for help regarding domestic violence, but only 38% had received any help; and of those, and only 27% had found the help offered to be useful or effective. Interviews revealed that the men had wanted to seek help from those they trusted and who would keep information in confidence, but friends, family, doctors, and others who were aware of the violence had avoided saying anything. The result, in the men's retrospective viewpoint, was many missed opportunities to intervene earlier.

This section begins by reviewing research on three aspects of engagement: direct and indirect messaging, persistence and coordination, and the use of motivation-enhancing counselling strategies. It then reviews various models of engagement, starting with efforts to reach men directly and moving to methods of targeted referral through police, addictions, and more general health and social services. Considerations of both individual and system-level barriers to engagement and retention are woven through the current section of the report where possible.

#### **4.1. Direct and Indirect Messaging**

Consideration of barriers to help-seeking have led to debate and sometimes tensions about the types of outreach methods that might be most effective at getting perpetrators to engage with services, in particular, regarding whether to directly mention abuse or to avoid such messaging in favour of a focus on men's stress, distress, and concerns. Notably, there is support for the value of both messaging models. Just as with intervention itself, there is no one-size-fits-all approach to motivating men's voluntary disclosure of IPV and help-seeking behaviours. Having multiple messages and means of engagement will therefore increase service uptake.

Indirect messaging may reduce the likelihood of eliciting men's IPV-related shame and minimization during the outreach/engagement phase. A recent review by Oliffe and colleagues (2021) of men's relationship and IPV programs across Australia, Canada, and the United Kingdom has concluded that high rates of third-party referrals (rather than self-referral) were likely related to men's view of IPV programs as inherently "correctional" in nature. The authors have concluded that the correctional focus of programs on behavioural change likely heightened

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men's feelings of shame and lowered their motivation to self-refer. In other words, more general relationship- or distress-focused messaging may be less likely to trigger men's shame and minimization (e.g., "I'm not abusive/not 'one of those wife-batterers'"), leading to more self-referral.

Other research has highlighted the need for recruitment efforts to focus explicitly on IPV perpetration when seeking to engage men. Research in this domain has found that most men endorse the value of professionals, such as healthcare practitioners, directly asking men about IPV. A survey of over 1 300 men revealed that 65% of male patients thought healthcare professionals should ask directly about IPV perpetration during routine medical appointments if there were signs of potential abuse; 27% supported always asking (Morgan et al., 2014). Similar conclusions were drawn in a study with men in treatment for substance abuse (Hashimoto et al., 2021). In this case, men reported that one reason they had not sought help for or disclosed IPV was because no one asked them about it, suggesting that they may have disclosed the information and been open to support if IPV had been discussed directly. Finally, when men who have received IPV support are asked their opinions on recruiting voluntary involvement in IPV services, they suggested strategies that clearly present IPV problems. For example, the men suggested highlighting specific IPV behaviour in repetitive advertisements that clearly describe/reflect IPV behaviours across the range of intimately violent behaviours (not only physical abuse) while simultaneously being careful not to alienate men by labelling them as abusive or bad (Forsdike et al., 2021).

#### **4.2. Support for Persistence and Coordination**

For IPV perpetrators who are more resistant to accessing intervention, support and coordination may be critical to engagement (Kelly & Westmarland, 2015; Walker & Bowen, 2015). Questions about what is necessary to voluntarily engage high-risk IPV offenders in intervention were explored in a Canadian project called the High-Risk Safety project (Mulrooney, 2020). In this project, police and community-based providers worked together to provide an offer of service to higher-risk offenders as early as possible, ideally when they were awaiting release on bail. Interviews were coded for understanding what it took to engage these men in service. Persistence was an important theme. In interviews, project personnel emphasized that to engage more reluctant men, there often needed to be active, direct, and repeated efforts at engagement over

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time. A quote describing this persistence is below, illustrating how a police manager explained the multiple attempts it took from the police officer associated with the project to get one man to accept referral into the program.

I mean, what it looks like is, so, you know, you go down and you see a guy, and he's in cells, and then, you know, you make the offer [of services] and he blew [the police officer associated with the project] off. Basically said, "Eh, I'm not, go away." I mean, it's a really high-risk kind of guy. No, not interested. She goes back down. He's back in there. You know, a week later, he's breached. He's back in there, and he rolls his eyes, and he goes, "Oh, [expletive]. Not you again." And, she goes, "That's what I was thinking." You know, so, they chat for a few minutes, and he blows her off again, and then the next time, she goes back, and she sees him again, and now he's talking to her ... and, she starts working with him ... then she gets an appointment and now, this time, she's got to pick him up from the shelter where he's living, and drive him to [community service agency], and introduce him (Mulrooney, 2020: p.74).

Another aspect of service deemed critical for successful engagement in the High-Risk Safety project and in other studies of effective intervention with higher risk IPV perpetrators is quick access to service (Gondolf, 2012). In interviews for the High-Risk Safety project, for example, many of the respondents talked about the value of setting up referrals across police and community-based services so that when men were in crisis, there was someone they could reach. "what we know about crisis is it motivates people to make change. They're more open ... and that's been really important in this project" (Mulrooney, 2020: p. 75). Respondents added that being able to provide immediate help with basic needs such as housing, food, and employment was critical to engagement and to creating space for learning. Respondents noted, for example, that "as [men are] starting to feel more comfortable and more positive, some momentum's going, [they're] in a better place to start to really challenge [their] thoughts" (Mulrooney, 2020: p.76).

#### **4.3. Intentional Use of Engagement Methods such as Motivational Interviewing, Narrative Therapy, and Response-Based Approaches**

There is clear and consistent evidence that once men have contacted a service, retention will be improved if engagement is prioritized as part of intervention (Crane & Eckhardt, 2013; Musser et al., 2008; Murphy et al., 2012; Scott et al., 2011; Zalmanowitz et al., 2013). This recommendation is echoed in the competency items of the Flourishing Practice framework. In Canada, there are three prominent theoretical models that help to direct better engagement: motivational interviewing (Scott et al., 2011; Lehmann & Simmons, 2009; Miller & Rollnick, 2012), narrative therapy (Augusta-Scott, 2006; Augusta-Scott, 2017), and response-based

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approaches (Todd et al., 2014). These models share an emphasis on meeting men “where they are at,” being trauma- and violence-informed, exploring and emphasizing context within which abuse takes place, amplifying men’s own discomfort with their abusive behaviours, addressing harmful attitudes about gender, and articulating values as key to motivating change. Research on the value of motivation-enhancing approaches has recently been summarized in a systematic review and meta-analysis by Santirso and colleagues (2020). These authors identified twelve randomized control trials published between 1983 and 2018 that examined the efficacy of interventions for IPV offenders that incorporated motivational strategies. Results indicated that IPV interventions that incorporated motivational strategies were significantly more effective at reducing dropout than interventions without motivational strategies. Specifically, IPV offenders receiving interventions with motivational strategies were 1.73 times less likely to drop out of intervention compared to those in interventions without such strategies. Although effective for retaining men in services, use of motivational strategies was not necessarily related to lower rates of post-program recidivism (Santirso et al., 2020). In other words, use of motivation-enhancing models is a necessary but not sufficient step to promoting change.

#### **4.4. Multiple Routes of Engagement and Entry**

A comprehensive vision of services for IPV perpetrators must also include multiple routes to engagement and entry. Men themselves should be able to find services that address IPV and should be able to self-refer. There should also be clear, well-utilized pathways to referral through police, addictions, and general health services. Finally, workplaces, neighbours, friends, and families should be able to recognize IPV perpetration, be supported in having initial conversations to express their concerns, and should be able to find resources to intervene with individuals in their lives who are causing harm. Considerations and evidence for these various “doors” to service are outlined below.

##### *4.4.1. Broad Efforts to Prompt Men to Self-Refer*

There are several Canadian and international examples of successful attempts to broadly prompt IPV perpetrators to seek help of their own volition. Such efforts have used both direct and indirect messaging. One important Canadian example is Nova Scotia’s Men’s Helpline (MHL). The Men’s Helpline, which was launched in September of 2020, was built on a broader

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foundation of work by the Nova Scotia Department of Community Services and the Standing Together initiative. The helpline uses broad and general outreach messaging (e.g., “Life can be tough. It’s okay for everyone to reach out and ask for help.”) to route men to 211NS and then, as appropriate, to a counsellor at Family Service of Eastern Nova Scotia. Counsellors are available 24/7 to provide single session counselling and/or to make referrals to short-term counselling at local service agencies. An evaluation of the initial six months of implementation found high uptake of the service: between September 2020 and March of 2021, the MHL responded to 794 calls from approximately 278 unique callers (Scott et al., 2021). Men most often presented with needs related to mental health, stress, and anxiety but also called because of concerns in their relationships, including separation, anger, conflict, and violence. Men often called the line multiple times for support. From patterns of service usage, it appears that most prefer this “on-demand” model of service access over one that links them to short-term counselling services, which were taken up by relatively few callers. Another broad service recently launched in Canada is Men&. This service, which also uses broad and general messaging, has seen high levels of uptake by men.

Other examples of broad outreach that uses messaging to directly target IPV include the Men’s Referral Service in Australia and the Respect Phonenumber in the UK.<sup>4</sup> These are both well-established national phone/text lines advertised as sources of support for men to get advice about abusive and violent behaviour. Another example of a line directly advertised as addressing domestic violence was the Men’s Domestic Abuse Check Up in the US (now no longer operating). This line directly invited men to reach out due to concerns about their potential abuse in relationships. Research on the efficacy of this line with men presenting with both IPV and substance use found that the line’s use of a motivational enhancement messaging resulted in greater motivation for treatment-seeking and a greater reduction in self-reported IPV (Mbilinyi et al., 2008; Mbilinyi et al., 2011).

Finally, a number of organizations have created broadly available online, self-directed services aimed at anger management, relationship education, and preventing IPV. Examples are

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<sup>4</sup> See the Men’s Referral Service website, <https://ntv.org.au/get-help/> and the Respect Phonenumber website, <https://respectphonenumber.org.uk/>.

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ePREP, OurRelationship, and BETTER MAN.<sup>5</sup> Messaging for these programs is often focused on improving relationship skills and communication. For example, BETTER MAN aims to help men identify areas where they may need help with in their intimate relationships and to take positive action (<https://www.saferfamilies.org.au/betterman>). Recently, Spencer and colleagues (2021) conducted a meta-analysis of the impact of these online self-directed programs. Results, based on six randomized control studies with a combined total of 1847 participants, showed that online relationship education and anger management programs had large effects on decreasing levels of depression, medium effects on decreasing levels of anger, and medium effects on self-reported emotional and physical IPV perpetration.

#### 4.4.2. Outreach through Police Services

As described earlier, most IPV perpetrator interventions in Canada serve men who are referred through the justice system either as a condition of probation or through an early intervention/diversion model in which sentencing or rulings on a person charged with an IPV offence is attached to their participation (and sometimes progress) through an IPV intervention program. Beyond these routes, there are a variety of ways that police may engage in targeted outreach and referral for IPV perpetrators. Examples include “secondary responder” models (most often applied to supporting victims but sometimes applied to perpetrators) strategies of “focused deterrence” (which tend to put more weight on community messaging), and restorative justice. Common features of such models, as applied to IPV, include:

- Mobilization of community knowledge and services to help target and address the problem;
- Organization/running by an inter-agency group, including police/corrections and community-based services;
- Direct communication with those who are at high risk of offending to share information on risk, express concern, alert them to the seriousness and potential consequences of their behaviours and situation, and offer support services to help change behaviour;
- Parallel outreach response to victims to assess their safety, provide information, and offer support services.

<sup>5</sup> ePREP is available at <https://lovetakeslearning.com/>, OurRelationship is available at <https://www.ourrelationship.com/> and there is a new site currently under development for BETTERMAN, see <https://www.saferfamilies.org.au/betterman> for details.



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One better known American program involving police outreach is the Offender Focused Domestic Violence Initiative (OFDVI) in North Carolina (Sechrist & Weil 2018; Sechrist et al., 2016). This program, based on theories of focused deterrence, assumes that offending will be reduced when clear information is presented to offenders about the criminal and moral consequences of their decisions, when offenders are allowed to make a rational choice based on this information, and when community resources are provided that may assist them in stopping their criminal or violent activity. A tiered (A to D) approach is used to direct response to perpetrators of IPV with varying histories. For each tier, targeted messages and service responses are delivered. For example, B-level offenders (those with a previous history of charges) meet face-to-face with a member of the police service, are given a personalized description of their criminal history and legal exposures, are offered opportunities for services, and are given a message from the community that IPV will no longer be tolerated. The specific messages woven through all responses are: domestic violence affects everyone, not just you and your partner; violence and abuse is wrong and is not consistent with our community values – the community condemns your behaviour in the strongest terms; the community cares about what happens to you and wants to help you, but if you reoffend, the community stands behind the police and supports them to protect victims from further violence (Sechrist & Weil 2018; Sechrist et al., 2016). Research on the effectiveness of this model has found that over one year, it reduced the volume of IPV-related calls for service by approximately 20%, reduced the volume of IPV-related arrests by approximately 20%, and reduced the victim injury percentage documented in IPV arrests from 67% to 47%. The project also reported a one-year IPV offender recidivism rate of 16–17%, which is considerably lower than what is typically found in police data. These results are consistent with other meta-analytic work concluding that focused deterrence strategies are effective, at least in the short term (Braga & Weisburd, 2012; Abt & Winship, 2016). Longer-term effectiveness and the specific value of moral messaging have been more contested (see, e.g., Braga & Winship, 2006; Rosenfeld et al., 2005; Wellford et al., 2005). The emphasis of this model on moral messaging and its associated lack of intersectional analysis is also problematic when considered from an intersectional perspective. A more appropriate application of a model like this in Canada may be to omit moral messaging and build out partnerships and supports with multiple diverse, community-based services.

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There have been a few Canadian programs and projects that similarly used collaborative police–community-based models to promote engagement of perpetrators with intervention. One was coordinated in Sudbury, a smaller city in northeastern Ontario. In the mid-2010s, the local coordinating committee received funding to develop and pilot an Innovative Continuum of Services (ICS-DV) response for abusive men. An interagency collaborative initiative formed to identify, develop, and deliver a continuum of preventative intervention services that included existing justice pathways (referral through probation and as part of deferred sentencing) and two new pathways. The first, called the Before Everything Escalates Program (BEEP), was designed for men who came to the attention of the system, often because of a “domestic disturbance” call to police, but who had not been criminally charged. These men were offered the opportunity to participate in the thirteen-week BEEP program, which consisted of an intake assessment and a group-based intervention covering male socialization; the abuse cycle; negative, irrational, and distorted thinking; effective communication; managing emotions; problem-solving; healthy relationships; parenting; and self-care. The second pathway was a domestic violence bail court outreach program that provided crisis counseling and referral services for men arrested and facing domestic violence charges. The bail outreach risk management counseling service provided “bridging” intervention for those falling between program offerings, similar to the High-Risk Safety project (described below). Although recidivism results are not available for the Sudbury program, it did show proof of concept for a continuum of outreach to offenders who would not normally be engaged in services, with 56 men identified as appropriate for BEEP and 31 men receiving at least one session of risk management counseling services (Langer, 2017). Collaboration members also reported building stronger relationships across agencies and greater capacity to identify and address gaps in services (Langer, 2017).

A second Canadian project that linked police and community service providers to facilitate access to intervention was the High-Risk Safety project run out of London, Ontario (Scott, Heslop et al., 2017). This project was aimed at perpetrators farther “downstream” in the justice program. Described as a “second-responder” program, this project was designed to fill the gap in service for offenders charged with domestic violence, deemed at moderate to high risk for reoffending, who were being released on bail and waiting appearance in court for charges (typically six months or a year later). Perpetrators were contacted by a police-based clinician and invited to attend a community-based intervention. Over the four-month period of the study,

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successful phone contact was made by a police-based clinician with 63 men, 76% of whom agreed to a referral. Men in the intervention condition attended individual appointments with therapists at a community-based service provider specializing in work with men who have perpetrated domestic violence. Contact was focused on identifying and addressing dynamic risks for domestic violence perpetration. The types of services provided to participants included linking to community resources (such as housing and legal advice) for practical assistance, referral to addictions and mental health services, practical support such as accompanying men to a food bank or shelter, and short-term cognitive-behavioural therapy (CBT) to address abuse-supporting cognitions. In addition to these services, partners of men in both the intervention and comparison groups received support through an established second-responder program for victims of domestic violence.

A quasi-experimental design was used to compare police outcomes for 40 men attending a second-responder intervention program to 40 men with equivalent levels of risk for re-offense who did not attend intervention. Results showed that there were significant, substantial, and lasting differences across groups in all outcome domains. In terms of recidivism, rates of subsequent domestic-violence-related changes were more than double for men in the comparison group as compared with the intervention group in both one-year (65.9% versus 29.3%) and two-year (41.5% versus 12.2%) follow-up (Scott, Heslop et al., 2017). Changes in the rates of arrest were consistent with reductions in men's general involvement with police, with men in the intervention group receiving fewer charges for violent offenses, administrative offenses, and property offenses over the two years following intervention than men in the comparison group.

Despite positive outcomes in both the ICS-DV and the High-Risk Safety project, as well as evidence from other jurisdictions of the value of approaches that promote referral by police, both of these programs were offered as pilot projects and neither were continued or expanded to other jurisdictions.

#### *4.4.3. Outreach through Programs for Substance Use*

A second critical point of collaboration and outreach is through programs for substance abuse. As already mentioned, substance use is a major co-occurring problem with IPV, and there is empirical support for providing integrated addictions and IPV services. Recognizing the importance of co-occurring problems, the Substance Abuse and Mental Health Services

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Administration of the US Department of Health and Human Services (SAMHSA) has since 1997 recommended that: 1) substance abuse programs consistently screen all clients for current and past domestic violence, including childhood physical and sexual abuse; 2) that there be formal linkages between substance abuse treatment programs and domestic violence programs; and 3) that there be investment in a model for systemic reform to a coordinated system of risk management and care (SAMHSA, 1997).

Unfortunately, these recommendations are rarely put in place. As described earlier, the one Canadian program that provided combined IPV and substance use programming (Sobering Effect, Tutty et al. 2011) is no longer running. There is also limited collaboration and cross-referral from addictions to IPV services. Reviews of practice across North America document that few substance use treatment programs have had a policy requiring assessment of potential clients or monitoring of admitted clients for violence perpetration; very few see their work as contributing to assessing, monitoring, or managing risk for IPV; and many have identified as a barrier a lack of staff training in IPV (Timko et al., 2012; Hashimoto, 2021). Recent qualitative studies have echoed and expanded on these findings, documenting staff training issues and contextual challenges around acceptance of IPV treatment implementation within substance abuse treatment (Gilchrist et al., 2019). Development of combined and integrated services for IPV and substance abuse requires training in both sectors. Moreover, the internal design and contextual settings of these programs must be considered, including how coordinated service pathways can be set up and maintained.

#### *4.4.4. Outreach through Health, Mental Health, and Social Service Providers*

A fourth area of targeted outreach should be through general health, mental health, and social service providers. One of the most common and repeated recommendations made following reviews of IPV-related homicides is that all health and social service providers should have the capacity to recognize IPV perpetration, to initiate conversation about concerning behaviours and to make referrals to services (Scott, Oliver & Cheng, 2020). Extant research clearly suggests both that general service providers seldom engage men in conversations about IPV and that general health providers are unprepared for these conversations. For example, a recent study of general medical practitioners' experiences of working with male patients who have perpetrated IPV found that the practitioners were inexperienced and unprepared to identify IPV perpetration

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and to respond to this perpetration (Mousaco et al., 2019). Furthermore, physicians expressed concern that raising the topic of IPV would harm the therapeutic relationship with their patients (Mousaco et al., 2019). These concerns are echoed in other research with physicians: even experienced physicians do not believe they have the knowledge or skill to ask about or address IPV perpetration and have highlight their lack of training and knowledge (Penti et al., 2017; Portnoy et al., 2020). Lack of knowledge and training includes lack of knowledge regarding where to refer perpetrators for service and sometimes results in physicians making inappropriate referrals (e.g., to marriage counselling) or trying to address the issue themselves, both of which are potentially unsafe (Penti et al., 2017). Similar themes have emerged in research with other practitioners, including nurses and pharmacists (Barnard et al., 2013; Yonaka et al., 2007).

There has also been relatively little research on what it might take to change the response of generalist providers to patients/clients who have perpetrated abuse. In one of few studies on this issue, Williamson and colleagues (2015) studied the feasibility of a brief (two-hour) practice-based training to improve the response to male patients who have experienced or perpetrated domestic violence and abuse. Results showed a significant increase in clinicians' self-reported preparedness to meet the needs of male patients experiencing or perpetrating IPV, though there were only small increases in male patients identified and referred to services, leading the authors to suggest that more research is needed to facilitate case identification.

*4.4.5. Outreach through Workplaces*

Change in workplace legislation provide another general route to recognizing and responding to concerns about abuse perpetration – opening an additional “door” into a web of accountability. Over the past few years, Canada has made extensive use of occupational health and safety legislation to explicitly outline employer responsibilities for preventing and responding to IPV in the workplace, though most provisions focus on response to victims. In Nova Scotia, for example, the Labour Standards Code obligates employers to allow employees who have experienced domestic violence to take three days of paid leave (Province of Nova Scotia, 2022).

Creating strategies of intervention and routes of response to IPV through workplaces has clear potential benefits (Galvez et al., 2011; Lim et al., 2004; Mankowski et al., 2013; Rothman & Corso, 2008; Rothman & Perry, 2004). Exploring this issue, the DV@Work network funded an Ontario-based survey of the impact of IPV perpetration on workers and workplaces. Results,

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based on responses from almost 500 men attending an IPV intervention program, found that IPV perpetration persists into the workplace (Scott, Lim et al., 2017). Specifically, around one third of IPV perpetrators were in contact with their (ex)partner during work hours to engage in behaviours that were abusive, often through phone calls and messages but sometimes by “dropping by” the home or workplace of their (ex)partner during work hours. Results also found that IPV perpetration impacted job performance. About one tenth (9%) of respondents reported that they caused or almost caused a work accident as a result of being distracted or preoccupied by IPV issues, and close to half of respondents (45%) reported that IPV issues at least sometimes affected their job performance. Most respondents felt workplaces should be involved in addressing IPV issues, pointing out that workers and workplaces need to be able to recognize controlling, degrading, emotionally, and physically abusive behaviours, have skills to speak out against these behaviors, and have programs and policies in place that can prevent and respond to those perpetrating abuse.

Resources in support of training, policy development, and responding to IPV in the workplace are now increasingly available. Two options are the online DVatWork resources provided by CREVAWC and resources offered by the Muriel McQueen Fergusson Workplace Violence and Abuse Research Team.<sup>6</sup> Although there is considerable promise in workplaces as partners in the prevention of and response to domestic violence, this work is still in its infancy, and there is much more still to be done. Even large and better resourced employers are still only starting to name domestic violence in their workplace violence policies, to provide preventative resources, and/or to create clear routes of response. It is also worthwhile to note that most of the current resources assume or are best suited to situations in which there is a direct and consistent relationship between employers and employees. There are, however, a large range of workers for whom different ways of responding may need to be considered. These include self-employed contractors, seasonal workers, and franchise owners. To date much less work has been done on how to address IPV perpetration within these work settings. This is an important area of future development: in the survey discussed earlier on the impact of IPV perpetration in the workplace, one third of respondents reported being employed casually, seasonally, or on a temporary contract, and 14% reported being self-employed (Scott, Lim et al., 2017).

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<sup>6</sup> See the CREVAWC webpage for DVatWork, <https://www.dvatwork.ca/>; and <http://www.toolkitnb.ca/>.

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**4.5. Support for Neighbours, Friends, and Families**

When men are asked about help-seeking, they typically report being most likely to seek from informal sources (e.g., family and friends; Campbell et al., 2010; Hashimoto et al. 2021). There are calls to continue broad public education around IPV and for easily found information on how and where to refer IPV perpetrators to services. As part of the Standing Together to Prevent Domestic Violence initiative, a number of Nova Scotia ministries are working together, with coordination through the Advisory Council on the Status of Women, to expand public education for victims and perpetrators, as well as friends, families, and neighbours.<sup>7</sup> There is a focus on ensuring that such initiatives recognize the diverse nature of domestic violence and reach rural communities and African Nova Scotians (<https://women.novascotia.ca/womens-safety/safety-planning>). It is important, in developing these messages, to recognize that people are often hesitant to get involved, and they often worry that they may make things worse (McMahon & Dick, 2011; Mousaco et al., 2019). Having supports for neighbours, friends, and family members to have conversations about IPV perpetration is critical. It is also important that those looking for services for IPV perpetrators be easily able to find resources. Nova Scotia currently lists its men’s programs online, which is helpful but potentially not easily found. For example, there is no way to easily search for perpetrator programs in 211 NS’s “violence and abuse” section; and Nova Scotia’s online mental health service directory<sup>8</sup> has no option or way to search for programs that might address IPV. To be clear, this is not a problem that is specific to Nova Scotia. The lack of clear availability of information about programs for IPV perpetration is a problem across Canada. It is for this reason that the work currently being undertaken by Women’s Shelter Canada to create a listing of programs that address IPV perpetration is so critical. It will then be important for this information to be widely spread.

**5. Conclusions and Recommendations**

At its onset, this report set out to describe an overall vision of a response to IPV perpetrators that would join communities together in creating a web of accountability to keep perpetrators in view while working to ensure survivor safety. An essential part of this system is services that are

<sup>7</sup> See the NS government webpage “Standing Together to Prevent Domestic Violence,” <https://novascotia.ca/standingtogether/>.

<sup>8</sup> See the NS health website, <https://mha.nshealth.ca/en>.

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feminist, intersectional, and culturally appropriate. Creating such systems will require investment in IPV specialist services and shifts in the ways in which systems such as police, child protection, and mental health and addictions services recognize and respond to abuse perpetrators. To the extent that we can intervene earlier to end abuse, the potential return is a reduction in human suffering and loss of life, as well as significant cost savings to society. Specific recommendations based on research outlined in this report follow.

### **5.1. Recommendations for Interventions to Address Abuse Perpetration**

1. Provide adequate funding for services aimed at addressing abuse perpetration. Services should have sufficient funds to respond immediately with risk management services, to offer a range of intervention options to address abuse perpetration, to engage in preventative public education, and to collaborate within collaborative multi-agency responses.
2. Go beyond “one size fits all” with a variety of group-based interventions augmented with individual case management to assess and manage risk and to supplement services as needed to address individual needs. Services should combine individual and group work. A priority is for the development of cross-agency/cross-system collaborative services and service models in the areas of: a) substance abuse; b) general criminal behaviour; c) mental health; and d) fathering.
3. Invest in high-quality program evaluation and research to examine the success of more individualized and targeted intervention approaches for IPV perpetrators. Research should include feedback from partners as part of assessing outcomes and should consider rates of engagement and retention as important secondary variables. Collaborative meetings that bring together researchers actively engaged in studying perpetrator interventions will enhance research and knowledge mobilization.
4. Recognize the specialized knowledge and expertise of service providers providing IPV perpetrator intervention and support the development of workforce capacity within the sector. Service contracts should include funding for supervision and ongoing professional development. Consideration may also be given to creating competency-based training opportunities that would be available to all service providers to IPV perpetrators.



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5. To increase acceptability and access to IPV perpetrator services, continue to engage in collaborative work with culturally diverse Nova Scotians to identify priorities for investment in IPV perpetrator services at agencies led by and connected to specific cultural communities. There should also be continued promotion of widespread recognition within all agencies of the importance of centering the diverse cultures and identities of IPV perpetrators.

**5.2. Recommendations for Engaging Perpetrators**

1. Engage men with both indirect and direct messaging about abuse. Investment in services like the Men's Helpline (general access with indirect messaging) should continue. Attention should also be paid to direct messaging about IPV perpetration. For example, it is important to consider how a Nova Scotian concerned about IPV perpetration may find information and services appropriate for addressing abuse.
2. Create opportunities and pathways to service access through the police. Police-based referrals should be provided as early as possible and should be repeatedly and persistently offered both as a route to engagement and as a way to reinforce the need for perpetrators to be accountable for their abusive behaviours.
3. Substantially improve the coordination of services addressing IPV perpetration and substance use. Address barriers to referral within services for individuals using substances, create opportunities and pathways to services, and encourage cross-agency service provision and case management.
4. Include professional education on IPV perpetration as part of initial and ongoing training for providers of health, mental health, child and family, and social services. Such learning needs to include recognition of IPV and how to respond and refer individuals who may be perpetrating abusive behaviours.
5. Create public education campaigns that address IPV. These messages should promote broad recognition of risk factors and warning signs of IPV. They should be accessible in multiple languages and in multiple formats. Messages should include men's voices, represent men's experiences, and promote help-seeking. They should profile "opening the door" to conversations about behaviours of concern.

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6. Continue to recognize workplaces as a key location for recognizing and responding to IPV perpetration. Continue to promote and support training within workplaces on recognizing and responding to IPV. Expand discussion of IPV as a workplace issue within a broader range of workplaces and with additional workers. Specific consideration needs to be given to the responsibilities and responses of employers of seasonal and contract workers. There is also a need to consider policies, provisions, and training that might be needed within franchises and for self-employed workers who are required to regularly renew licences and certificates to continue to practice.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**A Systematic Review of the  
Research on Rural Policing**

**Dr. Anna Souhami  
University of Edinburgh**

**May 2022**

[masscasualtycommission.ca](http://masscasualtycommission.ca)



Mass Casualty Commission: Expert Report

## **A SYSTEMATIC REVIEW OF THE RESEARCH ON RURAL POLICING**

Dr Anna Souhami

May 2022

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A Systematic Review of Research on Rural Policing

## **I. Scope and Limitations**

This report sets out the core themes of research on rural and remote policing and indicates how they may apply to the interests of the Mass Casualty Commission. This section sets out the terms of reference, limitations, methodology, and research drawn upon as a context for understanding what follows.

### **1. Understanding Rurality**

While this report is concerned with rural and remote policing and police–community relations in rural areas, the meaning and definition of rurality is contentious (see Halfacree 1993; Reimer & Bollman 2010). It is both a geographical concept, describing socio-spatial characteristics that differentiate rural areas from others, and a socio-cultural concept, describing social, economic, and cultural aspects of rural societies. It is also a social construction, reflecting local histories, institutions, and identities, and the experiences and interpretations of individuals who consider themselves to be rural. Finally, it incorporates a series of rhetorical ideas about a way of life, sometimes described as a “rural idyll,” that imagines cohesive, safe, and homogenous communities in contrast to diverse, modern urban spaces characterized by conflict (Ceccato 2016; Mawby 2003).

The scope of this report is delineated by research that describes its concerns or context as “rural.” However, the understanding of “rural” differs between studies and incorporates elements of all the themes described above. Further, it is important to recognize there is no singular rural experience. Rural police research includes a wide range of diverse contexts, from remote islands to “outback” areas, sizeable small towns, and areas broadly defined as “non-metropolitan” or

poorly defined altogether. (The Appendix contains a summary list of the types of rurality described in the studies that are cited in this report.) Areas of similar size or geographical characteristics may be markedly different due to different socio-economic, historical, and cultural contexts, and there may be a wide diversity in the experience of rural community life for individuals or groups within it. It is important to recognize that findings in one rural area cannot simply be transposed into another context.

Recognizing this important diversity of experience, this report draws out common issues in the research that relate to the rural experience. The following broad characteristics of rurality are particularly important in understanding the issues presented in the research:

- **Population size and density:** Research is concerned with areas outside metropolitan population centres, which are smaller in size and less densely populated than urban areas.
- **Proximity and access:** Discussions of proximity include both issues of physical distance and mobility, and access to services such as police, health and social services, and social supports, as well as access to labour markets. These issues are frequently expressed in terms of isolation.
- **Socio-cultural context:** Rurality is frequently defined through a distinctive form of community life, characterized in particular by ideas of familiarity and lack of anonymity, cohesion and closeness, and a sense of community (see section V).
- **Marginalization:** Rural communities are often seen as neglected or subordinate to larger population centres. A common theme is a lack of attention to or understanding of the needs of communities or of the police officers who work within them, and a subordination of the policy or resource needs of rural areas to those of cities. Some research explores an association between rurality and social deprivation, including inequality of income, health outcomes, or other indicators of community well-being, including crime.
- **Structure of police services:** The distinctiveness of the structure and work of police services within rural areas is often implicitly seen as an identifying feature of rurality (see section IV).

These themes are likely to be salient to all rural police areas, though the extent of their importance may differ according to context.

## A Systematic Review of Research on Rural Policing

**2. Methodology and Sources**

This report draws primarily on research on remote and rural policing. Despite a rich tradition of police scholarship, studies of rural policing remain relatively rare. However, over the last two decades there has been increasing interest in rural police research, especially in Australia, Canada, the United States, and the United Kingdom. The scope and methodologies of selected studies used in this review are summarized in the Appendix to this report. As the Appendix shows, with a few exceptions (e.g., Cain 1973; Souhami 2020; Souhami 2022), most rural police research is small-scale and makes use of interviews, surveys, secondary data analysis, or mixed methodologies. Further, most research focuses primarily on the work of policing and therefore generally excludes those rural areas where there is no physical police presence—increasingly a feature of remote rural areas, as isolated police stations close (see section II). To address this gap, section V draws largely from my own recent research on rural police work within the wider experience and structures of community life in Scottish islands (Souhami 2020; Souhami 2022). This is the only study which explores rural police work within the wider experience and structures of community life.

This report focuses primarily on formal police services. However, it is important to note that the police are only one of many agencies that do policing, including other state agencies that are broadly involved in social control (such as social workers and probation or education agencies), forms of privatized security, and other law enforcement agencies. Discussion of the operation of these is outside the scope of this report. Notably, however, residents themselves are also involved in “policing” the communities in which they live, and this topic is explored in section IV.

A review can never be exhaustive, and there will inevitably be omissions. The citations of texts here aim to give as comprehensive an understanding as possible of core issues in the field.

## A Systematic Review of Research on Rural Policing

Research has been identified through social science databases, electronic library catalogues, and Google Scholar, and by cross-referencing with key journal articles. This review includes only peer-reviewed scholarly literature (excluding, for example, unpublished dissertations), in addition to notable monographs and edited collections. It also includes only research published in English. Consequently, it prioritizes research in countries where English is an official or primary language. However, as English remains the principal language of international scientific journals, this reflects the orientation of published research in general.

As discussed in section III, much research emphasizes the distinctiveness of remote and rural policing, but there is in fact considerable continuity between city and rural police work. This report therefore also draws on foundational works in wider policing scholarship to illuminate both the continuities and distinctive issues experienced by rural officers.

## **II. Locating Rural Police Work: Centralization and Localism**

A core theme throughout the studies cited in this report is the distinctiveness of rural policing. Research has explored the differences of rural policing to mainstream urban services; the specific needs and challenges of rural officers; the skills and resources required to police rural communities; and the question of who should be responsible for their policing. One of the framing issues for these questions is the location of rural police services: whether they should be delivered through local or regional police teams or absorbed into a larger, centralized service. This section sets the structural context for rural policing and the core arguments about centralization and localism that frame the provision of rural police services.

The arrangements for policing rural areas vary significantly internationally, reflecting local political, geographical, and historical contexts, including levels and sources of funding, which have shaped the development of police services. Mawby (2016) has identified three broad

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models of the principal mode of delivery of rural policing. First, in some countries, such as the United States, rural policing is delivered by small, autonomous local police services, organized at the “small town” level. Second, in areas such as Australia, England, and Wales, policing is organized regionally with separate police services responsible for different states or counties. Third, in countries such as New Zealand, France, and Canada, rural policing is principally delivered through centralized or federal police services. These broad models are in practice more complex: “rural” regional police services are likely to incorporate elements of both urban and rural areas; “local” police services run alongside multiple police services organized at the federal or state level; and centralized systems may also have regional provision. This is the case in Canada, where a federal agency, the RCMP, is responsible for a significant proportion of rural policing, but regional policing is also delivered by provincial, municipal, and some First Nations police services.<sup>1</sup>

A core issue in the organization of rural policing in all these arrangements is the balance between local autonomy and the centralization of services, and the consequences for service delivery. In particular, there are longstanding concerns that the organization of police services at a larger, centralised level may have a detrimental effect on the ability of services to respond to distinctive local needs (see, e.g., Mendel et al 2017). This issue is particularly important in relation to rural policing, as research has consistently shown the particular importance of local relationships and situated knowledge in establishing trust and legitimacy in rural areas (see Cain 1973; Fenwick 2015; Rantatalo et al 2021; Wooff 2017; and further discussion below).

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<sup>1</sup> For discussion of the First Nations Policing Programme and the specific issues around policing in Indigenous communities, see Kiedrowski et al 2017; Ruddell & Jones 2020.

The diversity of local contexts makes the comparison of efficacy of different models difficult (Mendel et al 2017). However, the potential benefits and risks of centralized services have recently been illuminated in debates about the centralization of regional services in some European countries, including Austria, Denmark, Finland, the Netherlands, Norway, Sweden, and Scotland. In particular, Scotland and the Netherlands have recently amalgamated all regional services into a central, national police service (Cameron 2017; Holmberg 2014; Lindström 2015; Mendel et al 2017; Terpstra & Fyfe 2015). The drive for reform of police services in these different contexts has been similar: centralization is argued to promote the performance and efficiency of services, enhance the response to transnational crime, and allow national governments more power over the police (Terpstra & Fyfe 2015: 528)—although evidence regarding all these claims is mixed (see Holmberg 2014; Mendel et al 2017; Terpstra & Fyfe 2015). While these discussions about are not specifically directed to rural policing, they illuminate both the advantages and risks of centralized services for policing in rural areas.

### **1. Advantages and Risks of Centralized Services**

Arguments in support of the amalgamation of regional police services indicate that centralization may have benefits for rural police services. First, due to economies of scale, centralized services are more cost efficient (Cameron 2017; Terpstra & Fyfe 2015). Second, smaller services such as those in rural areas may not be able to maintain the range of skills necessary in all their areas of activity, especially those requiring considerable resources and specialist skills (see, e.g., Rantatalo et al 2021 for discussion of problems of specialism in Sweden). Larger services allow for a greater number of employees with specialist skills, ensuring competence across the organization. Third, larger services allow more flexibility to move officers to incidents that require a large police presence (Mendel et al 2017). Fourth, findings by Mendel et al (2017)

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suggest that centralized services may in some circumstances allow for more unified procedures for dealing with major incidents such as terrorist attacks, in a way that small police services—such as American “small-town” policing—cannot. However, Mendel et al (2017) have also noted that most larger regional forces do have capacity for managing such incidents. Fifth, where local incidents have transnational or international elements, a fit with the structure of centralized and international crime agencies such as those dealing with national and international organized crime facilitates cooperation.

Despite these benefits, the centralized organization of police services presents a number of risks for rural policing.

#### *A. Local Policing*

The principal concern for the delivery of policing in rural areas is that centralized police services erode local (sometimes known as “proximity” or “neighbourhood”) policing. Such a model risks distancing officers from the communities they serve and undermining local knowledge, responsiveness to community needs, and policing strategies tailored to local areas.

It is important to note that such effects are not inevitable in centralized services: Mendel et al (2017) have argued that local policing strategies are possible alongside a wide variety of force structures, and a force with “ample numbers of well-resourced, highly-skilled, highly-capable and well-managed local officers could offer a good service even if it covers a large area” (8). However, in practice, regional services that have been merged into national police forces show a decline in local policing. Research in Sweden, Norway, Denmark, Scotland, and the Netherlands shows that the merging of police districts has reduced local police presence, led to areas being policed by officers with little local knowledge, produced more hierarchical and centralized police service, and led the police to be seen by locals as less visible, less effective,



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and less available locally (Holmberg 2014; Cameron 2017; Terpstra and Fyfe 2015). Moreover, Swedish research has shown that due to the costs of policing large rural areas, centralization has not increased police numbers in these areas (Cameron 2017). Further, rather than leading to more support, local numbers are frequently reduced, as officers are away to assist with incidents elsewhere. As specialist units are drawn away from rural areas, officers in rural areas who wish to be promoted may feel they need to serve in these units to do so, which requires their removal from the community. Consequently, officers are incentivized to neglect local policing, risking a loss of competence in local areas (Cameron 2017; Mendel et al 2017).

*B. Policing Priorities*

A further tension is that centralized forces provide funding and set policy objectives and police priorities. For example, as Buttle et al (2010) have noted in relation to New Zealand, even though rural district commanders may have considerable discretion, funding and priorities are set by the Wellington-based central command structure. This presents two important risks for rural police services. First, it erodes the local autonomy and context-specific decision-making that are central to “soft” policing styles in rural areas (Wooff 2017; Terpstra & Fyfe 2015; and see section IV). Second, it represents a “one-size-fits-all” approach to police styles and objectives that cannot accommodate the different needs of rural areas. Moreover, centralized priorities are usually based on the needs of larger, urban services, which have higher populations and crime rates, more resources and are consequently more powerful. As a result, centrally defined objectives may be unresponsive to or even undermine the needs of local areas. For example, in Scotland a national priority targeting violent crime has led to the displacement of other local priorities, especially in relation to property crime (Terpstra & Fyfe 2017). This approach is particularly problematic when it is reinforced, as in Scotland, by national performance

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management models based around a range of key performance targets that direct police practice on the ground. Where such performance targets are created centrally, they risk having less connection to local needs than if they were locally determined.

*C. Urban and Rural Police Styles*

A particular concern about urban-focused strategies is that they may conflict with the “soft” policing styles required in rural areas (Wooff 2017), which prioritize de-escalation and under-enforcement of the law, as described in sections III and IV below. For example, the national performance management framework embedded in the new national police service in Scotland directs police activity towards the detection of crimes of high volume such as vehicle offences and the prolific use of strategies such as stop and search. This is widely seen to encapsulate a strategy of “enforcement”—the prominent recourse to arrest or other enforcement measures, typical of city policing (see Fyfe 2014; Wooff 2017)—which does not meet the needs of Scotland’s extensive rural and remote areas (Souhami 2020).

*D. Resource Allocation*

Models of resource allocation in centralized services are often based on assumptions of urban contexts and unable to take into account the particular conditions of rural policing. Ricciardelli’s research in Canada (2018) has described how allocations of resources may be based on factors such as the number of residents, minimum staffing projections, or workload. Consequently, due to lower population density and lower volume of crime, rural areas receive fewer resources (Rantatalo et al 2021; Ricciardelli 2018). Yet these calculations do not take into account the size of the service area, the distance and time required for travel, or the myriad non-crime related functions the police perform that markedly impact on the resilience of rural services (see section IV below). Indeed, Rantatalo et al (2021) have argued that this mismatch creates a ‘rural

paradox' (1358): despite the smaller numbers of reported crimes, rural areas need more staff on average than urban areas rather than fewer.

Further, research in Canada, the United Kingdom, and Sweden has shown a trend towards the closure of smaller police stations (see, e.g., Yarwood & Wooff 2016; Ruddell & Jones 2020; Rantatalo et al 2021; Smith & Somerville 2013; Lindström 2015). This has concentrated the police in population centres, whether in urban areas or rural towns, leaving isolated areas without any physical police presence at all. Again, this impedes police knowledge of the area and creates barriers to establishing relationships with local communities.

Rural areas may also receive inadequate physical equipment, and as Ricciardelli (2018) has noted, shortages or poor quality of vehicles and equipment affect the efficacy and safety of rural officers even more than they do officers in urban areas.

## **2. Summary and Implications**

The location of rural police work can have significant implications for the priorities, resources, autonomy, and needs in the delivery of police services. It is important to note that it is not inevitable that centralized services will have a detrimental effect on the needs of rural police services or the communities they support, and there are advantages in economies of scale. However, the particular conditions of rural police work must be taken into account in the creation of centralized policies. In particular, it is important that these conditions are taken into account in the allocation of resources; that police strategies do not erode local knowledge and community relationships; that officers are able to retain discretion and autonomy given their centrality to rural policing styles; and crucially, that urban assumptions of the culture and priorities of policing are not imposed through a “one-size-fits-all” approach to policy and practice.

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### **III. Understanding the Role and Culture of the Police**

The previous section described how what the police actually do may be strongly shaped by organizational pressures such as central priorities, funding, and the allocation of resources. However, police work is also shaped by deeply embedded, cultural ideas of what policing is. This section briefly outlines foundational ideas about the role and culture of the police in order to contextualize the specific challenges identified in the rest of this report.

A common theme of rural police research is the distinctiveness of the styles and skills of policing that are developed in response to the local context (see, e.g., Cain 1973; Falcone et al 2002; Griffiths 2019; Liederbach & Frank 2003; Putt 2011; Ruddell & Jones 2020; Weisheit et al 1994; Weisheit et al 2005; Wooff 2015; Wooff 2017). In particular, as will be discussed in section IV, research has explored how rural police work requires officers to employ a form of “soft” policing (Wooff 2017) that prioritizes discretion, sensitivity, and responsiveness to the needs of the community, transparency, and under-enforcement of the law. However, foundational police scholarship (e.g., Banton 1964; Bittner 1967; Bittner 1970; Bittner 1974; Cain 1973; Punch 1979; Wilson 1968) has suggested that these elements of police work are not intrinsically distinctive to rural policing but are core elements of the police role. This section explores how the apparently different styles of rural and urban police work arise instead from tensions between the cultural pressures within the police organisation and the different demands of urban and rural contexts.

#### **1. The Role and Function of the Police**

Classic police scholarship identifies three elements of the police role and function that are particularly useful for this discussion.

*A. Law Enforcement and Peacekeeping*

First, police scholarship has long identified two key elements of the police role: “law enforcement” and “peacekeeping.” Both these roles derive from the capacity of the police to use force on behalf of the state and the powers given to them for this purpose. It is this capacity for the potential use of legitimate force that police scholars have argued is the defining feature of the police institution (e.g., Bittner 1974).

The “law enforcement” or “crime fighting” role is often emphasized by police services, the media, and politicians, and it is culturally prized by officers themselves (Loftus 2009; Reiner 2010). It is also how the public tend to understand what the police do (Reiner 2010). However, most police work does not involve either crime or law enforcement (Banton 1964; Bittner 1970). Instead, the majority of police work entails what sociological research has termed “peacekeeping” or “order maintenance.” This encompasses a wide variety of activity, including responding to requests for assistance, solving problems, supervising the beat, “sorting out” situations, and listening and counselling (Bittner 1974; Banton 1964). For this reason, Punch (1979) described the police as a “secret social service.”

The law enforcement and peacekeeping elements of the police role are not distinct. “Peace” calls may turn into “law enforcement” calls if a situation escalates; conversely, matters that may seem to require “law enforcement” may become diffused and de-escalate into “peacekeeping” (Punch 1979). Further, Bittner argued that officers are effective as “peace officers” because of their potential for the use of legitimate force: this capacity empowers them to impose or coerce a solution onto any problem if they deem it necessary or appropriate (Bittner 1974). This makes their involvement in emergencies different from any other agency, and it is primarily for this reason that the public call on the police to intervene in a wide variety of

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incidents, not just those relating directly to crime but also problems involving health, social care, and other emergencies.

*B. Discretion*

Second, discretion is central to frontline policing (Wilson 1968). The potential incidents to which the police are called are varied in scope (Bittner 1974) and often complex and ambiguous. Officers are confronted with a wide range of available interpretations and responses and must determine how to act. For example, classic studies of policing in urban areas of high social deprivation in the United States (Bittner 1967; Bittner 1970; Wilson 1968) and the United Kingdom (Punch 1979) found that in most issues the police encountered there was no legal directive that informed what a police officer should do. Instead, policing is improvised and solved in the field.

Research has consistently shown that the police routinely use their discretion to under-enforce the law, even if an offence has been committed (see Reiner 2010 for a review). Instead, the police typically maintain order through the use of non-coercive measures, using their legal powers, including force, as a latent resource. The “craft” of police work has been described as “using the background possibility of legitimate coercion so skillfully that it never needs to be foregrounded” (Reiner 2010: 144; see also Bittner 1967; Punch 1979; Waddington 1999).

However, it is important to note inequity in the use of enforcement. Research has consistently shown that minority and marginalized communities, especially those of Black, Indigenous, and other people of colour (BIPOC), are disproportionately subject to coercion and enforcement strategies (Bittner 1970; Bowling et al 2008; Cunneen 2020). In particular, young Black men are disproportionately subject to arrest, stop-and-search, charge, and physical force (Bowling et al 2008; Bowling & Phillips 2007; and see section VI below). Further, the use of

excessive force is problematic in many countries (see, e.g., Belur 2010 on the use of deadly force in India and the United States). In addition, officer decisions not to enforce the law can also be problematic, for example in not pursuing cases of intimate partner violence (see Myhill & Johnson 2016; Westmarland et al 2018).

In general, however, research has shown that the dominant characteristic of police work is the under-enforcement of the law: where possible police officers prioritize “peacekeeping” over “law enforcement” in their encounters (see Waddington 1999).

### *C. Community Norms*

Third, the police work within the norms of the community. The police are only one agent of social control and are relatively insignificant in maintaining the peace (Banton 1964). Most of the work of “policing” is done by communities themselves, who keep order through informal social controls: processes of socialization and supervision that are woven into the routines of family, neighbourhood, school, and organizational networks (see also section V). In general, formal policing supports and reinforces these informal social rules. As Banton stated in his classic study, the police are “principally ‘peace officers’ operating within the moral consensus of the community” (1964: 6).

### *D. Summary*

Sociological research has suggested that the elements considered to be core to rural policing in fact describe police work in general. Policing is not primarily an exercise of legal rules and is not primarily concerned with either crime or law enforcement. Instead, all officers use discretion to prioritize the “peacekeeping” elements of their role, under-enforcing the law where possible, shaping their responses through the norms of the communities within which they work. These

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are all features that are described as core to rural police work. While the rural context may make the “soft” elements of police work particularly important, they are not in themselves distinctive.

However, the distinctive conditions of rural and urban areas alter the balance of these elements of work. The relatively high population density, numbers of police officers, and volume of crime in urban areas may encourage an “enforcement” style of police work (see section II above). For example, major government inquiries after urban disorder in England and Wales have criticized the lack of understanding, relationships, and responsiveness to the needs of the community in urban police areas (Scarman 1981; Macpherson 1999). Conversely, the distinctive conditions of rural police work, which will be discussed further below, create pressures for “peacekeeping” styles of policing.

## **2. Police Cultures and “Real” Police Work**

Officers have a repertoire of potential responses in their work. Where decision-making is not directed by formal rules and guidance, informal norms structure discretionary police practices. These “patterned ways of thinking” (Reiner 2010) are fundamental to shaping how officers understand the people they encounter, the incidents they are called to, and their role. In addition, these cultural norms shape how officers decide what is worthy of their attention and what is not (see further Loftus 2009; Reiner 2010).

In particular, researchers have uncovered among the police a common construction of “real” police work as work that is directly tied to “crime-fighting,” a subsequent emphasis on physicality, action, and danger, and avoidance or denigration of other types of police work (Silvestri 2017; Smith & Gray 1985). Consequently, even though law enforcement constitutes a very small part of what police officers do, there is a powerful cultural orientation towards these elements of the police role. Incidents that are more obviously connected to crimefighting may



capture officers' attention more than those that are not. For example, research has shown that police roles associated with "social service" are culturally denigrated: in the terms of English officers in the research of Foster et al (2005), the work is "pink and fluffy," in contrast to the "real" work of arrests and enforcement. There is therefore a contradiction between the actual work of policing, in which order maintenance and "peacekeeping" dominate, and the cultural construction of police work as enforcement or crime fighting.

While intimate partner violence is not a focus of this report, it is important to note that it may be excluded from the category of "real" police work even though it is violent and serious. Research indicates that gendered aspects of police culture can shape police officers' attitudes towards gendered crime (for further discussion, see, e.g., Barlow & Walklate 2020).

For this report, the significance of police culture for understanding rural police work is that it creates conflicts for the policing approach demanded by the pressures of the rural context. This requires a police style that prioritizes "peacekeeping" and requires relationship-building, de-escalation of conflict, and attention to incidents that may not be related to crime at all. The result is that rural police work itself may be devalued, with officers finding it unappealing (e.g., Payne et al 2005); or that officers who are assigned to rural areas may emphasize enforcement in a way that is unsuitable for the needs of the rural context (see section V below).

### **3. Summary and Implications**

Research has shown how rural police work requires the prioritization of the "peace officer" role, which in theory underpins all police work. In urban areas, the culture and context of city police work may emphasize the "enforcement" elements of policing, which erodes this style of work. Conversely, the distinctive conditions of rural police work create pressures for "peacekeeping" styles of policing, which emphasize relationship-building, transparency, de-escalation of conflict,

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and working within the needs of the community. This requires skills that may be neglected in urban services. However, the importance of this work risks disruption by an informal police culture that prioritizes law enforcement and emphasizes incidents deemed exciting or serious. This emphasis may also be underpinned by centralized priorities and performance measures that encourage a culture of enforcement (see section II). These cultural issues could incentivize rural officers to focus on serious offenders and offences if they arise: it might be expected that serious crimes therefore receive a weight of police attention. However, intimate partner violence may be an exception to the cultural emphasis on serious crime. Further, rural police work creates a series of challenges for responding to serious crime. This is discussed in the following section.

#### **IV. Rural Police Work**

This section explores what rural police work actually involves: the organization, role, skills, and challenges of working in small, rural communities, the styles of police work that develop as a response, and the implications for managing serious incidents.

##### **1. Organization**

Rural policing is organizationally distinct from urban police work. Compared to urban areas, rural policing is characterized by small police teams who are responsible for relatively large policing areas. The majority of rural officers are often based together in larger stations within a rural area. Officers may also be spread throughout the territory in smaller stations, sometimes with only a single officer.

Rural police departments have relatively few levels of bureaucratic hierarchy (Falcone et al 2002). Where rural policing is a division of a larger, federal, or centralized police service, higher ranking officers are usually located in centralized headquarters, at a distance to the rural

division. This means that there is frequently a lack of senior oversight and scrutiny in rural police areas, which increases the scope for discretion.

Because of the small scale of rural police teams, there is usually little specialist expertise available. Larger rural police stations may have small investigative units or a few specialist officers, such as those who have particular expertise in firearms or child protection (Souhami 2020). In general, however, specialist units are based in larger regional centres, and support from them must be requested when required. Instead, rural officers are generalists, dealing with every incident from start to finish.

## **2. Rural Crime and Rural Police Work**

A distinctive element of rural police work is its diversity. Rural officers are required to take on a wider variety of roles than urban officers, including acting as custody officers and doing administrative tasks (Ruddell and Jones 2020; Weisheit et al 2005; Payne et al 2005). Research in remote areas of Canada has found that rural officers also act as border security where no other staff are available, and in some locations where circuit courts meet infrequently, the police have been found to act as prosecutors for traffic matters and minor offences (Ruddell and Jones 2020).

Police officers may also take up expanded roles to compensate for a lack of services in rural areas. For example, officers may be required to provide social or health services where these are otherwise nonexistent or inaccessible (Weisheit et al 2005; Liederbach & Frank 2003). Ricciardelli, Adorjan, & Spencer (2020: 201) have noted that some regions of rural, Northern, and remote areas of Canada rely on the police for broader emergency services in the absence of local aid workers and fire departments.

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*A. Policing Issues*

The range of issues rural officers encounter is also distinctive in its diversity. Rural crime is distinguished in its range in both form and seriousness (Weisheit et al 2005; Fenwick 2015; Souhami 2020; Souhami 2022; Liederbach & Frank 2003). Moreover, forms of crime can vary significantly across different rural areas: the diversity of cultural, economic, historical, and demographic contexts of rural communities generates wide disparity in patterns and types of crime (see Ceccato 2016; Donnermeyer 2015). However, in general, rural areas experience issues common to all populated areas, such as anti-social behaviour, neighbourhood disputes, property crimes, drug and alcohol abuse, and violence, including intimate partner violence and family violence (Ceccato 2016; Perrault 2019). Forms of crime typically considered to be urban, such as gangs, also occur in rural areas (Jobes et al 2004). Speeding and traffic violations are frequently described as a particular concern for both rural residents and officers (e.g., Liederbach & Frank 2003; Ricciardelli, Spencer, & Andres 2020).

In addition, rural areas experience some distinctive forms of crime, such as those relating to livestock and wildlife, farm and marine crime, and environmental crime (Ceccato 2016). There is also a greater availability and ownership of guns, which may affect forms of offending (Ricciardelli, Spencer, & Andres 2020). Issues relating to use and ownership of space (such as trespass or the policing of nomadic communities, such as Travellers in the United Kingdom and Ireland) may be particularly important in some rural areas (James 2006).

Further, officers may also be required to take on a wide range of tasks only loosely connected to crime and disorder. As outlined in section II above, they may be required to compensate for a lack of other social, health, and emergency services in rural areas. In addition, due to the responsive nature of rural policing and the expectations of rural communities (see section V below), officers may be asked to assist with a wide range of minor problems. For

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example, research in Scotland, England, and the United States has described rural police assisting with blocked drains and broken windows, searching for lost pets, buying groceries for housebound elderly people, and helping children get to sleep (Slade 2013; Fenwick 2015; Yarwood 2001; Weisheit et al 2005).

*B. Rates and Volume of Crime*

While rural officers encounter a much wider range of issues than urban police, due to the smaller size of rural populations, these are usually at lower frequency in comparison to urban areas (Perrault 2019). This is not to say that crime rates are always lower in rural areas. While economically stable rural areas may experience low rates of crime (Wooff 2017), relatively high levels of social deprivation in many remote and rural areas are associated with high levels of social problems, including crime (Ceccato 2016; Rowe et al 2012; Ruddell et al 2014). Similarly, Donnermeyer et al (2016) have found that structural and economic factors are paramount in shaping the problems experienced in rural areas in Canada and the United States. These problems are compounded by a lack of health care and other services in rural areas, as well as problems of geographic isolation, which restrict access to existing supports. This is particularly problematic in relation to services that require a multi-agency approach, such as drug and alcohol treatment (Gomez & Pruitt 2016). In general, research in Canadian Indigenous communities has found that the volume and seriousness of crime increases along with geographic isolation, while community wellbeing (an indicator of education, employment, income, and housing) decreases (Ruddell et al 2014; see also Jobes et al 2004). Indeed, research in Australia, the United States, and Canada has found that rates for violent crimes can be higher in rural areas than urban areas (Carrington 2007; Donnermeyer et al 2016; Perrault 2019).

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Research has also suggested that there may be a significant under-reporting of crime in rural areas. For example, research in rural areas of Canada and the United States has found a high degree of tolerance of crime in some communities, especially towards forms of interpersonal violence (Donnermeyer et al 2016). Difficulties of access to the police and other services may also act as barriers to reporting (Scott & Hogg 2015; and see section VI-2 below).

Further, crime rates do not reflect the impact that crime may have in a rural community, where criminality may be particularly threatening to the idealised image of rurality as a cohesive, safe environment (Yarwood 2001; and see section V below). Serious crimes in particular may have a profound and lasting effect on residents' perceptions of safety and the self-image of the community (Ceccato 2016).

Yet while the rates and actual incidence of rural crime may in some areas equal or exceed that of urban districts, the comparatively small population in rural areas means that crime is relatively *low in volume*. This is particularly the case for more unusual serious crimes. As a result, officers are likely to have little experience responding to serious crimes.

### **3. The Challenges of Rural Police Work**

Rural officers encounter a range of challenges that present both obstacles to effective policing and risks for officers' safety.

#### *A. Geographical Challenges*

The sheer size of territory covered by rural police teams creates significant problems. Travel can be disrupted by poor road conditions, and some remote areas can be accessed only by boat or air (Ricciardelli 2018; Souhami 2022). Weather is particularly important in rural policing: weather systems can change suddenly, making roads unpassable and causing cell and radio signals to drop. The darkness of the rural countryside can be disorienting and frightening for officers and

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act as a disincentive to leave rural population centres (Souhami 2022). These challenges affect police effectiveness in rural areas. Response times can be slow, making timely intervention difficult. Rantatalo et al's recent study of criminal investigators in rural Sweden show the considerable costs in time and effort compared to their urban counterparts when, for example, residents are not in attendance or do not comply (Rantatalo et al 2021).

Notably, geographical conditions create additional risks for officers. Officers are frequently isolated and at risk of being stranded without means of communication (Fenwick 2015; Ricciardelli 2018; Souhami 2020). If needed, back-up (other officers called for assistance) may take considerable time to arrive (Buttle et al 2010; Ricciardelli 2018). Reliance on cars creates a further series of risks: research in rural and remote areas of Canada have suggested poor road conditions and the high speeds at which officers are required to travel in emergencies make the risks of physically arriving at a call in a timely manner more concerning to officers than the risks of the call itself (Ricciardelli, Spencer, & Andres 2020). Working in isolation means that officers cannot share ideas about complex situations or plans of action, input which can be crucial given the discretionary and immediate decision-making often required in police work. While technology such as video and mobile communications can help combat isolation, problems of satellite and Wi-Fi signals in many rural areas make technology unreliable (Slade 2013; Rantatalo et al 2021).

As a result, despite low volumes of crime, rural police teams have little capacity to adapt to unexpected events or higher than normal numbers of incidents. Instead, resources are easily overwhelmed. This can be exacerbated by a mismatch between the needs of rural police and the central organization of police services that do not accommodate the particular conditions of rural police work (see section II above).

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*B. Organizational Challenges*

Further problems are created by the lack of specialist expertise and resources in most rural police teams. As described in section II above, the location of specialist services in the centre of regional or centralized police services is organizationally efficient: because of economies of scale, it rationalizes resources and allows for higher levels of specialization. By contrast, a decentralized approach to policing results in overall fewer resources, less expertise, and less efficiency: officers are more likely to be tied up by fewer cases that demand extended travel and have associated time costs (Rantatalo et al 2021).

However, there is a tension between administrative and local needs. The need to import specialist teams for serious incidents results in inevitable delays, and the costs of travel and accommodation for specialist units can act as a barrier to access (Souhami 2020). Further, this model means that serious incidents are investigated or managed by officers who may be located far from the local area, do not have local knowledge, and have no relationship with the community.

**4. The Styles of Rural Police Work**

The conditions and pressures of the rural context affect officers' decision-making in relation to the repertoire of responses they have available. This produces a particular style of policing that is often described as an example of "community policing." This is characterised by the development of relationships between officers and residents, whereby officers learn and act in accordance with the concerns of the community as the officers understand them (see Cain 1973; Falcone et al 2002; Fenwick 2015; Griffiths 2019; Leiderbach & Frank 2003; Ruddell & Jones 2020; Ricciardelli 2018; Slade 2013; Weisheit et al 2005; Wooff 2015; Wooff 2017; Souhami 2020). The terminology of "community policing" is frequently used to distinguish this style of



policing from the forms of “response” policing that dominate in urban areas (see, e.g., Falcone et al 2002).

Research has identified the following elements as core characteristics of rural policing:

- **De-escalation:** Officers adopt a mode of policing that is often described as non-coercive, “soft,” or “persuasive” and that emphasizes the role of “mediator” over “enforcer” (Wooff 2015; Wooff 2017; Fenwick 2015). Officers give primacy to diffusing situations: where possible they under-enforce the law, reserving enforcement for more intractable problems. This is particularly important in rural policing arrangements for the protection of both community relations and isolated officers, as well as for the resilience of rural police services. Without dedicated custody officers, for example, an arrest can rapidly deplete the availability of small police teams. More generally, the long-term needs of a community are prioritized over quick arrest (Slade 2013).
- **Discretion:** Officers are often self-directed and as a result develop creative and flexible approaches to their work. This allows them to improvise informal solutions and mobilize whatever resources are available in the moment (Slade 2013).
- **Transparency:** Officers may adopt openness and transparency in their interactions with the public in response to the watchfulness and strong social controls of small communities (Souhami 2020; see also section V-2 below).
- **Partnership:** Because of their isolation, officers must use whatever resources they can to support their work. This may include enlisting members of the public to help (Slade 2013), and partnership work is particularly important. Reflecting this, rural officers are more likely to be involved in committee and other roles in the community (Leiderbach & Frank 2003).

## 5. Summary and Implications

The conditions of police work in rural areas foster a policing style that emphasizes under-enforcement of the law, understanding the needs of the local area, and responsiveness and accountability to local residents. Rural officers also gain experience in a wide range of policing activity from start to finish. Rural policing is therefore highly skilled work that relies on officers working alone, making independent decisions, understanding community expectations and the intended and unintended consequences of their actions, and having highly tuned communication skills. While these skills are not unique to the rural context, they may be less practiced in urban areas where officers have more support, a different pace of work, and different priorities that

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may override the significance of community needs. As a result, urban styles of policing may not generate the information and trust required to identify emerging problems (see further discussion in section V below).

However, the generalist nature of rural police work and the lower volume of crime, especially serious incidents, can mean that rural officers do not have experience in managing major incidents or in specialist offences and may not have the leadership skills required. They may not have quick access to specialist units. They may not have the capacity to suddenly respond to emergencies, and they may not be able to reach isolated communities quickly.

## **V. Police Relationships with Rural Communities**

Arguably the most complex and challenging issue for rural officers is managing their relationship with local communities. This section explores the complexity of the dynamics of rural communities and implications for policing.

The particular construction of rural community life and the effects on police–community relationships vary according to the socio-economic and cultural factors at play in any given community, as described below. They may also be more or less intense depending on the permeability of community boundaries. In general, lower residential mobility is closely connected with the strong social controls that characterize rural community life (Donnermeyer 2015). Further, communities with clearly defined geographical boundaries, such as those that are smaller, isolated, or otherwise distinct from other residential areas, may have stronger local identities, and the dynamics described here are therefore likely to be particularly important (Souhami 2020). A higher degree of geographical connection, population turnover, and flows of mobility may dilute some of the power relations described in this section. However, the issues are likely to be salient to all small communities to varying extents.

### 1. The Social Organization of Rural Communities

Community is an important concept in police scholarship, in particular in describing the relationship between police officers and the public (see Banton 1964). It may also be an important concept among rural populations themselves as a way of defining and describing local identities (Cain 1973; Souhami 2020). However, it is a concept that is notoriously poorly defined in sociological and criminological research, and incorporates a range of geographical, organizational, normative, and rhetorical meanings (see Crawford 1998; Leighton 1988).

In rural police scholarship, “community” tends to be used in two ways. First, it is used synonymously with the population that resides in a police area. Second, the term “community” is used to describe features of social organization that influence the ways that residents behave. In this sense, rural community is primarily seen to be structured by relatively cohesive, homogenous, closely knit, and static social networks, in contrast to the diversity, anonymity, and transience of urban life (Scott & Hogg 2015; Jobses 2002). This understanding of community is often seen as a defining element of rural life and thus rural policing, distinguishing it from that in urban areas (see, e.g., Griffiths 2019; Liederbach & Frank 2003; Wiesheit et al 1994; Wooff 2017).

The structure of rural community life is often connected to the relatively low crime rates in rural communities in comparison to urban areas (see, e.g., Bottoms 2007). In particular, rural communities are seen as places with relatively high levels of social organization, characterized by low residential mobility, shared values, familiarity, and integration. As a result, they are considered to have a relatively high capacity for “collective efficacy”—the ability to work together to solve common problems (Sampson & Wilson 1995)—which can prevent disorder and crime. By contrast, the residential mobility, heterogeneity, anonymity, and family and institutional instability in large urban cities lead to social *disorganization* and consequently an

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inability to tackle problems collectively, resulting in higher crime rates (Sampson & Wilson 1995; Donnermeyer 2015; Jobes 2002; Scott & Hogg 2015).

The strong informal social controls in rural communities are generally seen to reduce the need for formal controls such as the police. In other words, rural communities “police” themselves (Souhami 2020). The role of the police, then, is to support and reinforce these informal community norms, providing recourse to law enforcement only when necessary (Banton 1964; and see section III above).

The construction of rural communities as cohesive, stable, and ordered is a powerful cultural idea that operates as a counterpoint to the complexity and social heterogeneity associated with modern urban life (Cloke 2004; Yarwood 2005). However, the reality is often more complex. First, research has shown that social organization is not a straightforwardly common feature of rural populations, unlike size and population density. Instead, rural communities vary considerably in the extent of features associated with social organization and disorganization. For example, Jobes et al (2004) have found considerable variance among rural communities in Australia both in economic factors such as unemployment and poverty, and social factors such as population heterogeneity, residential mobility, and family instability. These differences significantly predicted variance in rates of crime (Jobes et al 2004).

Second, there may be limits to the efficacy of the informal social controls that supposedly characterize rural communities. While they may prevent minor infractions and disorder, there is little evidence to show whether they are effective against major violations and threats. Moreover, they may in fact *enable* crime. For example, research in Australia (DeKeseredy et al 2009; Scott & Hogg 2015) and the United States (Websdale 1998) has shown how the collective norms of some rural communities are structured by patriarchal gender relations that facilitate violence

against women. Moreover, when small communities present themselves as cohesive, this can conceal internal fractures and fragilities (Scott & Hogg 2015), including disputes between groups of residents. A commitment to the notion of cohesion can also exclude particular groups of people who are considered not to “fit in,” as discussed in section VI below.

Rural communities are thus complex policing environments. They may be simultaneously characterized by strong informal social controls and strained by contested relationships between social groups. These varying elements of community cohesion and conflict are particular to specific contexts but similarly create challenges for police officers. First, officers too can become subject to strong informal social controls; and second, the dominant definitions of “problem groups” can lead the police to reinforce exclusionary power relations, however inadvertently. The following sections describe these problems and their implications for policing.

## **2. Policing Rural Communities**

This section explores the challenges of policing small, rural communities. These problems derive from the informal social controls that are associated with rural life, such as familiarity and a lack of anonymity. The rural policing research cited here describes these issues in a wide range of rural contexts, but the challenges are likely to be particularly evident in communities that are characterized by low residential mobility, shared values, familiarity, and integration.

As noted in section I, this section draws on currently unpublished data from my own research where this fills a gap in existing studies of rural police–community relationships.

### *A. Police Integration into Rural Communities*

Weisheit et al (2005) have described rural officers as more integrated into their communities than urban officers. It is often assumed that rural officers live within or in close proximity to the neighbourhoods they patrol (see, e.g., Ricciardelli 2018; Cain 1973). Indeed, this proximity is

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often described as a defining feature of rural policing (e.g., Leiderbach & Frank 2003; Falcone et al 2002). Consequently, it is assumed that rural police are generally knowledgeable about crime in their communities because they are part of those communities (Cain 1973; Weisheit et al 1994). Further, the small amount of research on rural community expectations of the police suggests that rural communities prefer to be policed by someone who lives locally as it is assumed they will be more likely to represent the values and customs of the community (Cain 1973; Buttle et al 2010; Mawby 2003; Souhami 2020).

However, it is not the case that officers always live in close proximity to the rural communities they serve. Increasingly, remote rural areas may have little or no physical police presence (see section II above), and consequently, unless residents call the police, they may have little contact with them at all. Moreover, proximity may not lead to a shared understanding of local values. My own research in remote areas of Scotland suggests that officers living in small communities may have policing styles that conflict with the communities' own perceptions of their needs (Souhami 2020; Souhami 2022). Such disparity is felt particularly acutely when residents think officers place the priorities of the police over those of local communities. For example, some officers were thought to be too eager to issue tickets for driving infractions rather than using their discretion to give warnings. This was considered unsuitable for the way of life in remote communities and led officers to be viewed as “bullies” or “heavy-handed” (Souhami 2020). Further, integration into the community produces complex power relations that are deeply uncomfortable for officers, as outlined below.

*B. Role Conflict*

For rural officers who do live in close proximity to the areas they police and who have some degree of integration into their communities, policing can be highly challenging. Research has

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frequently described role conflict, with officers experiencing strain between their roles as officer and as community member (Buttle et al 2010; Cain 1973; Falcone et al 2002; Fenwick 2015; Jobes 2003; Souhami 2020). Local officers and their families are often expected to become part of the community (Cain 1973; Jobes 2003; Souhami 2020). Officers have frequently reported that they are seen to be on duty and available to residents at all times and have little respite (Payne et al 2005). This perception can even encompass an officer's family, who are expected to step in when the officer is not available, for example, by relaying messages and providing legal advice (Slade 2013; Ruddell & Jones 2020).

Additionally, the social controls in small communities can manifest as intense scrutiny: residents are often watchful, gossipy, suspicious of newcomers, and protective of their own identities and reputations (Souhami 2020). This scrutiny extends to the police. Rural police research has frequently employed the metaphor of "living in a fishbowl" to describe officers continually under surveillance, in both their professional and personal lives (e.g., Slade 2013; Fenwick 2015; Souhami 2020). Officers' families are also scrutinized and expected to behave impeccably (Weisheit et al 1994; Slade 2013; Souhami 2020).

Officers are therefore dependent on social acceptance within the community to make not only their work possible and pleasant but their personal lives too. This is particularly acutely felt where officers are isolated from colleagues and more reliant on the goodwill of the community (Buttle et al 2010). However, they also need to maintain some degree of social distance to be able to enforce the law when required (Cain 1973). This can be a complex and difficult balance to maintain and a source of considerable stress for officers.

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*C. Power Dynamics between Rural Police and Local Residents*

The issues of community integration and conflicting roles for officers are underpinned by problems of power in rural police–community relations. While the overarching priorities of the police are set centrally, the activities of the police are also shaped to a considerable extent by what residents ask them to do (Bayley 1994). Cain (1973) noted that because of their social and professional dependency on the community, rural police officers were more motivated to accept the definition of problems by the community and pursue complaints that they saw as important. Consequently, communities have considerably greater influence in defining the role and priorities of the police in rural areas compared to those in urban areas (Cain 1973). More recently, Buttle et al (2010) have reaffirmed that in general, rural communities “take greater ownership of their police” than communities in urban areas (598).

My research has found that the police are sometimes viewed as a positive resource for isolated communities, a means to reinforce informal social control, to deter law breaking, and to enforce the law when necessary (Souhami 2020). However, even where communities feel a sense of ownership over their local police, the police present real and imagined risks to small, rural communities. These risks derive from officers’ position as representatives of state power (see section III above) whose actions can have serious consequences for residents. In the context of small and watchful community life, the police pose a risk of embarrassment to collective and individual reputations, especially when they are thought to not understand community norms or to have police-focused agendas that are seen as potentially harmful to community life.

Communities can manage these risks by exercising the resources they have available to them to exert influence on police officers. This can be accomplished through social sanctions such as ostracism, overt scrutiny, and gossip (Souhami 2020), which can be experienced not just by officers but by their families as well (Cain 1973; Souhami 2020). This can be particularly



uncomfortable for officers who also live in the communities they police. Officers are also dependent on help from residents for their work: non-cooperation can obstruct officers' ability to do their jobs. In addition, my research shows that community members sometimes attempt to use officers as a means of exerting power in personal disputes, for example by calling the police for trivial or civil matters where police involvement would not normally be warranted, or by taking advantage of a social relationship with an officer to persuade them to take their side in a dispute.

### **3. Summary and Implications**

Rural police officers often develop particular styles of policing to manage the complicated dynamics of working in small rural communities, including working practices that emphasize transparency, relationship-building, and de-escalation (see section III above). If managed successfully, small community life can be highly effective at supporting and enabling policing. With meaningful relationship-building, officers can understand the problems and needs of the community. The importance of stability in small communities means that community members may be particularly invested in keeping order and helping officers with their work, for example by providing information and support.

However, community dynamics can also subvert power relations between police and communities. Where officers have dual roles as resident and officer, the resultant tension can be significant. My own research suggests that some officers are able to negotiate these tensions successfully. For others, they become intolerable and motivate officers to leave remote settlements for posts in larger communities. Some officers who remain in post resolve these tensions in problematic ways, for example by withdrawing proactive police activity, including a lack of meaningful relationship-building. Rarely, officers could also collude or be co-opted into a problematic community dynamic, for example by taking "sides" in disputes.

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Scottish police services have proposed two main solutions to tackle the challenges presented by rural community–police relationships. First, some police departments and communities prioritize the appointment of local officers who already have ties to the area, on the assumption their local knowledge and existing relationships will enhance their legitimacy. However, knowledge of the personal histories of officers and their families can reinforce uncomfortable power relationships, which may leave officers professionally and personally vulnerable. Second, some police departments aim to protect officers and avoid their co-optation by establishing a set tenure or term of service, after which they move to a new location. However, short-term appointments mean officers are unable to put down roots and integrate, leaving them “outside” the community, which, as noted above, can hinder their work because they may not form a depth of local knowledge. Moreover, such fixed-term policies for rural police can be socially and personally problematic for officers.

My research suggests that effective working relationships between the police and rural communities rely on the establishment of trust and an ongoing, consistent, and committed police presence. For the police to be granted legitimacy by rural communities it seems particularly important that officers both demonstrate a willingness to understand and work within the community's needs rather than imposing an external agenda, and at the same time are seen as reliable, impartial and authoritative representatives of the state.

## **VI. Policing Rural Communities: Racism and Exclusion**

The experiences and perceptions of the police among rural BIPOC communities are largely under-researched (for important exceptions, see Chakraborti & Garland 2003; Chakraborti & Garland 2004). In Canada, research with Indigenous persons (Kiedrowski et al 2017; Jones et al 2019), African Nova Scotian communities in Nova Scotia (Wortley 2019), and African Nova

Scotian women (Bundy 2019) have noted a longstanding lack of confidence in and mistrust of the police, perceptions and expectations of discrimination, over-policing, and over-representation in the criminal justice system. Strikingly, these experiences reflect those well documented among BIPOC communities elsewhere (e.g., Cunneen 2020; Foster et al 2005).

These are complex problems, rooted in longstanding social and historical inequalities and the role of the police in reinforcing them. Perceptions of the police are complicated by the importance of “vicarious experiences”—the way that knowledge of others’ experiences of injustice, in particular the Black men and boys in their lives—strongly affect perceptions of discrimination, forming a lens through which the police are understood (Bundy 2019; Wortley 2019; see also Souhami 2014).

Discrimination in policing can be overt, whether through the racist actions of individual officers or through wider practices whereby BIPOC communities are policed differently and more extensively than other communities (see Bowling et al 2008; Cunneen 2020). Discrimination in policing can also be indirect and less quantifiable. It may derive from a lack of understanding of the particular needs of BIPOC communities and other marginalized groups such as LGBTQ+ people, including an insensitivity to the differential impact of police actions in the context of experiences and expectations of discrimination (Foster et al 2005). Further, in rural areas where community norms are central to the way officers define problems of rural crime and disorder, officers may align with the dominant construction of these problems. This may lead to officers reinforcing the exclusion or neglect of the needs of minority and excluded groups.

### **1. Rural Communities and Exclusion**

As outlined above, rurality is often seen as a “cultural idyll” (Cloke 2004; Forrest & Dunn 2013), a counterpoint to the complexity and social heterogeneity associated with modern urban life

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(Clope 2004; Yarwood 2005). The idea that rural communities are characterized by stability and social order is often based on a set of assumed demographic characteristics of rural populations, including longstanding familial ties and low population turnover (Garland & Chakraborti 2007; and see Donnermeyer 2015 on research connecting social organization with low residential mobility). These supposedly implicit features of rural community life may also be an integral part of the way residents understand the community and their own identities (Souhami 2020).

However, the dominant construction of close-knit pastoral communities masks the exclusionary nature of these ideals. Research has shown that people who do not fit into idealized constructions of rurality are marginalized and mistreated by dominant groups. For example, research in the United States, England, and Australia has shown how Travellers (Vanderbeck 2003), the young (Yarwood & Gardner 2000; Yarwood 2010), drug users (Linnemann & Kurtz 2014), asylum seekers (Hubbard 2005), social housing tenants (Yarwood 2005) and other stigmatized groups are considered unsuitable residents of rural places and actively discriminated against.

Notably, such unequal treatment and exclusion are frequently racialized. Research in England has shown how idealized constructions of rural community are frequently grounded in ideas of a “white landscape” (Garland & Chakraborti 2007: 350) in which minority ethnic groups are out of place (Holloway 2007; Hubbard 2005). These racialized constructions of place intersect with powerful ideas of nationhood. Garland and Chakraborti (2007) and Clope (2004), for example, have shown how rurality is conflated with racialized ideas of Englishness. Similarly, Hubbard (2005) has shown how protests against the building of new asylum centres in England rested on assumptions that rural areas are defined by a white English culture into which

asylum seekers would struggle to fit and attendant claims that they would be better placed in urban areas.

However, rural populations frequently include Indigenous and longstanding BIPOC communities, and even where populations are largely white, there may be a “small but significant” number of people of colour living and working in and visiting the countryside (Cloke 2004: 26). Further, data shows that the racial and ethnic diversity of many rural areas is increasing due to, for example, the settlement of migrant workers (Morant & Edwards 2011) and asylum seekers (Hubbard 2005). The persistent image of white rural culture, to the exclusion of non-white residents, therefore reflects a “cultural invisibility” rather than a true representation of rural populations and rural societies (Cloke 2004).

The racialized construction of rurality obscures the experiences of marginalization, exclusion, and racism that many members of Black, Indigenous, other non-white and minority ethnic communities experience. Garland and Chakraborti (2006; 2007; Chakraborti & Garland 2003; Chakraborti & Garland 2004), for example, have found extended evidence of racism in rural England. While violent racism was found to be relatively uncommon, rural minority ethnic households frequently experienced so-called “low-level” routine harassment or abuse, such as racist graffiti, name-calling, and neighbour disputes (Chakraborti & Garland 2004). Further, minority ethnic residents reported that fitting into white rural society required continual self-denial and compromise on their part only (Cloke 2004). Further, Garland and Chakraborti (2007) found that blame for harassment was sometimes put on “incomers” (newcomers) themselves for disrupting the homogeneity of the community, rather than on white populations whose latent racism may not have previously manifested itself in overt forms (Garland & Chakraborti 2007: 356).

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A significant theme within rural experiences of racism, discrimination, and marginalization is social isolation, with victims not only feeling ostracized from their local community but without the formal and informal minority ethnic community support networks that are more common in urban areas with larger minority ethnic populations (Garland & Chakraborti 2006).

## **2. Policing Rural Racism**

The police play a role in rural experiences of racism and marginalization. First, the police are not immune to the dominant depiction of the rural as a “white landscape” (Garland & Chakraborti 2007). Because race and ethnicity may not be “visible” in rural areas, the needs of minority groups can be overlooked or misunderstood (Bhopal 2006). For example, in their research on racism in the English countryside, Garland and Chakraborti (2006; 2007) found that police officers and other key local agency workers in rural areas were dismissive or unaware of the prevalence of racist incidents in the countryside.

The disregard of officers and agency workers for racist episodes and behaviours in rural areas is reflected by low levels of reported racist incidents within official police statistics, which might suggest that rural racism is not a priority for police services because it does not appear as a significant problem (Garland & Chakraborti 2007: 356). Indeed, in their research on police services in England and Wales, Foster et al (2005) found that rural police claimed racism was solely an issue for urban police services. However, the low level of reporting of racist incidents may not reflect the extent of racist victimization in rural areas. Low levels of reporting may be due to numerically small minority ethnic populations, or they may reflect problems in reporting more generally (Myers & Lantz 2020). Indeed, documented problems in reporting racist incidents—including lack of trust in the police (Bowling 1998; Chakraborti & Garland 2003) and

suspicion that racism will not be taken seriously or addressed effectively—may be particularly salient in rural contexts. Victims may also fear exacerbating the impact of racial harassment through reprisals, shame, or fear that they will be blamed (Myers & Lantz 2020). As outlined above, the effect of reprisals and social sanctions may be particularly acutely felt in small communities.

In addition, there may be a problem in recognizing racist incidents as such. Racial harassment often manifests as so-called “low-level” incidents, although they can have serious cumulative impact on the lives of Black, Indigenous, and other people of colour (Bowling 1998). Consequently, such “low-level” incidents should be regarded from a broader, ongoing perspective rather than as a series of unconnected events (Garland & Chakraborti 2006; Foster et al 2005). Yet the particular characteristics of racial harassment may mean officers do not recognize the significance of these incidents. Further, the prevalence of racism in victims’ daily lives may in some cases result in even victims themselves failing to recognize racist incidents as such (Chakraborti & Garland 2003).

### **3. Summary and Implications**

Rural communities can be experienced as exclusionary for groups who are not considered to “fit.” These include Black, Indigenous, and other people of colour, who may be perceived as “outsiders” in the racialized context of rurality. Rural police may reinforce these exclusions. This may be because they share these exclusionary ideas, however unconsciously. The police may not recognize the extent of rural racism, in part due to problems of reporting, which themselves may be a consequence of deeper-rooted problems of mistrust. Officers may not recognize incidents as racist due to lack of experience and understanding of the dynamics of racial harassment. And because of lack of attention to these problems, they may not understand the underlying histories

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and expectations of discrimination among BIPOC communities that generate mistrust. Consequently, they may not prioritize outreach to these groups to uncover their experience and perceptions of policing. As a result, exclusionary dynamics may be left unaddressed or, at worst, reinforced by patterns of policing that reflect community exclusions.

## VII. Conclusion

This report has set out the core themes of research on rural and remote policing as they may apply to issues that fall within the mandate of the Mass Casualty Commission. This final section draws together some of the core issues discussed in this report and briefly suggests some key implications for responding to serious crime in rural areas.

Rural policing has traditionally been neglected in formal considerations of police work (Souhami 2022; Wooff 2017). Until the last two decades, research on rural policing has been rare (Mawby & Yarwood 2016). Further, due to the relatively low volume of crime in rural areas, rural policing rarely dominates the agendas of police departments. Instead, rural policing is often seen as a “pale reflection” of the “big city thinking” that has dominated policy and practice (Falcone et al 2002: 373). However, an emerging body of research on rural policing, discussed in this report, has drawn attention to the complexity of rural contexts and the distinctiveness of the challenges that they present for police departments and police officers. While there are important continuities with urban policing, research consistently shows that rural contexts both require and produce forms of police work that are “qualitatively different” from that in urban areas (Buttle et al 2010: 597).

Two features of policing in rural contexts are particularly important. First, rural geography and the administrative/logistical realities of policing in rural and remote areas present specific challenges for officers, which shape the skills and styles of policing required. As



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outlined in section IV, rural police departments are usually small and cover very large territories. Officers frequently work alone, separated from colleagues over large distances, without means of communication, and with poor mobility. Officers in rural and remote areas are by necessity generalists, responding to a much wider range of minor and serious problems and adopting a wider range of roles than would be expected in urban areas.

Second, rural policing is differentiated from urban policing by its social context. Rural communities are often structured by relatively cohesive, homogenous, and static social networks, creating strong informal social controls. Section V explored how the organization of rural communities creates complex policing environments. Police officers risk disrupting community order and so may be received with wariness. Yet at the same time, officers themselves may be subject to community social controls, especially if they live within the communities they police, and they may be subject to social sanctions such as withdrawal and ostracism, which can make their personal and work lives intolerable. Further, the apparent cohesion of rural communities can mask contested relationships between social groups, in particular in relation to BIPOC communities and other marginalized groups. If police officers are too closely absorbed into the dominant norms and power relations of rural communities, they can reinforce these exclusionary power relations, even if inadvertently.

Rural policing is therefore complex work, requiring a situated understanding of local communities. Research shows that officers adapt to the social and geographical conditions through a “soft” policing style (Wooff 2017) that prioritizes persuasion and de-escalation over coercion and that relies on skilled communication, understanding of community norms, and the development of productive and trusting working relationships, as discussed in section IV. As outlined in section III, these elements of police work are not unique to rural policing, but the

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isolation of officers and the tight-knit, watchful social relations that can characterize rural communities make them particularly important. This contrasts with policing in cities, where the demands of the urban context are more likely to lead to “enforcement” styles of policing.

For these reasons, urban policing cannot simply be replicated in rural settings. Instead, different modes of policing are required to meet the needs of rural communities and the police officers that work in them. However, there are pressures that make these styles of working difficult. First, as examined in section II, centralization of resources and priorities may result in officers being pulled away from areas with a low volume of crime or being deployed to activities that are not connected to the needs of rural areas. Second, informal police culture prioritizes forms of work that are considered action-oriented and exciting, denigrating other forms of everyday police work. This may encourage officers to direct their attention away from the key rural police work of relationship-building and peacekeeping and may instead encourage law enforcement approaches, as discussed in section III.

Finally, while the research on rural policing does not directly address serious crime, the core elements of rural police work discussed here have two key implications for the ability of rural police teams to manage serious incidents. First, the geographical and organizational context of rural police work creates significant challenges for responding to serious crime. The relatively low volume of serious offences in rural areas and the generalist nature of police work mean that officers at all levels may have little experience in recognizing and responding to serious crime and may not have the skills required. Further, small police departments may not have quick access to specialist units or equipment, especially if these are centralized and located at a distance from the point of need. In addition, the large geographical territory, difficulties of mobility, and small size of police teams mean that rural police forces may not be able to reach

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isolated communities quickly and may not have the capacity to respond to sudden and wide-ranging emergencies.

Second, the situated local knowledge and relationship-building that is at the heart of rural policing can be highly productive in soliciting information about and providing support for the more formal police response to serious incidents. These features of rural policing have the potential to help officers identify issues before they escalate. However, this requires the time, resources, and support to enable officers to conduct this work. It is therefore important that police departments appreciate the significance of this work not just as an integral part of routine policing in rural areas but as a potential preventative measure.

**Appendix: Selected Studies of Rural Policing and Communities**

**1. Police-Focused Studies**

Country	Author(s) and Date	Type of Rurality	Methodology	Focus
Australia	Dwyer, A; Scott, J; and Staines, Z (2021)	“discrete Indigenous communities” in Queensland, with 2–30 officers	semi-structured telephone interviews (n=15)	Police perceptions of Indigenous communities
	Jobes, P (2002)	“rural” areas, from villages with a solitary officer to large towns with more than 30 officers	census data, officially recorded crime, and interviews with officers in rural areas from constable to inspector (n=54)	community expectations of the police
	Rowe, S; Wiggers, J; Kingsland, M; Nicholas, C; and Wolfenden, L (2012)	“non-metropolitan” police commands	descriptive analysis of people involved in police-recorded incidents of violence and disorder over 24 months (n= 63,687)	alcohol abuse
	Adorjan, M; Ricciardelli, R; and Spencer, DC (2017); Ricciardelli, R; Adorjan, M; and Spencer, D (2020)	rural and remote areas in Newfoundland and Labrador policed by RCMP “B” Division	semi-structured focus groups (n=20) with 59 young people (ages 13–19)	youth perceptions of the police
Canada	Griffiths, C (2019)	Northern communities	interviews with RCMP officers (n=157)	rural police work
	Hepburn, T; Spencer, D; and Ricciardelli, R (2020)	rural areas of an Atlantic province	semi-structured interviews (n=104) and focus groups (n=31) with 134 RCMP officers	implementation of Youth Criminal Justice Act and policing youth
	Huey, L; and Ricciardelli, R (2015)	7 rural police detachments in Eastern Canada	semi-structured interviews with police officers (n=20), one-week ethnographic observation in a police station	role strain
	Jones, NA; Ruddell, R; and Summerfield, T (2019)	Indigenous communities	comparison of 1996 and 2007 online surveys of police in Indigenous communities (n=827)	policing Indigenous communities
	Kiedrowski, J; Jones, NA; and Ruddell, R (2017)	Indigenous communities	Re-analysis of 2 previous studies: online survey of officers in Indigenous communities (n=827), interviews with police executives from 10 First Nations and 10 non-Indigenous police services	First Nations Policing Programme
	Ricciardelli, R (2018); Ricciardelli, R; Spencer, DC; and Andres, E (2020)	rural, remote, Northern, or Indigenous communities	focus groups (n=14) with 49 officers	perceptions of risk

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	Ruddell, R., and Jones, NA (2020)	Indigenous communities, 260 of which in isolated locations	online survey of police in Indigenous communities (n=827)	policing Indigenous communities
	Ruddell, R.; Lithopoulos, S; and Jones, NA (2014)	Indigenous communities	analysis of Crime Severity Index and Community Well Being index for rural and remote communities (n=236)	crime and Indigenous communities
Canada and the USA	Wood, D; and Trostle, L (1997)	remote arctic communities	(1) analysis of incident reports by Village Public Safety Officers from Alaska Department of Public Safety; and (2) RCMP police files	rural police work
	Cain, M (1973)	one "county" police service, one urban police service	interview survey with county force officers (n=64) and wives (n=57); urban force officers (n=76) and wives (n=30); observation of county force patrols (187 hours) and city force patrols (411 hours)	rural police work
	Houdmont, J; Jaehens, L; Randall, R; and Colwell, J (2020)	"predominantly rural" constabulary area, according to 2014 Department for Environment, Food and Rural Affairs (DEFRA) definition	semi-structured interviews (n=34) with constables, sergeants, PCSOs; online survey open to all officers	stress of rural officers
England	Jackman, PC; Glay, G; Coussens, AD; Bird, MD; and Henderson, H (2020)	"county" police service	survey of officers and staff (n=357), focus groups with officers and staff (n=27)	stress of rural officers
	Mawby, RI (2003)	a rural county (population 497,000) containing a number of small towns between 15,000 and 20,000 people	postal survey of electors (n=3752); survey of sample of local businesses (n=621)	perceptions of the police
	Yarwood, R (2005)	a rural constabulary	survey of constables in all Parish Councils in three counties (n=276)	concern about crime
	Yarwood, R (2010)	a rural constabulary; two rural villages (population approximately 660 and 1250)	questionnaire survey to each household in each village	concern about crime
New Zealand	Buttle, J; Fowler, C; and Williams, MW (2010)	"rural" district, including a city of 78200 and stations with "3 or fewer officers" on duty at one time	interviews with officers (n=16), 7 in urban areas, 9 in rural areas	stress of rural officers
Scotland	Slade, B (2013); Fenwick, T (2015)	small communities, very small geographically dispersed communities, islands	interviews with senior officers (n=11), focus groups (n=6) with 34 frontline officers	professional learning

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	Souhami, A (2020; 2022)	remote small islands	600+ hours of observation of policing in action, one-year community participation	island policing
	Wooff, A (2015; 2017)	1 "remote" rural village (a 50-minute drive from town of 10,000 or more); 1 "accessible rural" village (25-minute drive from town of 10,000 or more), with population of each approximately 2000	80 hours of observation; interviews (n=33); focus groups (n=8)	policing antisocial behaviour
Slovenia	Eman, K; and Bulovec, T (2021)	"rural" areas	analysis of official crime statistics 2010–2019; interviews with commanders of 5 police stations (n=5)	rural police work
Sweden	Rantatalo, O; Lindberg, O; and Hällgren, M (2021)	20 Remote areas, 15 a accessible rural areas, and 9 urban areas	19 interviews and 287 hours of observation of detective units	criminal investigation in remote areas
UK	Smith, R, and Somerville, P (2013)	rural areas (population normally less than 3000)	analysis of media reports and Freedom of Information Requests	closure of police stations
	Bartol, CR; Bergen, GT; Voickens, JS; and Knoas, KM (1992)	"small town" departments, from 92 officers with a population of 38,000 to 2 officers with a population of 405	analysis of psychological evaluations, supervisory performance, and stress ratings; officer self-report questionnaire	stress of rural officers, with a focus on women
	Liederbach, J; and Frank, J (2003)	small town and rural areas, population between 856 to 12,697	observation of 5 police agencies (1091+ hours); quantification of different types of police interactions and offences	rural police work
	Linnemann, T; and Kurtz, DL (2014)	1 "large city"; 3 "small, rural communities" (2 farm towns, 1 with a small university)	interviews with municipal police officers (n=37), 14 hours of "ride-along" observations, 15 days "in study communities"	perceptions of drug use
USA	Oliver, W; and Meier, C (2004; 2009)	small town and rural jurisdictions, populations under 50,000 and often with fewer than 200 officers	8-hour training session for officers and deputies (sheriff's departments) (n=776), including pre-session survey	stress of rural officers
	Payne, BK; Berg, BL; and Sun, Y (2005)	"rural community" with 2500 residents	analysis of regular local news reports of 911 calls over two years (n=925)	rural police work
	Pelfrey, WV (2007)	"rural" region of South Carolina, including cities and small towns with populations of less than 30,000	interviews with officers (n=192) from community policing and motorized patrols	job satisfaction and work style

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Scott, YM (2004)	rural and small-town agencies with 60 officers or fewer	survey of patrol officers (n=135)	stress of rural officers
Weisheit, RA; Wells, LE; and Falcone, DN (1994)	not defined	interviews with rural sheriffs (n=46) and police chiefs (n=28) in 46 small towns	rural police work

2. Community-Focused Studies

Country	Author(s) and Date	Type of Rurality	Methodology	Focus
Australia	Dwyer, A; Ball, M; and Barker, E (2015)	“rural” areas	interviews with LGBTQ youth (n=35); online questionnaire and follow-up interviews with LGBTQ people (n=N/A); interviews with Police Liaison Officers (n=N/A); interviews with lesbian and gay police officers (n=N/A)	policing LGBTQ people
	Forrest, J; and Dunn, K (2013)	“rural” South Australia	telephone survey of rural South Australians (n=392)	rural racism
	Jobes, PC; Barclay, E; Weiland, H; and Donnermeyer, JF (2004)	local government areas (LGAs), smallest unit of government with fewer than 50,000 residents	analysis of crime statistics for 123 rural LGAs	social disorganization in rural communities
Canada	Bundy, J (2019)	Digby, Nova Scotia	interviews with African Nova Scotian women (n=N/A)	rural racism
	Chakraborti, N; and Garland, J (2003)	a rural county	interviews with victims of racial harassment (n=15); focus groups (n=2) and interviews (n=3) with members of white communities; interviews with local service providers (n=28); postal questionnaire survey of minority ethnic groups (n=93)	rural racism
England	Chakraborti, N; and Garland, J (2004)	rural towns and villages in 2 county areas	interviews with victims of racial harassment (n=25); focus groups and interviews with members of white rural communities (n=5); interviews with representatives from local statutory and voluntary agencies (n=33); postal questionnaire of minority ethnic groups (n=163)	rural racism

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	Garland, J, and Chakraborti, N (2006)	rural towns and villages in 3 county areas	interviews with victims of racial harassment (n=65); interviews and focus groups with members of white rural communities (n=25); interviews with representatives from local statutory and voluntary agencies (n=50); postal questionnaire survey of minority ethnic groups living in all 3 regions	rural racism
	Garland, J, and Chakraborti, N (2007)	rural towns and villages	questionnaire survey of rural minority ethnic households (n=250); interviews with minority ethnic households (n=60) and with organizations involved in policymaking and service provision (n=60)	rural racism
	Holloway, SL (2007)	rural town	analysis of media reports of case study	rural racism
	Hubbard, P (2005)	rural areas near 2 “market” (small) towns (populations 8600 and 30,000)	analysis of media reports, planning documents, and public inquiry submissions	rural racism
	James, Z (2006)	N/A	interviews with police (n=18) and New Travellers (n=14)	policing Travellers
	Morant, N; and Edwards, E (2011)	rural police force, a area dominated by agriculture	interviews with serving police officers (n=10)	policing diverse populations
	Smith, DP; and Holt, L (2005)	small town	interviews with lesbian residents (n=23)	experiences of lesbian residents
	Vanderbeck, RM (2003)	“rural” areas	analysis of media reports of case study	social constructions of excluded groups
	Yarwood, R, and Gardner, G (2000)	rural parish (population 2000 in 700 households)	survey of all residents (n=331)	perceptions of safety
USA	Kirkey, K, and Forsyth, A (2001)	“suburban–rural fringe”	interviews with gay male residents (n=14); analysis of census data; participant observation	experiences of gay male residents



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# Part B: Technical Reports

**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**Communications  
Interoperability and the Alert  
Ready System**

**Chris Davis**  
Lansdowne  
Technologies

**Cheryl McNeil**  
Lansdowne  
Technologies

**Peter Gamble**  
Lansdowne  
Technologies

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## Executive Summary

The purpose of this report is to provide a basic primer on the history and current state of emergency management, emergency communications, communications interoperability, public alerting, and the Alert Ready system in Canada. The report does not specifically address or analyze decisions or actions taken with respect to use of Alert Ready on April 18–19, 2020.

It has been developed by a team of communications interoperability consultants who have drawn on professional experiences, as well as a review of open-source documents and documents provided by the Mass Casualty Commission. Select documents associated with emergency management and the use of Alert Ready in Nova Scotia were not available for review. In the absence of formal citations, the views and opinions expressed in this report are those of the authors.

The table below defines “emergency management,” “emergency communications,” and “communications interoperability” and highlights the relevance of communications as part of an effective emergency management program.

*Table 1: Emergency Management, Emergency Communications, & Communications Interoperability*

<b>Emergency Management</b>	<b>Emergency Communications</b>	<b>Communications Interoperability</b>
<p>Emergency management includes risk management measures and activities related to prevention and mitigation, preparedness, response, and recovery.</p> <p>In Canada, emergency management adopts an all-hazards approach, addressing both natural and human-induced hazards and disasters.</p> <p>Provinces, territories, and individual jurisdictions are responsible for developing and maintaining their respective emergency management programs based on regional threats, risks, and priorities, while ensuring they are aligned with the national Emergency Management Framework (currently 3rd edition, 2017).</p>	<p>Emergency communications is the exchange of information by emergency responders via data, voice, and video, on demand, in real time, as needed and as authorized, to complete their missions.</p> <p>Emergency communications also includes the sharing of information with the public through a variety of means.</p> <p>Effective emergency communications is critical to successful emergency management programs. The effectiveness of emergency communications is influenced by available resources, procedures, technology, and training.</p>	<p>Communications interoperability is the ability of emergency personnel to communicate between jurisdictions, disciplines, and levels of government, using a variety of systems, as needed and as authorized.</p> <p>The degree of communications interoperability achieved in any jurisdiction is influenced by the integration of governance structures, standard operating procedures (SOPs), technology, training and exercises, and the frequency and consistency of usage.</p> <p>The same approach should be applied to optimize specific technologies and solutions.</p>

In Canada, there is currently a lack of comprehensive and formal doctrine and training to guide emergency management response. As a result, each jurisdiction has developed and/or adopted their own respective response models; and Emergency Management terms, tools, and practices are not standardized across Canada. Although the underlying concepts are similar, variations mean that there are inconsistent interpretations and applications based on local practices, available resources, and training.

Alert Ready is the brand name of Canada's National Public Alerting System (NPAS), which launched in 2014 as a federal, provincial, and territorial (F/P/T) initiative, enabling emergency management organizations across Canada to warn the public about imminent or possible dangers such as floods, tornados, hazardous materials, fires, and other disasters. Efforts to develop this modern all-hazards, all-media NPAS in Canada date to 2007 and the release of a set of decisions by the Canadian Radio-television and Telecommunications Commission (CRTC).<sup>1</sup>

Alert Ready was developed by F/P/T emergency management officials (specifically, members of the Senior Officials Responsible for Emergency Management (SOREM), Environment and Climate Change Canada, Peimorex Corporation, the broadcasting industry, and wireless service providers). Municipal emergency management organizations and first responder agencies were not part of these development efforts.

Prior to the development of the NPAS, Alberta was the only province in Canada that had developed its own province-wide emergency warning system.<sup>2</sup> Alberta continues to use its own system and has granted (at least) Calgary Emergency Management Agency (CEMA) direct access.

The table below provides a summary of the challenges faced by the Alert Ready system. Some of these challenges can be seen as opportunities that, if leveraged, could enhance public alerting and the use of Alert Ready during emergencies.

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<sup>1</sup> Gordon A Gow. (2007) "Public Alerting in Canada: Renewing the Emergency Broadcasting System" *Canadian Journal of Communication* 32: 277-93, <https://cjc-online.ca/index.php/journal/article/view/1926/3170>. A chronology of the development of the Canadian NPAS may be found on the Public Safety Canada website: <https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/mrgnc-prprdncs/ntnl-pblc-lrtng-sstm-chr-en.aspx>.

<sup>2</sup> See the Alberta Emergency Alert website: <https://emergencyalert.alberta.ca/content/about/index.html>.

Table 2: Public Alerting and Alert Ready: Challenges

<b>Public Alerting and Alert Ready Challenges</b>
<b>Governance</b>
<ul style="list-style-type: none"> <li>• Direct engagement of local emergency services (police, fire, paramedics) with Alert Ready has historically been limited. Prior to the incidents of April 2020 and apart from the issuance of Amber Alerts, police of jurisdiction were not on the list of approved alerting authorities in Nova Scotia or in most other provinces and territories.</li> </ul>
<b>Standard Operating Procedures</b>
<ul style="list-style-type: none"> <li>• There does not appear to be a comprehensive strategy for the use of Alert Ready for all-hazard incidents in Nova Scotia.</li> <li>• Some jurisdictions and agencies have well established operating procedures for Alert Ready, but only for weather-related alerts and Amber Alerts, not for other types of incidents and emergency situations.</li> </ul>
<b>Technology</b>
<ul style="list-style-type: none"> <li>• Alert Ready provides authorized and trained, federal, provincial, and territorial organizations the ability to rapidly warn the public of imminent or unfolding, life-threatening events, through radio, television and compatible, connected, wireless devices.</li> <li>• Despite the availability of Alert Ready, many jurisdictions and emergency services rely on other technologies for public alerting and/or notification, which means some portion of the public may not be reached.</li> </ul>
<b>Training and Exercises</b>
<ul style="list-style-type: none"> <li>• Training on the use of Alert Ready is a provincial/territorial responsibility. The level of training for emergency services and alert authorities on the use of Alert Ready appears to vary between jurisdictions or is lacking.</li> </ul>
<b>Usage (Frequency and Consistency)</b>
<ul style="list-style-type: none"> <li>• Historically, Alert Ready has been used predominantly for natural hazard incidents and Amber Alerts. In the absence of clear policy and procedures for the use of Alert Ready in all potential scenarios, there appears to be a hesitance or disinclination to use Alert Ready for all significant incidents and emergencies. This has led to inconsistencies and challenges in advising all members of the public of other significant incidents or emergencies</li> </ul>

Alert Ready has far-reaching capabilities to provide public alerting during emergencies, but the tragic events in Nova Scotia during April 2020 highlighted a number of challenges and limitations associated with its implementation and use. Since April 2020, more and more jurisdictions have re-examined their use of Alert Ready. Although positive progress has been made, there remains an opportunity to do more to optimize the benefits of Alert Ready for public alerting.

The opportunities presented above and discussed in more detail below may provide pathways for Nova Scotia and other jurisdictions to enhance public alerting and the use of Alert Ready during

emergencies. Ultimately, the use of Alert Ready in support of public alerting remains a provincial or territorial responsibility, and its overall effectiveness will be influenced by the integration of governance, standard operating procedures, technology, training and exercises, and usage.

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## 1. Introduction

The purpose of this report is to provide a basic primer on the history and current state of emergency management, emergency communications, communications interoperability, public alerting and the Alert Ready system in Canada. The report does not specifically address or analyze decisions or actions taken with respect to use of Alert Ready on April 18-19, 2020.

Specifically, the report introduces the key elements and interdependencies relevant to emergency management, emergency communications interoperability, public alerting, and Alert Ready. Where applicable, the report identifies challenges associated with governance, policies and procedures, technology, training and exercises, and usage. While our team has identified opportunities to enhance Alert Ready, these opportunities will be addressed within phase 3 of the Commission's process.

This report has been developed by a team of communications interoperability consultants who have drawn on professional experiences and a review of open-source documentation. The scope of this report does not extend to the specific policies governing Emergency Management and the use of Alert Ready in Nova Scotia. Rather, this report describes overall system design, capabilities, and governance for the Canada-wide Alert Ready system.

## 2. Emergency Management

This section of the report introduces key concepts associated with emergency management, including the pillars/phases of emergency management, risk-based emergency management, and governance. The core definition of emergency management as expressed by Canada's Emergency Management Act (2007) is "the prevention and mitigation of, preparedness for, response to, and recovery from emergencies."<sup>3</sup>

Emergency Management (EM) is a methodology practiced by governments and organizations around the world to address all elements of emergencies before, during, and after they occur. This system comprises four interconnected, cyclical phases that may unfold in succession or even in tandem. An "all-hazards" approach to emergency management means that all emergencies and disasters, whether caused by nature or by human acts (both intentional and unintentional), are taken into account. Although priorities may vary from incident to incident, the overarching priorities of emergency management include the protection of life, preservation of the environment, and protection of property and the economy.

While human societies have endured emergencies and disasters for millennia, it has only been within the last century that organized systematic approaches to address them have arisen. Noted Canadian emergency management scholar T. Joseph Scanlon has credited the response to the Halifax explosion of 1917 as "influencing later emergency planning and disaster theory."<sup>4</sup>

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<sup>3</sup> Emergency Management Act, SC 2007, c 15, <https://laws-lois.justice.gc.ca/eng/acts/E-4.56/>.

<sup>4</sup> T. Joseph Scanlon. (2020). *Catastrophe: Stories and Lessons from the Halifax Explosion*. Waterloo, ON: Wilfrid Laurier University Press.

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**2.1. Emergency or Disaster?**

It is not uncommon for slight variations in definitions of emergency to exist amongst various governments, organizations and even countries, but generally, they all have the same meaning. The City of Toronto defines an emergency as “a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property that can be caused by forces of nature, disease or other health risks, accidents or an act whether intentional or otherwise”.<sup>5</sup>

The term “disaster” is often used interchangeably with “emergency” but generally implies a broad scope and widely negative impacts. The United Nations characterizes disaster as “a serious disruption of the functioning of a community or society, which involves widespread human, material, economic or environmental impacts that exceed the ability of the affected community or society to cope using its own resources”.<sup>6</sup>

The Canadian Disaster Database (CDD), which is maintained by Public Safety Canada, contains detailed disaster information on more than 1,000 natural, technological, and conflict events (excluding war) that have happened since 1900 at home or abroad and that have directly affected Canadians. The events tracked by the CDD conform to the Emergency Management Framework for Canada definition of a disaster and meet one or more of the following criteria:

- 10 or more people killed
- 100 or more people affected/injured/infected/evacuated or homeless
- an appeal for national/international assistance
- historical significance
- significant damage/interruption of normal processes such that the community affected cannot recover on its own<sup>7</sup>

The list of natural and technological events captured by the CDD is quite comprehensive and inclusive. The current list of conflict events used by the CDD is limited to “arson,” “civil incidents,” “hijacking,” and “terrorist.” Civil incidents contain subcategories of Disturbance/Demonstrations and Rioting, while Shootings are currently identified in the CDD as terrorist incidents. Section 83.01 of the Canadian Criminal Code defines terrorism as an act committed “in whole or in part for a political, religious or ideological purpose, objective or cause” and “with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a

<sup>5</sup> City of Toronto. (2020). “Legal Definition of Emergency,” Office of Emergency Management, <https://www.toronto.ca/311/knowledgebase/kb/docs/articles/fire-services/office-of-emergency-management/legal-definition-of-an-emergency.html> (accessed 29 March 2022).

<sup>6</sup> See the website of the United Nations Office for Disaster Risk Reduction, <https://www.undrr.org/terminology/disaster> (accessed 29 March 2022).

<sup>7</sup> See the Public Safety Canada webpage for the Canadian Disaster Database, <https://www.publicsafety.gc.ca/cnt/rsrsc/cndn-dsstr-dtbs/index-en.aspx> (accessed 29 March 2022).

domestic or an international organization to do or to refrain from doing any act.”<sup>8</sup> No category for mass violence or shootings currently exists within the CDD.

A review and update of event categories captured in the Canadian Disaster Database may be appropriate to ensure that mass shooting incidents are included.

## 2.2. Risks and Emergency Management

It is common practice for emergency management efforts and priorities to be informed by and structured according to risks that are identified through a formal risk assessment process. Although there is not a single approach to conducting all-hazards-based assessments, evidence-based risk assessment can help ensure the effective implementation of the four emergency management pillars (mitigation, preparedness, response and recovery), which are outlined in the Emergency Management Framework for Canada (2017) and will be discussed further below.<sup>9</sup>

Public Safety Canada promotes evidence-based risk assessments and had developed a federal All-Hazards Risk Assessment (AHRA) process:

Effective Emergency Management Planning includes the integration of mandate-specific all-hazards risk assessment as the planning premise. The All-Hazards Risk Assessment (AHRA) will help identify, analyze and prioritize the full range of potential non-malicious and malicious threats. The process takes into account vulnerabilities associated with specific threats, identifies potential consequences should a threat be realized, and considers means to mitigate the risks.<sup>10</sup>

It should be noted that the All-Hazard Risk Assessment Guide, which was originally designed primarily for federal departments and agencies, is still available online but was archived in 2013 and is no longer formally in use.<sup>11</sup>

In the absence of a standardized and national approach to emergency-management-based risk assessment, several provincial and territorial jurisdictions have developed and adopted their own risk-assessment processes, such as Ontario’s Hazard Identification and Risk Assessment (HIRA) system.<sup>12</sup> The key elements of the HIRA process are described as:

- **Hazard Identification** - In this step the hazards that could impact your community are separated from those that cannot. This requires a review of all hazards and their causes to

<sup>8</sup> Criminal Code of Canada, RSC 1985, c. C-46, s. 83.01(1).

<sup>9</sup> Ministers Responsible for Emergency Management. (2017). “An Emergency Management Framework for Canada.” Public Safety Canada (May 2017, 3rd edn), <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctms/2017-mrgnc-mngmnt-frmwrk/index-en.aspx>

<sup>10</sup> See the Public Safety Canada webpage “All-Hazards Risk Assessment”, <https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/mrgnc-prprdss/ll-hzrds-rsk-sssmnt-en.aspx> (accessed 30 March 2022).

<sup>11</sup> Public Safety Canada. (2012). “All-Hazards Risk Assessment: Methodology Guidelines” (2012–13), Archived but available at <https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/mrgnc-prprdss/ll-hzrds-rsk-sssmnt-en.aspx>

<sup>12</sup> Emergency Management Ontario. (2012). “Hazard Identification and Risk Assessment Workbook,” [www.emergencymanagementontario.ca/sites/default/files/content/emo/docs/HIRA%20Workbook%20EN\\_PDFUA.pdf](http://www.emergencymanagementontario.ca/sites/default/files/content/emo/docs/HIRA%20Workbook%20EN_PDFUA.pdf) (accessed 29 March 2022).

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determine whether they may be a threat to your community. This may require the consultation of the scientific community, historical records and government agencies.

- **Risk Assessment** - In this step the level of risk for each hazard is examined. This may involve speaking with hazard experts, researching past occurrences and possible scenarios. The likelihood of the hazard occurring and the potential impacts of the hazard on people, property, the environment, business and finance and critical infrastructure should be examined.
- **Risk Analysis** - The information collected in the risk assessment step will be analyzed in this step. The desired outcome of the risk analysis is the ranking of the hazards. This highlights the hazards that should be considered a current priority for your emergency management program.<sup>13</sup>

The Ontario HIRA, which is similar to the AHRA process, is used for “defining and describing hazards by characterizing their probability, frequency, and severity and evaluating adverse consequences, including potential losses and injuries”:

The purpose of the HIRA is to assess the potential risk of hazards with the capacity to cause a disaster. This helps set provincial emergency management priorities and also helps local government, city council, land use planners, residents, and emergency management professionals take action to reduce future losses.<sup>14</sup>

Public Safety Canada maintains a consolidated list of potential risks and hazards by jurisdiction (national, provincial and territorial).<sup>15</sup> The site lists key hazards and emergency scenarios identified by federal authorities for Canada and provincial and territorial authorities for each respective province or territory, but it is unclear what risk assessment methodology is used to identify the hazards and emergency scenarios. The page dedicated to hazards and emergencies identified for Nova Scotia states the following:

In Nova Scotia, severe and unpredictable weather such as flooding, blizzards and hurricanes can occur. In addition to natural disasters, there are other types of risks, such as power outages, industrial accidents and major transportation accidents. As well, there is the possibility of acts of terrorism on Canadian soil. The following list contains natural risks and hazards that could happen in Nova Scotia.

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Floods</li> <li>• Chemical releases</li> <li>• Hurricanes</li> <li>• Pandemic influenza (Public Health Agency of Canada)</li> <li>• Landslides</li> </ul> | <ul style="list-style-type: none"> <li>• Power outages</li> <li>• Severe storms</li> <li>• Storm surges</li> <li>• Tsunamis</li> <li>• Wildfires</li> </ul> |
|--|---|

<sup>13</sup> Emergency Management Ontario. (2012). “Hazard Identification and Risk Assessment Workbook,” [www.emergencymanagementontario.ca/sites/default/files/content/emo/docs/HIRA%20Workbook%20EN\\_PDFUA.pdf](http://www.emergencymanagementontario.ca/sites/default/files/content/emo/docs/HIRA%20Workbook%20EN_PDFUA.pdf) (accessed 29 March 2022).

<sup>14</sup> Ibid.

<sup>15</sup> See the Public Safety Canada webpage “Get Prepared: Regional Hazards,” <https://www.getprepared.gc.ca/cnt/hzd/rgnl/index-en.aspx> (modified 21 February 2018).

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The provincial Emergency Management Office (EMO) uses the four pillars of emergency management - mitigation, preparedness, response and recovery - to ensure a prompt and coordinated response to an emergency. This is accomplished through training and planning before an emergency occurs and by coordinating provincial resources during an emergency.<sup>16</sup>

Notably, though the Canadian Disaster Database contains a category for terrorist incidents, on Public Safety Canada's regional hazards webpage, there is no explicit reference to mass violence as a significant hazard or emergency in Nova Scotia. The same omission is true of the key hazards and emergencies identified for all other provinces and territories.

Although there would be merit in using a common risk assessment tool across all jurisdictions, the data contained in the CDD and the results of an AHRA, HIRA or other risk assessment can be used to help inform emergency management priorities and investments.

### 2.3. Pillars of Emergency Management

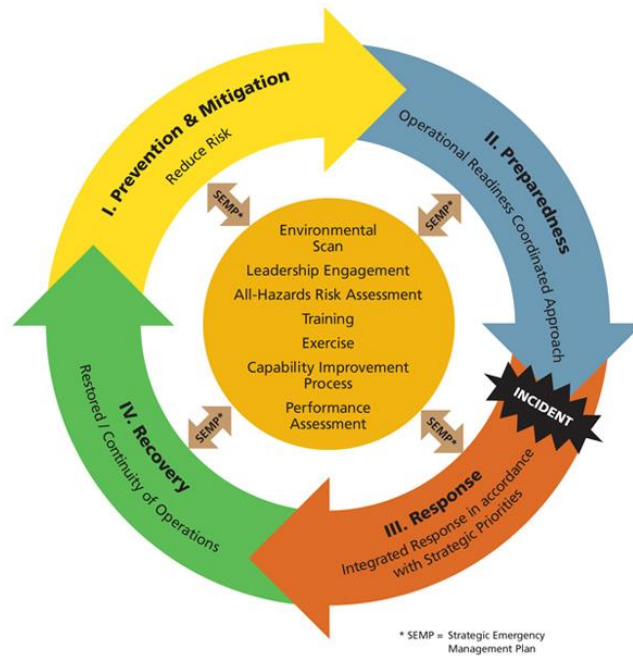
Emergency Management consists of four phases or functions, once referred to as “pillars.” These include 1) Prevention and Mitigation, 2) Preparedness, 3) Response, and 3) Recovery. These phases are referenced in most notable Canadian emergency management references and publications. For example, **Figure 1** below is drawn from the Public Safety Canada “Emergency Management Planning Guide.”<sup>17</sup>

<sup>16</sup> See the Public Safety Canada regional hazards page for Nova Scotia, <https://www.getprepared.gc.ca/cnt/hzd/rgnl/index-en.aspx> (modified 21 February 2018).

<sup>17</sup> Public Safety Canada. (2010). “Emergency Management Planning Guide, 2010–2011,” <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/mrgnc-mngmnt-pnnng/mrgnc-mngmnt-pnnng-eng.pdf> (accessed 29 March 2022).

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Figure 1: Emergency Management Continuum



Source: Public Safety Canada, “Emergency Management Planning Guide”

Each of the Emergency Management phases/pillars is explained below.

**(1) Prevention and Mitigation**

As outlined in the Emergency Management Framework for Canada, the prevention and mitigation phase focuses on “actions taken in order to adapt to, eliminate or reduce the impact of disasters in order to protect lives, property, the environment, and reduce economic disruption. Prevention/mitigation includes structural mitigative measures (e.g., construction of floodways and dykes) and non-structural mitigative measures (e.g., building codes, land-use planning, and insurance incentives).<sup>18</sup> The primary objective of prevention and mitigation efforts is to reduce the risk of a potential hazard or emergency.

**(2) Preparedness**

Preparedness focuses on activities “necessary to be ready to respond to a disaster and manage its consequences through measures taken prior to an event (e.g., emergency response plans, mutual assistance agreements, resource inventories, training, public awareness activities, equipment and exercise programs). Preparedness activities can also include testing and

<sup>18</sup> “Emergency Management Framework for Canada” (cited above 9).

exercising emergency communications and public alerting systems, capabilities and procedures.”<sup>19</sup> The primary objective of the preparedness phase is to ensure operational readiness and to set the framework for a well coordinated approach and response to all probable and potential hazards and emergency scenarios.

### **(3) Response**

The response phase focuses on activities “during or immediately before or after a disaster to manage its consequences (e.g., through emergency public communication, search and rescue, emergency medical assistance, and evacuation) to minimize suffering and losses associated with disasters.”<sup>20</sup> The objective of the response phase is to initiate an integrated response based on established plans and procedures in accordance with strategic priorities, i.e., protection of life, protection of property, and protection of the environment. Response efforts conclude when the immediate dangers and direct consequences of a disaster have largely diminished. Depending on the nature and impact of an incident, recovery efforts and activities may be required.

In Canada, there is lack of formal national doctrine and training to guide emergency management response. As a result, each jurisdiction has developed and/or adopted their own respective response model, and many emergency management terms, tools and practices are therefore not standardized across Canada and can vary even between neighbouring jurisdictions. Although the underlying concepts are similar in most jurisdictions, local practices, different available resources, and varied training can make for inconsistent interpretation and application of emergency response procedures.

In contrast, the United States has developed and formalized its National Incident Management System (NIMS), which is supported by robust and standardized tools, templates, and training. The program is described on the website of the Federal Emergency Management Agency (FEMA) website:

NIMS guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents. In addition, NIMS provides stakeholders across the whole community with the shared vocabulary, systems and processes to successfully deliver the capabilities described in the National Preparedness System. NIMS also defines operational systems that guide how personnel work together during incidents.<sup>21</sup>

In 2013, the Canadian Association Chiefs of Police (CACCP) hosted an Operational Planning and Management of Public Safety Events workshop. An overarching objective of this workshop was to champion the development and adoption of a common approach for planning and response to public safety events. Very little progress toward establishing a

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<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> See the FEMA webpage on the National Incident Management System, <https://www.fema.gov/emergency-managers/nims> (updated 28 February 2022, accessed 29 March 2022).

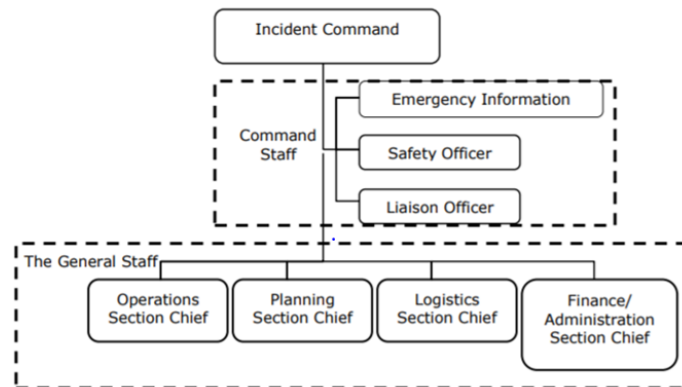
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standardized national incident management model has been made since this workshop was held.

Earlier collaborative efforts between the Canadian Interagency Forest Fire Centre (CIFFC) and the Alberta Emergency Management Agency (AEMA) established Incident Command System (ICS) Canada. ICS Canada is a “network of organizations working cooperatively to maintain a standard Incident Command System that enhances incident management response through improved interoperability.”<sup>22</sup> ICS Canada has consistently advocated for a pan-Canadian Incident Command/Incident Management System since 2009.

The Province of Ontario published its own Incident Management System (IMS) in 2008. This doctrine-based approach was updated to become “guidance” in 2021.<sup>23</sup> The original Ontario IMS provided an organized structure for emergency response, as depicted in **Figure 2**. Of note, it included the role of Emergency Information Officer, to be responsible for the development and release of information regarding emergencies to the public.<sup>24</sup> The 2021 guidance document provides fewer details related to the Emergency Information position.

*Figure 2: Province of Ontario IMS Structure*



Source: IMS Working Group, “Introduction to the Incident Management System (IMS) for Ontario”

This report does not examine the nature and structure of the current Nova Scotia emergency management and incident command system, the use of emergency information officers, or the interoperability and interactions between various dispatch centres, decision centres, and operations centres. Irrespective of the incident command model adopted by a jurisdiction,

<sup>22</sup> See the webpage of ICS Canada, <https://www.icscanada.ca/en/about+ics+canada.html> (accessed 29 March 2022).

<sup>23</sup> Emergency Management Ontario. (2021). “Incident Management System (IMS): Guidance Version 2.0.” Office of the Chief of Emergency Management (31 March 2021), <https://files.ontario.ca/solgen-ims-guidance-version-2.0-en-a-accessible.pdf>.

<sup>24</sup> IMS Working Group. 2008. “IMS-100: Introduction to the Incident Management System (IMS) for Ontario” (December 2008), [https://training.emergencymanagementontario.ca/coursematerial/ims100\\_en\\_pdfua.pdf](https://training.emergencymanagementontario.ca/coursematerial/ims100_en_pdfua.pdf) (accessed 29 March 2022), p. 17.



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response efforts should include public alerting and emergency communications that are based on established plans and procedures, developed as part of the preparedness phase. Ideally, robust emergency communications and public alerting capabilities and procedures are in place to support emergency response.

These capabilities and procedures should include but not be limited to the following:

- i. Shared and encrypted interoperability talk groups (local, regional, and provincial);
- ii. Secure communications between dispatch centres, decision centres and operations centres, and emergency responders (mobile devices and mobile data terminals);
- iii. Predefined and recognized authorities for public messaging and public alerting (Emergency Information Officers and Alert Ready release authorities); and
- iv. Predefined technologies for information sharing during emergencies (e.g., Alert Ready, social media, road signs, etc.).

Ideally, any communications with the public during an incident should alert the public without compromising the response and responder safety. Ultimately, any communications with the public should be at the discretion of the incident commander and/or Alert Ready release authorities. The timeliness and effectiveness of these communications are contingent on well-established protocols and associated training and exercises. Noting that emergency public communication is a key element of the response phase, appropriate emphasis should be placed on establishing effective emergency communications and public alerting capabilities and procedures, along with communications-based training and exercises during the preparedness phase.

The concepts of emergency communications and public alerting are explored in greater detail in sections 3 and 4 respectively.

#### **(4) Recovery**

Recovery activities are designed to repair or restore conditions to an acceptable level through measures taken after a disaster (e.g., the return of evacuees, trauma counselling, building and road reconstruction, economic impact studies, and financial assistance programs). Recovery efforts can be initiated during the response phase if it is safe to do so. From an emergency management perspective, recovery activities should also include conducting after-action reviews related to the performance of emergency communications and public alerting. The results of these reviews can help inform the development of additional activities related to emergency communications and public alerting in terms of prevention and mitigation and preparedness activities.

The four phases/pillars of EM demonstrate not only the importance of the prevention/mitigation and preparedness phases but the integrated nature of effective frameworks for responding to a full range of probable and potential hazards. In most cases, the effectiveness of response is influenced by comprehensiveness of plans and procedures, along with skills and knowledge developed through training and exercises. Ultimately, “the objective of planning activities is to have an effective and integrated response in accordance with established strategic priorities, and

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respond to emergencies in a manner that is consistent with the response plan and existing arrangements.”<sup>25</sup>

#### 2.4. Emergency Management Governance in Canada

An overarching principle of EM in Canada is that it is a shared responsibility across all sectors of society, and collaboration amongst all involved parties is a sought-after objective. Everyone, from the highest levels of government (federal, provincial/territorial) to local communities and even individuals, carries some aspect of responsibility for managing emergencies. For this reason, federal, provincial, and territorial (F/P/T) governments in Canada operate within a jointly established emergency management governance structure, as outlined in the Emergency Management Framework for Canada (third edition), issued by the Ministers Responsible for Emergency Management in May 2017.<sup>26</sup> The Framework states: “Strengthening resilience to natural and human-induced hazards and disasters requires contributions from all of society, coordinated by strong and effective leadership from F/P/T governments.” The Emergency Management Act also describes the responsibilities of the federal Ministers of Public Safety and Emergency Preparedness as “coordinating, amongst government institutions and in cooperation with the provinces and other entities, emergency management activities”.<sup>27</sup>

However, despite the shared and cooperative nature of the general responsibility for emergency management, the Canadian constitutional framework means that emergency management governance falls under the jurisdiction of provincial/territorial governments. The federal government can support the emergency management activities of the provinces and, through the provinces, those of local authorities; but federal powers in this regard are explicitly constrained by the Act:

6(3) A government institution may not respond to a provincial emergency unless the government of the province requests assistance or there is an agreement with the province that requires or permits the assistance.

The Emergency Management Act prohibits federal ministers from injecting themselves into a provincial emergency without first receiving a request for assistance, or an agreement with the province is in place permitting federal assistance. Unless an emergency is of such magnitude and complexity that it is determined to be of national consequence, is in its exclusive jurisdictions and on lands and properties under federal responsibility, or a province/territory requests assistance of the federal government, it remains under the control of the provincial/territorial governments.

Public Safety Canada (PSC), which was established in 2003 when a sense of urgency was still quite high in the post-9/11 period, is the current federal department that manages the minister’s (EM) responsibilities, amongst other portfolios. Various versions of federal emergency management agencies have been in existence for 80+ years in Canada and have undergone reorganization several times over their lifespans. As of October 2021, Public Safety Canada has

<sup>25</sup> “Emergency Management Planning Guide” (cited above n 17).

<sup>26</sup> “Emergency Management Framework” (cited above n 9).

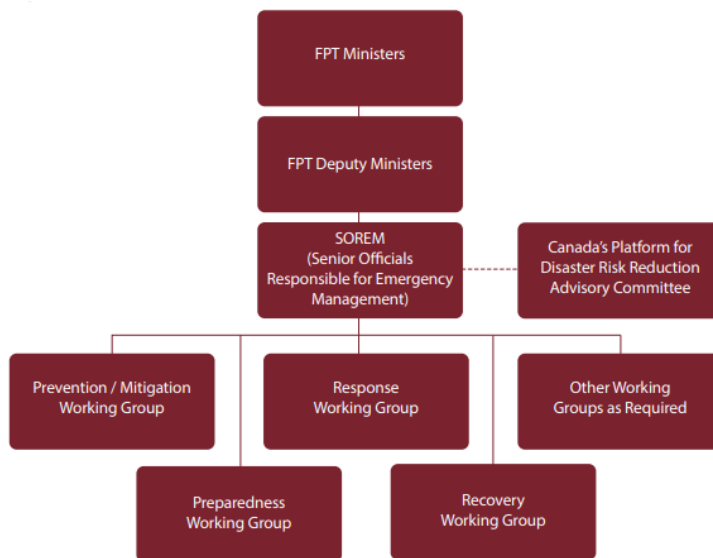
<sup>27</sup> Emergency Management Act 2007 (above n 3).

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been separated into two departments, with a Minister of Public Safety and a separate Minister for Emergency Preparedness.

The governance structure as illustrated by the Framework appears top-down and hierarchical (see **Figure 3**), but it functions as a cooperative that “facilitates coordination and collaboration in full respect of each government’s legislated jurisdiction.”<sup>28</sup>

Figure 3: F/T/P Governance Structure



Source: Public Safety Canada, “An Emergency Management Framework for Canada” (3<sup>rd</sup> edition, 2017)

The F/P/T collective called Senior Officials Responsible for Emergency Management (SOREM) is at the centre of the governance model shown above. Although formal terms of reference are not publicly available, it is comprised of representatives from provincial and territorial emergency management organizations and from Public Safety Canada. According to Public Safety Canada’s website, SOREM

works to harmonize and improve emergency practices across the country. SOREM includes representatives from provincial and territorial Emergency Management Organizations and Public Safety and is responsible for providing guidance and advice on how to enhance emergency management to federal, provincial and territorial Deputy Ministers responsible

<sup>28</sup> “Emergency Management Framework” (cited above n 9).

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for emergency management. It also provides guidance to the standing forum of federal, provincial and territorial Ministers responsible for emergency management.<sup>29</sup>

A number of F/P/T co-chaired working groups support agreed-upon decisions and strategic directions of SOREM. The number and nature of the “Other Working Groups” varies but have included an F/P/T Interoperability Working Group and the Public Alerting Working Group (PAWG). There is limited publicly available information on the mandate and work of these working groups. The current status of these working groups is unknown.

Although SOREM plays a significant role in providing advice and guidance on emergency management, each province and territory is responsible for establishing and funding their respective programs.

### 2.5. Emergency Management Governance in Nova Scotia

Emergency management in Nova Scotia is carried out under the authority of the NS Emergency Management Act 1990, which lays out the powers and actions of the provincial government over all matters respecting emergency planning, preparedness, response, mitigation, recovery.<sup>30</sup> The Act articulates conditions for declaring and terminating states of emergencies, along with the duties of municipalities.

Emanating from the Act is a number of Civil Emergency Planning Regulations that articulate designated planning responsibilities of several government departments.<sup>31</sup> Of particular note, the Regulations stipulate in §4(B) that the Department of the Attorney General shall:

- (a) be responsible for the administration of law and order during any type of an emergency through the Royal Canadian Mounted Police and municipal police forces;
- (b) be responsible for the coordination of emergency legislation and regulations required by the Provincial departments and agencies both for peacetime disasters and war emergencies;
- (c) through the RCM Police, develop a Provincial Emergency Police Services Plan to provide effective police protection in the reception and non-stricken areas of the Province. Without in any way limiting the scope, such a plan shall include and provide for the:
  - (i) effective use of all police resources in the Province,
  - (ii) preservation of law and order and the prevention of panic,
  - (iii) control and direction of traffic on highways, roads and streets,

<sup>29</sup> See the Public Safety Canada webpage “Search and Rescue Committees,” <https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/rspndng-mrgnc-vnts/nss/src-crs-en.aspx> (accessed 29 March 2022).

<sup>30</sup> Nova Scotia Emergency Management Act, Chapter 8 of the Acts of 1990 as amended by 2005, c. 48, ss. 1–6; 2007, c. 10, s. 2; 2009, c. 12 2011, c. 9, ss. 4–15; 2014, c. 34, s. 6, <https://beta.novascotia.ca/government/emergency-management-office/legislation>.

<sup>31</sup> The Regulations are made under s. 25 of the Emergency Management Act SNS 1990, c 8 OIC 71-764 (effective August 10, 1971), NS Reg 82/1971 amended to OIC 2003-145 (effective April 4, 2003), NS Reg 82/2003, <https://www.novascotia.ca/JUST/REGULATIONS/regs/emcivil.html>.

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- (iv) patrol of restricted areas and the safeguarding of vital resources and services;
- (d) prepare an Emergency Police Services Planning Guide outlining the principles and procedures which are to be followed by all the police of the Province and issue a copy to all concerned.

The Nova Scotia Emergency Management Office (EMO) is situated within the Department of Municipal Affairs and Housing and has a role that is similar to Public Safety Canada, working with municipalities, other provincial departments, and partners involved in critical infrastructure. As the body responsible for emergency planning and coordinating emergency responses in the province, the EMO also helps with analysis and evaluation after an emergency. The EMO also administers the provincial emergency 911 service.

The EMO website lists its own responsibilities as:

- providing integrated emergency planning and coordination with municipalities;
- supporting municipal authorities in emergency preparedness and planning;
- administering the emergency 911 service;
- providing public education and awareness about emergencies;
- working with volunteer organizations to support emergency responses;
- administering disaster financial assistance programs.<sup>32</sup>

Although a copy of the Nova Scotia Emergency Management Plan is not publicly available, in 2014 the EMO produced a guide for Community Event Emergency Response Planning with a focus on gathering events in Nova Scotian communities. This guide highlighted the requirement for a communications plan. Recommended elements of the Communications Plan included the following:

- Ensure contact lists and numbers are readily available for all event organizers, as well as emergency coordination and first response personnel.
- Determine what public communication systems will be used and how emergency communications will be delivered to event attendees (including pre-scripted messaging to be delivered in the event of an emergency).
- Determine how and who will manage the media.
- The event plan should clearly identify the roles and responsibilities of event and municipal public information (media) staff, including strategies on media releases, triggers to engage a media center and opportunities for event and municipal communications staff to work together to insure accurate and timely information flows.<sup>33</sup>

<sup>32</sup> See the EMO webpage “Emergency Management Office: About Us,” <https://beta.novascotia.ca/government/emergency-management-office/about> (accessed 29 March 2022).

<sup>33</sup> Nova Scotia Emergency Management Office (EMO), “Community Event Emergency Response Planning: A Guide to Help Event and Municipal Emergency Planners Prepare for Gathering Events in Nova Scotian Communities” (January 2014), <https://beta.novascotia.ca/sites/default/files/documents/1-1417/community-event-emergency-response-planning-en.pdf>.

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## 2.6. Summary

Emergency Management entails an organized systematic approach to addressing emergencies. It includes all activities and risk management measures related to prevention and mitigation, preparedness, response, and recovery. In Canada, emergency management adopts an all-hazards approach to address both natural and human-induced hazards and disasters. Effective implementation of the four phases/pillars of emergency management should be informed by evidence-based risk assessment, strong public awareness, and community engagement, all of which are key attributes of societal resilience.

Although SOREM works to harmonize and improve emergency practices across the country, provinces, territories, and individual jurisdictions are responsible for developing and maintaining their respective emergency management programs, in alignment with the Emergency Management Framework for Canada, based upon regional threats, risks, and priorities.

## 3. Emergency Communications

As outlined in the Communications Interoperability Strategy for Canada (CISC), emergency communications is generally defined as “the ability of emergency responders to exchange information via data, voice, and video, on demand, in real time, as needed, and as authorized, to complete their missions.”<sup>34</sup> An enabler to effective response, emergency communications consists of:

- **Operability:** The ability of emergency personnel to establish and sustain communications in support of mission operations.
- **Interoperability:** The ability of emergency personnel to communicate between jurisdictions, disciplines, and levels of government, using a variety of systems.
- **Continuity of Communications:** The ability of emergency response agencies to maintain communications in the event of damage to, or destruction of, the primary infrastructure.”<sup>35</sup>

Emergency communications also includes communication capabilities such as Alert Ready and other means to share information with the community. Alert Ready usage and associated challenges are examined further in Section 4 below.

### 3.1. Emergency Responder Communications

Emergency responders rely upon robust communications capabilities and protocols to exchange information during the conduct of their routine and emergency response operations. The primary emergency responder capabilities typically used during an emergency include but are not limited to:

- a dispatch centre and emergency communicators;

<sup>34</sup> Public Safety Canada. (2011). “Communications Interoperability Strategy for Canada” (“CISC”) (January 2011), <https://www.publicsafety.gc.ca/cnt/rsres/pblctns/ntrprblt-strtg/index-en.aspx#cisc-E>.

<sup>35</sup> Ibid, p. 3.

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- an emergency responder radio system;
- mobile data terminals; and
- service-issued and/or personal mobile telephones, computer, Be On Look Out (BOLO) messages, etc. (BOLOs are typically issued using mobile data terminals where available but can be shared using other voice and data communications capabilities.)

The effectiveness of these capabilities during an emergency scenario can be influenced by the scope of emergency preparedness activities and the degree to which communications interoperability is established within a given jurisdiction, and with adjacent jurisdictions. This includes appropriately trained personnel (emergency response and emergency communications), robust procedures, and supporting technologies. Many jurisdictions continue to strive for improved communications interoperability. However, these efforts are frequently constrained by a lack of joint planning and procurement, a lack of joint standard operating procedures, insufficient training opportunities, and resourcing challenges. Communications interoperability concepts and challenges are addressed in more detail in Section 5 of this report.

### 3.2. Public Alerting

Public alerting, also known as emergency alerting, is distinct from emergency responder communications but is an equally important emergency communications tool for ensuring the safety of people at risk of emergencies or disaster events. The principle involves urgency to communicate with anyone who is at risk, whether they are local residents, businesses, or visitors to any given area. This principle was a significant influence in the creation of a National Alerts Aggregation and Dissemination (NAAD) System and Alert Ready (see Section 4).

In Canada, alerts are authenticated and collated by the NAAD System operated by Pelmorex Corporation. The official public alerting system in Nova Scotia is Alert Ready, which is the operational implementation of the NAAD System. In contrast, however, in Alberta, alerts are disseminated by the Alberta Emergency Alert system, an independent platform designed and operated by the Province of Alberta separate from the NAAD System.

In Canada, only authorized government agencies are permitted to issue emergency alerts through Alert Ready. In most provinces and territories, they are issued by P/T emergency management entities and those designated as alerting authorities, such as Environment Canada.

Historically, police services across Canada relied heavily on traditional (radio and television) news media releases and news conferences to share important information with the public. It was not until 2002 that the Amber Alert program, which can be used only by authorized law enforcement, came to Alberta and then subsequently to the rest of Canada.<sup>36</sup> Increasingly, however, public safety and emergency responders augment their communications with the public during emergencies with a range of other tools that include social media, webpages, specialized alerting applications, and roadside signage.

<sup>36</sup> See Canadian Centre for Child Protection. (2019). “What is an AMBER Alert?” <https://missingkids.ca/en/help-us-find/amber-alert/> (accessed 29 March 2022).

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Around 2010–2011, police services begin to expand their information dissemination practices to include social media.<sup>37</sup> Although police-related public warnings are slowly evolving toward Alert Ready, the use of social media (typically Twitter) is often still viewed as the quickest and easiest means to alert the public, and it remains a common practice in many jurisdictions. For example, On February 22, 2022, Ottawa Police Service responded to an armed robbery call at the Rideau Centre (one of Ottawa’s largest shopping centres),<sup>38</sup> and Twitter was the primary means of alerting the public during this incident. A formal alert via Alert Ready was not issued.

The June 2014 active shooter event in Moncton, New Brunswick illustrated the value of social media for public alerting, as noted by an independent reviewer of the RCMP:

Given the timing of the incident, approximately 19:20 on June 4, traditional media was not the immediate channel to get information to the public. The radio stations in Moncton had either switched to national programming or were automated (meaning the broadcast was pre-recorded). The daily newspaper would not be out until the following morning and their online service is subscriber based, meaning it was not freely accessible to the general public. The television evening news was over for the day and the next local TV broadcast was not for another three to four hours.

This meant that social media was the quickest and most effective way to reach people in the shortest period of time. Given the seriousness of the incident, it was anticipated the information would be shared rapidly and to a wide audience. That was exactly what happened, with followers to the RCMPNB and GRCNB feeds on Twitter and Facebook climbing at a staggering rate during the incident. Fortunately, “J” Division has been using social media for the past five years and had built an audience. The Strategic Communications team has experience using social media in a variety of incidents and knew the potential it had in reaching a wide audience.

It is recognized that social media (Twitter and Facebook) is being utilized by RCMP Communications sections on a regular basis. In this case, it was extremely valuable when used in conjunction with news releases, news conferences and media availabilities as ways to communicate directly to the public. It helped build credibility and maintained the organization's reputation as an accurate and authoritative source for information during this crisis.<sup>39</sup>

The use of any of these systems and capabilities during an emergency should be based on well-established policy and procedures.

#### 4. Alert Ready

Alert Ready is the brand name of Canada’s first National Public Alerting System (NPAS), which launched in 2014 as a F/P/T initiative, enabling emergency management organizations across

<sup>37</sup> Christopher J. Schneider. (2016). *Policing and Social Media: Social Control in an Era of New Media*. Lanham, MD: Lexington Books.

<sup>38</sup> M Woods and T Raymond. (2022). “Ottawa Man, 50, Charged in Rideau Centre Robbery” *CTV News Ottawa* (23 February 2022), <https://ottawa.ctvnews.ca/ottawa-man-50-charged-in-rideau-centre-robbery-1.5791220>.

<sup>39</sup> Alphonse MacNeil. (2015). “Independent Review: Moncton Shooting—June 2, 2014.” Royal Canadian Mounted Police (16 January 2015), <https://www.rcmp-grc.gc.ca/en/independent-review-moncton-shooting-june-4-2014#sec8> (accessed 29 March 2022).



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Canada to warn the public about imminent dangers such as floods, tornados, hazardous materials, fires, and other disasters. Efforts to develop this modernized all-hazards, all-media NPAS in Canada date back to the 2007 release of a set of decisions by the Canadian Radio-television and Telecommunications Commission (CRTC).<sup>40</sup> A chronology of these efforts can be found on the Public Safety Canada website.<sup>41</sup>

Alert Ready was developed by F/P/T emergency management officials (SOREM), Environment and Climate Change Canada, Pelmorex Corporation, the broadcasting industry, and wireless service providers. Municipal emergency management organizations and first responder agencies were not part of these development efforts.

On April 6, 2017, the Canadian Radio-television and Telecommunications Commission (CRTC) “directed all wireless service providers to implement a wireless public alerting system on their LTE (longer-term evolution) networks by April 2018”.<sup>42</sup> This system would “allow emergency management officials, such as fire marshals and police agencies, to warn Canadians on their mobile devices of dangers to life and property.”

Alert Ready provides the capability for authorized and trained F/P/T emergency management organizations to rapidly warn the public of imminent or unfolding, life threatening events via radio, television, and compatible, connected wireless devices. Alert Ready supports multiple types of alerts defined under the categories of: Fire, Biological, Hazardous, Environmental, National Security, Civil and Admin (Test Messages). The events of April 2020 fall into the Civil category.

Prior to the NPAS, Alberta was the only province in Canada that had developed its own province-wide emergency warning system.<sup>43</sup> Alberta continues to operate its own system and has granted at least one municipal entity, Calgary Emergency Management Agency (CEMA) direct access.

#### 4.1. How Alert Ready Works

Alert Ready does not require any action from the public, other than the requirement to have either a radio or television on, or to have a compatible, connected, mobile device on. Unlike messages disseminated by Twitter (which requires individuals to follow a specific feed/Twitter account) and similar social media platforms, members of the public will receive the alert if they have a radio or television turned on or have a compatible mobile device turned on and receiving signals from a wireless radio site. It is not possible for an individual or a household to opt out of receiving Alert Ready notifications, except insofar as all radios, televisions, and mobile devices

<sup>40</sup> Gow, “Public Alerting in Canada” (cited above n 1).

<sup>41</sup> Public Safety Canada. (2020). “Chronology: National Public Alerting in Canada” (updated 21 August 2021), <https://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/mrgnc-prprdnss/ntnl-pblc-lrtng-sstm-chr-en.aspx?wbdisable=true> (accessed 29 March 2022).

<sup>42</sup> Canadian Radio-television and Telecommunications Commission. (2017). “Wireless Service Providers Must Join the National Public Alerting System.” News release (6 April 2017), [https://www.canada.ca/en/radio-television-telecommunications/news/2017/04/wireless\\_serviceprovidersmustjointhenationalpublicalertingsystem.html](https://www.canada.ca/en/radio-television-telecommunications/news/2017/04/wireless_serviceprovidersmustjointhenationalpublicalertingsystem.html).

<sup>43</sup> Gow, “Public Alerting in Canada” (cited above n 1).

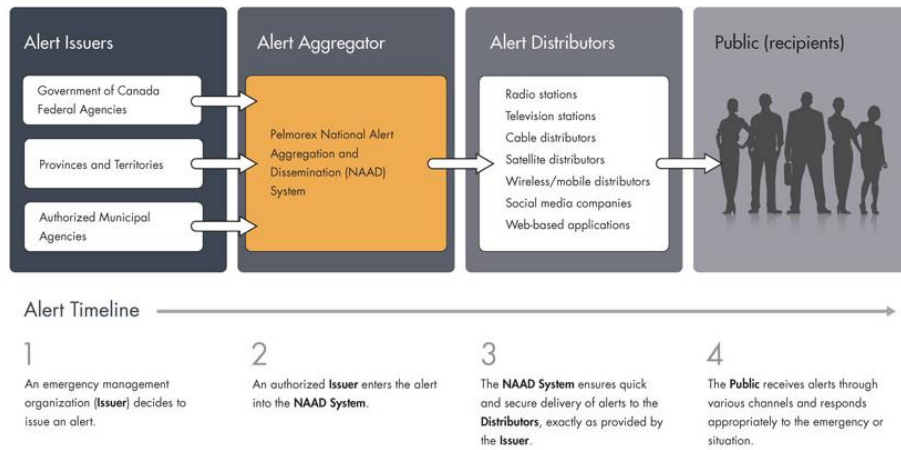
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can be powered off. When an alert becomes audible, members of the public can take action as directed by the issuer of the alert.

Only trained, authorized individuals within Alert Ready partner organizations are permitted to issue alerts. The alert issuer has several responsibilities, including formatting the alert message, selecting the type of alert, the language (English and/or French, plus a third option, chosen from Cree, Dene, Inuinnaqtun, and Inuktitut), as well as the target geographic broadcast area.

Once an alert is issued, it processes through the National Alert Aggregation and Dissemination System (NAAD), operated by Pelmorex Corporation. The NAAD confirms that the alert originates from an authorized user and is correctly formatted. The alert then proceeds to the radio, television, cable, and wireless companies that are alert distributors. Based on location information in the alert, the alert distributors control where the alert is broadcast.

Figure 4: The Alert Ready Information Flow Process



Source: Public Safety Canada webpage, "National Public Alerting System"

#### 4.2. How Alert Ready Is Governed

Governance of the Alert Ready system involves several stakeholder partners, including provincial, territorial, federal government organizations and emergency management officials, the operator of the National Alert Aggregation and Dissemination System (NAAD System), and alert distributors (radio, television and wireless providers).

The NAAD System is a component of the Weather Network and MeteoMedia Broadcast Conditions of Licence approved by the CRTC. Pelmorex is also subject to a Governance Council made up of federal officials (including Public Safety Canada and Environment of Climate Change Canada) as well as all provinces/territories and members of the broadcasting industry. The NAAD Governance Council focuses upon technical issues.

### 4.3. Alert Ready Limitations

Although Alert Ready is intended to send alerts to anyone in Canada based on established alerting criteria, some limitations can affect whether someone actually receives an alert.

1. Radios and televisions must be powered on to receive the alerts as they are issued in real time. Turning on a radio or television after the alert has been issued means that radio or television will not receive the alert (unless the alert is reissued by the original issuer or by the radio or television station). Typically, alerts are not reissued unless there is a change, in which case an update is issued.
2. Not all mobile devices are compatible with the alert broadcast.<sup>44</sup>
  - a. A mobile device must support Long Term Evolution (LTE), a fourth-generation cellular phone technology, in order to be compatible. Most smart phones fulfil this requirement, but a portion of the population may not have compatible devices. In 2020, 84.4% of Canadians owned a smartphone,<sup>45</sup> but there is no data on how many of those phones are compatible with Alert Ready. Cell phone providers have been turning off their older 2G and 3G technology so that they can reuse the frequencies for newer technology like 4G. With the old networks being shut down, the number of cell phones incompatible with Alert Ready will likely steadily decrease as people migrate to newer phones. The exact number of people who do not have a capability to receive alerts remains unknown at this time.
  - b. Operating software on compatible mobile devices must be updated regularly to ensure continued compatibility.
  - c. If a mobile device is not connected to a wireless or cellular network at the time of the alert, the alert will not be received. For example, if a phone has local wi-fi but no cellular service, the alert will not be received. If an alert is still active when a mobile device connects to a wireless site, the alert may be received at that time.
3. Alert Ready is an alerting and warning tool not designed to support ongoing information updates. Downstream methods such as traditional news conferences, media releases, social media accounts, and responder or emergency management websites support the flow of follow-on information.

### 4.4. Intended Use of Alert Ready

Alert Ready is intended to deliver critical alerts of imminent threats to life in Canada. In 2014, government officials (SOREM) developed a specific list of eight types of alerts and their sub-types that should immediately be broadcast on television, radio and wireless devices (**Table 3**). The list has not been updated since the launch of Alert Ready.

<sup>44</sup> Cellular telephone users may ascertain whether their device is compatible with Alert Ready at this link: <https://www.alertready.ca/wireless/>, where information about wireless service providers and compatible device models is provided.

<sup>45</sup> Statistics Canada. (2022). “Telecommunications: Connecting Canadians.” [https://www.statcan.gc.ca/en/subjects-start/digital\\_economy\\_and\\_society/telecommunications](https://www.statcan.gc.ca/en/subjects-start/digital_economy_and_society/telecommunications) (accessed 29 March 2022).

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*Table 3: Alert Ready Alert Types<sup>46</sup>*

Alert Type	Description
Fire	Urban, Industrial, Wild, Forest
Biological	Biological, Chemical, Radiological, Drinking Water, Contamination
Hazardous	Explosive
Environmental	Air Quality, Falling Object
Natural	Tornado, Flash Flood, Earthquake, Storm Surge, Landslide, Dam Overflow, Magnetic Storm, Meteorite, Lahar, etc.
National Security	Terrorist Threat
Civil	Civil Emergency, Animal Danger, Amber Alert, 911 Service
Admin	Test Message

A more complete description of these alerts is available on the Alert Ready webpage.

#### 4.5. Alert Ready Usage in Canada

Since the advent of wireless public alerting in Canada in 2018, Alert Ready has publicized annual alert type counts on the AlertReady.ca website. A breakdown of Alert Ready alerts issued by each province since 2019 is provided at <https://www.alertready.ca/alert-count/>. During its first full year of operation, the majority of alerts issued fell under the Natural and Amber Alert categories.

**Table 4** illustrates a significant change in the use of Alert Ready in Nova Scotia, in particular the Civil Emergency category, after April 2020.<sup>47</sup>

<sup>46</sup> Source: Alert Ready webpage “What Type of Alerts Are Broadcast?” <https://www.alertready.ca/alert-types/>

<sup>47</sup> Source: Mass Casualty Commission File COMM0043670, Alert Ready Use: Nova Scotia.

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Table 4: Alert Ready Usage in Nova Scotia (December 2015 – January 2021)

Public Facing Alerts					
Number	Date	Time (AST)	Issuer	Alert Type	Requestor
1	Dec. 16, 2015	2:54 PM	EMO	Test	N/A
2	Mar. 16, 2016	1:15 PM	EMO	Test	N/A
3	May. 4, 2016	12:54 PM	EMO	Test	N/A
4	June. 15, 2016	12:55 PM	EMO	Test	N/A
5	Sept. 21, 2016	1:54 PM	EMO	Test	N/A
6	Dec. 21, 2016	1:54 PM	EMO	Test	N/A
7	Mar. 15, 2017	1:55 PM	EMO	Test	N/A
8	May. 10, 2017	1:55 PM	EMO	Test	N/A
9	June. 21, 2017	1:55 PM	EMO	Test	N/A
10	Sept. 20, 2017	1:55 PM	EMO	Test	N/A
11	Dec. 20, 2017	1:55 PM	EMO	Test	N/A
12	Mar. 21, 2018	1:55 PM	EMO	Test	N/A
13	May. 9, 2018	1:55 PM	EMO	Test	N/A
14	Nov. 28, 2018	1:55 PM	EMO	Test	N/A
15	May. 8, 2019	1:55 PM	EMO	Test	N/A
16	Nov. 27, 2019	1:55 PM	EMO	Test	N/A
17	Apr. 10, 2020	11:00 PM	EMO	Civil Emerg.	N.S. Dept of Health & Wellness
18	Apr. 24, 2020	4:03 PM	EMO	Civil Emerg.	RCMP
19	Apr. 24, 2020	5:53 PM	EMO	Civil Emerg.	RCMP
20	May. 6, 2020	4:32 PM	EMO	Missing Person	Truro Police
21	May. 7, 2020	8:54 AM	EMO	Missing Person	Truro Police
22	June. 5, 2020	23:57 PM	EMO	Civil Emerg.	N.S. Dept. of Justice
23	June. 6, 2020	10:59 AM	EMO	Civil Emerg.	N.S. Dept. of Justice
24	July. 21, 2020	6:17 AM	EMO	Civil Emerg.	Bridgewater Police
25	Aug. 1, 2020	1:41 AM	EMO	Civil Emerg.	New Glasgow Police
26	Oct. 20, 2020	1:13 PM	EMO	Civil Emerg.	Amherst Police
27	Oct. 20, 2020	1:41 PM	EMO	Civil Emerg.	Amherst Police
28	Oct. 30, 2020	2:33 PM	EMO	Civil Emerg.	New Glasgow Police
29	Oct. 30, 2020	9:30 PM	EMO	Civil Emerg.	New Glasgow Police
30	Nov. 25, 2020	1:55 PM	EMO	Test	N/A
31	Jan. 6, 2021	11:42 AM	EMO	Civil Emerg.	RCMP
32	Jan. 6, 2021	12:05 PM	EMO	Civil Emerg.	RCMP
33	Jan. 18, 2021	1:36 PM	EMO	Civil Emerg.	RCMP
34	Jan. 18, 2021	7:19 PM	EMO	Civil Emerg.	RCMP
35	Jan. 20, 2021	11:34 PM	EMO	Civil Emerg.	RCMP

The increased use of Alert Ready for Civil Emergencies observed in Nova Scotia since April 2020 is also evident in many other provinces and territories.<sup>48</sup>

#### 4.6. Alert Ready Training and Exercises

Responsibility for providing Alert Ready training for alert issuers falls to provinces and territories.

F/P/T Emergency Management Partners identified public alerting training standards as an “upcoming priority” at an Information Day on Public Alerting event hosted by the Canadian Association of Broadcasters on October 3, 2017.<sup>49</sup> This presentation also referred to a recent NAAD System upgrade with the addition of a training environment “to allow Authorized

<sup>48</sup> See the Alert Ready “Alert Count”: <https://www.alertready.ca/alert-count/>.

<sup>49</sup> Emergency Management Partners in Collaboration with the Government of Canada. (2017). “Information Day on Public Alerting” (3 October 2017), [https://www.cab-acr.ca/english/whatsnew/presentation\\_oct0317.pdf](https://www.cab-acr.ca/english/whatsnew/presentation_oct0317.pdf).

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Government Agencies to train and test without alerts reaching the public.” Of note, within the presentation deck is a question posed to the Information Day participants with respect to training: “Do you currently receive guidance (training, certification, manuals, guidelines, policy, and standard operating procedures) to adequately perform your duties as they relate to NPAS?”<sup>50</sup> The answers provided to this question are not publicly available.

Limited information associated with Alert Ready training is available within the public domain, but a 2020 report by the Office of the Provincial Security Advisor contains references to Ontario’s training approach.<sup>51</sup>

Alert Ready training material in place for Nova Scotia was not available for review.

#### 4.7. Alert Ready Changes and Improvements

Since initial deployment of Alert Ready, emergency management organizations and jurisdictions have implemented a number of changes to improve public alerting. The mass casualty in April 2020 appears to have been one of the most significant catalysts for a number of recent changes. Changes and improvements of note include:

- June 2020: Public Safety Canada and several provincial and territorial emergency management organizations began discussions to provide police services with direct access to the alert system.<sup>52</sup>
- October 2020: The Royal Canadian Mounted Police (RCMP) in New Brunswick gained direct access to the NAAD to issue policing alerts and AMBER Alerts. All municipal police services in New Brunswick will work through the RCMP should an emergency alert be required.<sup>53</sup>
- July 2021: The Nova Scotia RCMP and Halifax Regional Police (HRP) announced that they now have direct access to the Alert Ready System.<sup>54</sup> Direct access authorizes police to issue alerts without assistance from the EMO (Emergency Management Organization). RCMP and HRP have been trained to use the system and can send an alert for police situations where there is believed to be an imminent threat to the public. The option is now available to other policing services across the province of Nova Scotia, when and if they choose.

<sup>50</sup> Ibid.

<sup>51</sup> Office of the Provincial Security Advisor (Ontario). (2020). “Investigation into the Emergency Alerts Sent on January 12, 2020.” Ministry of the Solicitor General (18 January 2020), <https://www.ontario.ca/page/investigation-emergency-alerts-sent-january-12-2020> (accessed 31 March 2022).

<sup>52</sup> See Alert Ready. (2020). “NAAD System Governance Council Update: Public Summary of the June 16, 2020 Meeting.” Pelmorex (30 July 2020), [https://alerts.pelmorex.com/wp-content/uploads/2021/11/Governance-Council\\_June-16-2020-Meeting\\_Public-Summary\\_EN.pdf](https://alerts.pelmorex.com/wp-content/uploads/2021/11/Governance-Council_June-16-2020-Meeting_Public-Summary_EN.pdf) (accessed 31 March 2022).

<sup>53</sup> E Fraser. (2020). “Province Hands over Emergency Alert Responsibilities to RCMP” *CBC News* (8 October 2020).

<sup>54</sup> Nova Scotia Emergency Management Office. (2021). “Province, Police Make Changes to Alert Ready System.” News release (15 July 2021), <https://novascotia.ca/news/release/?id=20210715002> (accessed 31 March 2022).

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- August 2021: Canadian Association of Chiefs of Police (CACP) approved a Resolution to review the CISC, including prioritizing the National Public Alert System.<sup>55</sup>
- September 2021: The Province of Prince Edward Island announced that the RCMP and all municipal police forces would be able to issue public alerts through Alert Ready.<sup>56</sup>
- November 2021: The Province of British Columbia reviewed its use of the national Alert Ready system with a view to expanding its use beyond tsunami warnings.

#### 4.8. Other Public Alerting Solutions

In the absence of a comprehensive strategy and approach to public alerting, jurisdictions have the discretion to create their own tools to address public alerting. Alert Ready is now one of many solutions available to deliver alerts or notifications to the public. An overview of select additional systems currently used to support public alerting across Canada is provided below:

**Alberta:** Alberta was the first and only province in Canada to develop its own province-wide emergency warning system, Alberta Emergency Alert.<sup>57</sup> Alberta continues to use its own system and has granted the Calgary Emergency Management Agency (CEMA) direct access.

The province of Alberta practises a multi-pathways approach to disseminating emergency information and alerts. Besides Alert Ready, the province also hosts its own Alberta Emergency Alert app, which when installed on a smart phone will deliver alert notifications from the province. The exact number of Albertans who have downloaded this application is unknown. Alerts may be critical or informative, users can configure the level of notifications they receive and whether the app overrides do-not-disturb settings on their device. The province also leverages social media such as Twitter and Facebook to deliver information. When an alert is broadcasted, according to the province's overview webpage,<sup>58</sup> it:

- sends alerts to subscribed mobile devices in affected areas through the Alberta Emergency Alert app
- interrupts radio and TV stations in Alberta
- appears on social media platforms such as:
  - Facebook
  - Twitter
  - RSS feeds
- appears on:
  - the Alberta Emergency Alert webpage

<sup>55</sup> Resolution 2021-06. See Canadian Association of Chiefs of Police (CACP). (2021). "Resolutions Adopted at the 116<sup>th</sup> CACP Annual General Meeting." (9 August 2021), [https://www.cacp.ca/resolution.html?asst\\_id=2747](https://www.cacp.ca/resolution.html?asst_id=2747) (accessed 30 March 2022).

<sup>56</sup> Department of Justice and Public Safety (Prince Edward Island). (2021). "Government and Policing Services Make Changes to Alert Ready System." News release (23 September 2021), <https://www.princeedwardisland.ca/en/news/government-and-policing-services-make-changes-to-alert-ready-system> (accessed 31 March 2022).

<sup>57</sup> See the webpage "Alberta Wireless Public Alerting," <https://www.alberta.ca/wireless-public-alerting.aspx>.

<sup>58</sup> Ibid.

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- the Alberta Motor Association road reports webpage
- digital highway billboards

The webpage also details how users of the Emergency Alert App can set preferences, including:

- which areas you receive alerts for—only your location, your location and selected areas, or the entire province
- different tones for informational alerts
- If a disaster also affected cellular towers in your area, you can still receive an alert if your device is connected to Wi-Fi.<sup>59</sup>

**Social Media:** Most government departments, agencies, and organizations, as well as most public and private organizations, have established Twitter and Facebook accounts to disseminate information to the public. These organizations may have their own emergency alerting system while also participating in Alert Ready. For example, Environment Canada issues notifications through Alert Ready but also issues alerts through their own weather app and through their Twitter accounts.

**Mass Notification Systems (MNS) and Emergency Notification Systems (ENS):** There are numerous public and private alerting solutions often referred to as Mass Notification Systems (MNS) or Emergency Notification Systems (ENS). Operated by municipalities, businesses, universities, airports, schools and special interest groups, they serve both internal and external recipients. For example, municipalities may use these for staff notifications, as well as for residents to subscribe to information notifications and alerts.

Typically, users may have multiple contact methods, including landline telephones, wireless devices and email. The system can try one or all of the contact methods. Depending on the system and its configuration, there may be a two-way capability for recipients to indicate they received the alert and communicate their own anticipated actions.

Depending on the system and the owner's requirements, alerts can be targeted based on location, or they be sent to all registered users, regardless of where the users are at any given time. This means that someone who is travelling may still receive alerts about what is happening back home, in the office, or on the university campus.

#### 4.9. Summary

Ultimately, there are numerous means for alerting the public. In the absence of a singular recognized authoritative tool, there is a risk that the appropriate technologies and supporting procedures may not be in place to support a comprehensive and cohesive public alerting strategy. In 2014, Alert Ready was introduced and implemented as Canada's nation-wide system for public alerting. As Canada's National Public Alerting System (NPAS), Alert Ready provides the capability for authorized and trained F/P/T emergency management organizations to warn the

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<sup>59</sup> Ibid.



public of imminent or unfolding life-threatening events, via radio, television and compatible, connected, wireless devices.

The Alert Ready system supports multiple types of alerts under the following categories: Fire, Biological, Hazardous, Environmental, Natural, National Security, Civil and Admin. Historically, Alert Ready has been used predominantly for natural hazard incidents and Amber Alerts. This has led to challenges in advising the public of other significant incidents or emergencies. Such challenges have been compounded by a lack of comprehensive standard operating procedures and limited training and exercising for key stakeholders.

Although there are some technical limitations with Alert Ready, current practices and the use of Alert Ready in Nova Scotia is not considered a technology issue.

A number of positive changes and improvements have been implemented since April 2020 to improve public alerting practices and the use of Alert Ready during emergencies. Additional changes and improvements are ongoing or pending.

## 5. Communications Interoperability

This section of the report introduces key concepts associated with communications interoperability, with a focus on the five lanes/elements of the interoperability continuum: Governance, Standard Operating Procedures, Technology, Training and Exercises, and Usage.

As introduced in Section 3, the Communications Interoperability Strategy for Canada defines communications interoperability “as the ability of emergency personnel to communicate between jurisdictions, disciplines, and levels of government, using a variety of systems, as needed, and as authorized.”<sup>60</sup> In simple terms, interoperability provides a means for sharing information with the right people at the right time. Communications interoperability became a priority in the United States following the terrorist attacks of September 11, 2001. It led to the development of a communications interoperability program and the creation of SAFECOM, which was part of the Presidential E-Government Initiative to improve public safety interoperability, allowing emergency responders to communicate effectively before, during, and after emergencies and disasters.<sup>61</sup>

SAFECOM is a communications program of the Department of Homeland Security that provides research, development, testing and evaluation, guidance, tools, and templates on interoperable communications-related issues to local, tribal, state, and federal emergency response agencies. The Office of Emergency Communications (OEC) supports SAFECOM’s development of guidance, tools, and templates.<sup>62</sup> According to the description on the SAFECOM main webpage:

<sup>60</sup> CISC (cited above n 34), p. 3.

<sup>61</sup> See the SAFECOM webpage “About SAFECOM” (updated 2 February 2022), <https://www.cisa.gov/safecom/about-safecom> (accessed 30 March 2022).

<sup>62</sup> See the National Public Safety Telecommunications Council webpage “SAFECOM,” <https://www.npstc.org/safecom.jsp> (accessed 30 March 2022).

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SAFECOM is managed by the Cybersecurity and Infrastructure Security Agency (CISA). Through collaboration with emergency responders and elected officials across all levels of government, SAFECOM works to improve emergency response providers' inter-jurisdictional and interdisciplinary emergency communications interoperability across local, regional, tribal, state, territorial, international borders, and with federal government entities. SAFECOM works with existing federal communications programs and key emergency response stakeholders to address the need to develop better technologies and processes for the coordination of existing communications systems and future networks.

Through these partnerships, SAFECOM has created key documents such as the Interoperability Continuum, the Statement of Requirements (SoR) for baseline communications and interoperability standards, the Statewide Communication Interoperability Plan (SCIP) Methodology, and the National Emergency Communications Plan (NECP) to assist emergency responders nationwide with improving communications and interoperability.<sup>63</sup>

Gaps in communications interoperability predate 9/11 and have been a longstanding challenge for public safety agencies everywhere, including in Canada. The 2003 Public Safety Radio Communications Project Report, known as the "L'Abbé Poirier Report," detailed the lack of cohesive strategic planning and policy development in relation to spectrum resource requirements, standards and funding, among other shortcomings.<sup>64</sup> This report served as a catalyst to examine and address communications interoperability requirements in greater detail and in a more cohesive manner. Efforts to achieve communications interoperability in Canada can be traced back to concerted grassroots efforts of committed first responders.

In 2011, the CISC described the then-recent progress:

In 2007, the Canadian Association of Chiefs of Police (CACCP), Canadian Association of Fire Chiefs (CAFC), and Emergency Medical Services Chiefs of Canada (EMSCC) joined forces with the Canadian Police Research Centre (CPRC) to create the Canadian Interoperability Technology Interest Group (CITIG). This initiative brought together representatives from public safety, industry, academia, government, and non-governmental organizations to work collectively on the future of Canadian public safety interoperability. This initiative also led to the development of the Canadian Communications Interoperability Plan (CCIP), which set out a strategy to improve local and regional capacity to interoperate using the Interoperability Continuum.<sup>65</sup>

Subsequently in 2012, the CITIG transitioned into a stand-alone not-for profit corporation under the governance of the CACP, Canadian Association of Fire Chiefs, and Paramedic Chiefs of Canada, with a mission: to improve Canadian public safety interoperability at home and abroad through collaborative efforts, innovation and leadership. CITIG was comprised of more than 1,200 volunteer associates from across Canada, the United States and internationally and was recognized as an advisory body to SOREM on the issue of communications interoperability.

<sup>63</sup> SAFECOM homepage, <https://www.cisa.gov/safecom> (accessed 30 March 2022).

<sup>64</sup> RPB Associates and L'Abbé Consulting. (2003). "Public Safety Radio Communications Project: Final Report." Industry Canada (March 2003), as described in the CISC (cited above n 34), p. 2.

<sup>65</sup> CISC (cited above n 34), p. 2.

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However, CITIG ceased formal operations in 2020. Interoperability advocacy efforts continue through the CACP Information, Communications, and Technology (ICT) committee.<sup>66</sup>

In 2010–2011, Public Safety Canada and SOREM, together with public safety and emergency management experts from F/P/T governments, chiefs of police, fire, paramedic services, and many other stakeholders, developed the CISC based on CITIG’s foundational work on the CCIP. The Strategy outlines five key strategic objectives (frequently referred to as “lanes” by the practitioner community) for improving communications interoperability between public safety partners: governance, standard operating procedures, technology, training and exercises, and ongoing usage.

Successful implementation of the CISC will enable the various F/P/T levels of government to work collaboratively and in an integrated manner, with all those agencies having an emergency role. The CISC is equally applicable to daily operations and times of crisis or emergency. [...] The expected results [from implementing the CISC at the local level] are more efficient use of resources and capabilities, improved service to the public and better outcomes, and a safer operating environment for emergency workers. The CISC sets in place the conditions that will enhance interoperability when required. In this context, the CISC supports day-to-day operations, the execution of planned events, the response to local regional, national, and international emergencies, and the components of the Interoperability Continuum.<sup>67</sup>

The CISC included plans for review and revision in consultation with key stakeholders every three years, or more frequently if necessary. However, the CISC has not been formally updated since 2011. A review and update of the CISC may be warranted.

### 5.1. The Communications Interoperability Continuum

With the introduction of the Communications Interoperability Strategy, Canada followed the US lead in developing a national communications plan. The US equivalent to the CISC is the National Emergency Communications Plan (NECP), first released in 2008 and most recently in 2019.<sup>68</sup> Developed by the Department of Homeland Security, the NECP

establishes a shared vision for emergency communications and assists those who plan for, coordinate, invest in, and use operable and interoperable communications for response and recovery operations. This includes traditional emergency responder disciplines and other partners from the whole community that share information during incidents and planned events.<sup>69</sup>

<sup>66</sup> See the CACP webpage “Information & Communications Technology Committee,” <https://www.cacp.ca/information-communication-and-technology-committee.html> (accessed 30 March 2022).

<sup>67</sup> CISC (cited above n 34), p. 4.

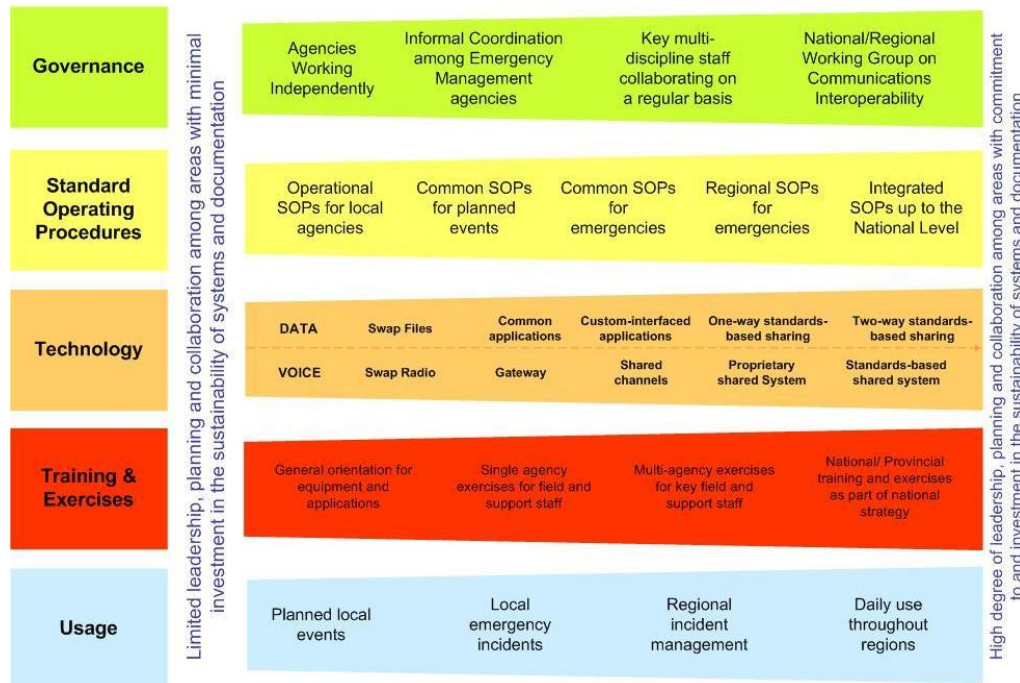
<sup>68</sup> Cybersecurity and Infrastructure Security Agency (CISA). (2019). “National Emergency Communications Plan.” Department of Homeland Security (September 2019), [https://www.cisa.gov/sites/default/files/publications/19\\_0924\\_CISA\\_ECD-NECP-2019\\_1\\_0.pdf](https://www.cisa.gov/sites/default/files/publications/19_0924_CISA_ECD-NECP-2019_1_0.pdf) (accessed 30 March 2022).

<sup>69</sup> CISA webpage “National Emergency Communications Plan,” <https://www.cisa.gov/necp> (accessed 30 March 2022).

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In developing the CISC, Canada adopted a communications interoperability continuum based on the same five objectives developed by SAFECOM and outlined in the NECP: Governance, Standard Operating Procedures, Technology, Training and Exercises, and Usage.<sup>70</sup> The Canadian Interoperability Continuum (**Figure 5**) and its associated objectives are presented in Annex 1 of the CISC and introduced below.

Figure 5: Canadian Communications Interoperability Continuum



Source: Public Safety Canada, “Communications Interoperability Strategy for Canada” (2011), Annex 1

The strategic objectives associated with each of the five lanes of the Continuum are described in the CISC in the following terms:

**Governance:**

- Establish a governance structure and coordination framework that respects jurisdictional authorities and is empowered, resourced, representative, and accountable.

<sup>70</sup> SAFECOM. (2021). “Interoperability Continuum: A Tool for Improving Emergency Response Communications and Interoperability.” Cybersecurity and Infrastructure Security Agency, Department of Homeland Security (June 2021), [https://www.cisa.gov/sites/default/files/publications/21\\_0615\\_cisa\\_safecom\\_interoperability\\_continuum\\_brochure\\_final.pdf](https://www.cisa.gov/sites/default/files/publications/21_0615_cisa_safecom_interoperability_continuum_brochure_final.pdf) (accessed 30 March 2022).

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- Recognizing that each community has specific needs and priorities, and few have the financial resources and the awareness of interoperability issues to coordinate effectively with other communities, provincial organizations, and with the appropriate federal programs. A framework outlining where decisions are made will provide an awareness of jurisdictional responsibility.

**Standard Operating Procedures (SOPs):**

- Promote the development of integrated SOPs.
- Currently, there is no nationwide system to develop, promote, or evaluate SOPs.
- Organizations establish interoperability with SOPs that are familiar to and practised by all responders.
- Procedures must be jointly developed and evaluated.

**Technology:**

- Technology provides only a part of the interoperability solution.
- Promote and support the development of national public safety communications systems based on common user requirements and open standards and a system of systems approach.
- Promote the adoption of open data exchange standards and support public safety agencies in the adoption of these standards.
- Testing and evaluation of emergency communications technology is currently done on an ad hoc basis. A capability-based planning approach is required with results to be available centrally for all potential users.

**Training and Exercises:**

- Enable and support comprehensive and integrated training and exercises.
- In order for interoperability to be effective, the usage of the equipment and familiarity of procedures occurs through regular training and exercises. This will help establish and maintain competency and familiarity between and across jurisdictions.

**Usage:**

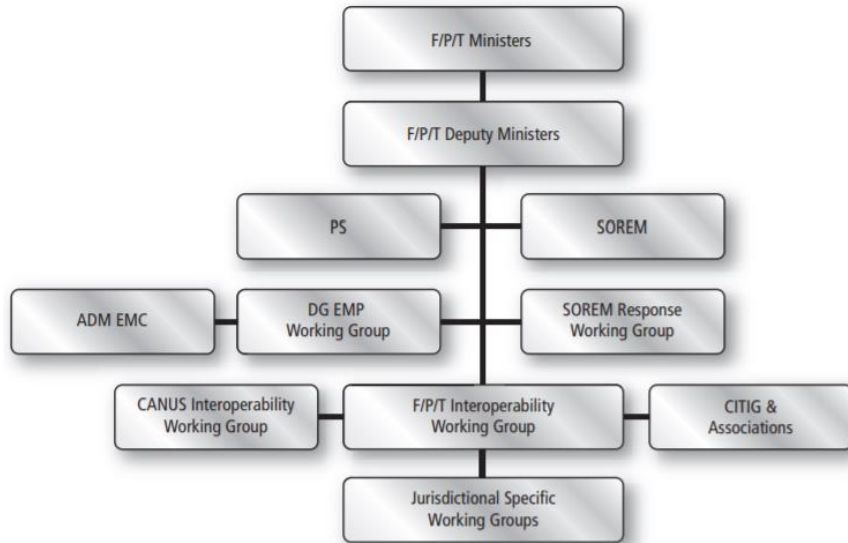
- Promote development and daily use of common processes, principles, and tools by all emergency personnel.

**5.2. Governance**

The current CISC highlights SOREM (in partnership with Public Safety Canada) as the primary body responsible for promoting and championing communications interoperability and advancing the CISC Action Plan. The graphic below is the governance model contained in the current CISC.

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Figure 6: Interoperability Governance



Source: Public Safety Canada, "Communications Interoperability Strategy for Canada" (2011), p. 6

The roles of bodies in the Figure above with an interoperability responsibility or function are described in the CISC; a select few of the descriptions are provided below:<sup>71</sup>

**Senior Officials Responsible for Emergency Management (SOREM):** In addition to its role related to Emergency Management more broadly, in support of communications interoperability, SOREM also:

- Sets out the strategic direction of the CISC and provides the single point of coordination among the national players in support of its implementation.
- Sets the priorities for activities identified in the Action Plan based on recommendations from the SOREM Response Working Group.
- SOREM is responsible for the implementation of the CISC, the execution of the Action Plan, and recommending improvements to the F/P/T Deputy Ministers for approval.
- SOREM will review and monitor the implementation of the Action Plan annually.

**SOREM Response Working Group:** The SOREM Response Working Group is responsible for facilitating the implementation of all aspects of the CISC. This Working Group provides oversight and guidance to the F/P/T IWG.

<sup>71</sup> CISC (cited above n 34), p. 7.

**Federal/Provincial/Territorial Interoperability Working Group (F/P/T IWG):** Public Safety co-chairs this working group with a co-chair from a province or territory. The F/P/T IWG engages with other stakeholders (e.g. other government departments, emergency service organizations, the private sector, non-governmental organizations, and U.S. DHS) to ensure the CISC remains relevant and continues to reflect the principles approved by Ministers Responsible for Emergency Management. It is the responsibility of provinces and territories to lead communications interoperability activities in their respective jurisdictions. The F/P/T IWG will report to SOREM annually, or more frequently if necessary, on the progress in implementing the Action Plan and will make recommendations for amendments.

### 5.3. Communications Interoperability Action Plan for Canada

In addition to the Communications Interoperability Strategy for Canada, a supporting Communications Interoperability Action Plan was developed with a number of tangible action items designed to assist in achieving the strategic objectives of the CISC. The current Action Plan is for 2013–14.<sup>72</sup>

Action items of note include Action Item 8: Support implementation of the National Public Alerting System (NPAS). As the work of this group is not public, it is unclear if SOREM and the various working groups have completed their work associated with this action item. An update to the Communications Interoperability Action Plan may be warranted.

### 5.4. Challenges and Barriers to Achieving Communications Interoperability

Although the Communications Interoperability Strategy provides a general framework to assist jurisdictions in enhancing communications interoperability in Canada, the current approach lacks a robust national program and the resources necessary to support significant and fundamental improvements. The same can be claimed for most provincial and territorial programs. Ultimately, the level of interoperability achieved by any given jurisdiction relies on “a high degree of leadership, planning and collaboration among areas with commitment to and investment in the sustainability of systems and documentation.”<sup>73</sup> Despite the efforts of various F/P/T stakeholders, communications interoperability and emergency communication capabilities are limited in many jurisdictions across Canada.

Although the CISC and various initiatives identified in the supporting Action Plan (including Alert Ready) provide a framework for effective emergency communications and interoperability, achieving the CISC strategic objectives remains a challenge. This can be attributed to the lack of formal national program, the lack of explicit provincial/territorial communications interoperability requirements (based on all five lanes of the interoperability continuum) and funding challenges at all levels of government. Until these issues are addressed, limitations in

<sup>72</sup> Public Safety Canada Interoperability Sub-Working Group (IWG) and Communications Interoperability Strategy for Canada Working Group. (2013). “Communications Interoperability Action Plan for Canada” (March 2013), <https://www.publicsafety.gc.ca/cnt/rsres/pblctns/ntrprblt-ctn-pln/ntrprblt-ctn-pln-eng.pdf> (accessed 30 March 2022).

<sup>73</sup> CISC (cited above n 34), p. 9.



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communications interoperability and emergency communication capabilities for both emergency responders and public alerting during critical incidents are likely to persist.

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**Expert Report**

**prepared for**

**The Joint Federal/Provincial Commission  
into the April 2020 Nova Scotia Mass Casualty**

**The Structure of Policing in Nova  
Scotia in April 2020**

**Barry MacKnight**

**October 2021**

[masscasualtycommission.ca](http://masscasualtycommission.ca)

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## Preface

There are aspects of my experience as a police officer that have some relevance to the subject matter of this report. The day-to-day duties of a police officer, in both a rural and urban context, are within my experience. I worked as a police officer in the RCMP in a detachment with a complement of 25 police officers, and in a municipal police department with a complement of three officers with no civilian support. My longest, and most formative period of service was 25 years in a municipal police department in New Brunswick with a complement that fluctuated between 95 and 125 police officers during the time I was there. I progressed through the ranks in that department, spending my final nine years at the executive ranks of Deputy Chief (2 years) and Chief of Police (7 years). After my retirement in July of 2012, I did not work for another police agency.

As a police officer and police supervisor, I worked along side police agencies from neighbouring jurisdictions, both municipal police departments and RCMP, on day-to-day policing operations. My assignments were in patrol, street crime, community policing, criminal investigations, and professional standards. I was a member and team leader of the Emergency Response Team for 14 years.

At the executive level I worked closely with senior police officers from agencies across Canada, both municipal and RCMP. As a Chief of Police, I was a member of the Provincial Executive Committee (PEC) of Criminal Intelligence Service New Brunswick (CISNB), one of the ten provincial bureaus of Criminal Intelligence Service Canada (CISC), which is part of the Canada's National Police Services (NPS), which is administered by the RCMP but supports policing, writ large, in Canada. In that role with CISNB I represented New Brunswick as a member of the Canadian Integrated Response to Organized Crime, which was responsible for coordinating operations across the country by all agencies in the effort to disrupt and dismantle organized crime.

From a governance perspective, I reported to a committee of municipal Council on matters of oversight and accountability, as well as on strategic reform and budgetary issues.

My training and experience as an auditor within the municipality's corporate quality assurance structure also provides a valuable frame of reference in examining service-delivery structures.

I have used my professional knowledge and experience to distill the information provided by various agencies in this report in order to assist the public in understanding the structure of policing in Nova Scotia.

## Mandate

This report addresses the relatively narrow issue of the structure of policing in Nova Scotia. The statement of work approved for this report sets out the follow mandate:

*Core policing functions in Canada generally fall within the jurisdiction of the Provinces, while at the same time responsibility for certain aspects of policing rest with the federal government. The decisions about the provision of policing services in communities throughout Canada are made by those communities. Understanding the co-mingling of responsibilities for policing, and how those responsibilities are executed, is essential in producing a clear picture of the policing network in any jurisdiction. This report will focus on the structure, the policies, and the procedures for policing operations in Nova Scotia in April 2020. It will provide a snapshot of how policing was structured, resourced, and designed to function at that time.<sup>1</sup>*

This report is intended to provide the reader, regardless of their level of familiarity with policing, the justice system, or government processes in general, with an understanding of how policing was designed to function in Nova Scotia at or about the time of the April 2020 mass casualty incident. It will not, however, provide any evaluation or analysis of how policing services were being provided at that time. It should be seen, as the above excerpt notes, as a snapshot of how the system of policing was designed to function at the time; essentially a baseline against which the reader can compare and evaluate other information.

The report will not include any analysis that compares or contrasts any aspect of policing services or police support services, such as, but not restricted to: police training, police deployment strategies, Crime Severity Index<sup>2</sup>, weighted clearance rate<sup>3</sup>, or cost of policing.

<sup>1</sup> Statement of Work, Barry MacKnight. Mass Casualty Commission.

<sup>2</sup> Crime severity index takes into account both the volume and the seriousness of crime. The index is calculated with weight assigned to each offence that are derived from average sentences handed down by criminal courts. The more serious the average sentence, the higher the weight for that offence. As a result, more serious offences have greater impact on changes in the index. All criminal code offences are included in this index. Statistics Canada. 2019. [Crime Severity Index of Crime](https://www23.statcan.gc.ca/imdb/p3Var.pl?Function=DEC&Id=252233). <https://www23.statcan.gc.ca/imdb/p3Var.pl?Function=DEC&Id=252233>. Online September 4, 2021.

<sup>3</sup> The weighted clearance rate is based on the same principles as the Police Reported Crime Severity Index (CSI), whereby more serious offences are assigned a higher "weight" than less serious offences. Statistics Canada. 2021. Crime severity index and weighted clearance rates, Canada, provinces, territories and Census Metropolitan Areas. <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510002601&pickMembers%5B0%5D=1.6&cubeTimeFrame.startYear=2016&cubeTimeFrame.endYear=2020&referencePeriods=20160101%2C20200101>. Online September 4, 2021.



### Methodology

The eleven police agencies that provide frontline policing services<sup>4</sup> to the citizens of Nova Scotia were contacted and provided information for this report. While the information requested was the same in each case, the nature of the responses varied based on the size and complexity of the agency, as well as the judgement of those providing the response.

The initial request to each of the municipal police agencies was for the following information:

- *the geographical area of responsibility.*
- *any formal mutual aid agreements or any services contracted to or from other police agencies.*
- *the approved complement of police officers (including numbers by rank), auxiliary officers, special constables, by-law enforcement officers, and civilian employees.*
- *the structure of the department, including any and all specialized units/sections such as Street Crime, Forensic Identification, Major Crime, etc., including the complement for each team/section/unit and operational mandates.*
- *other operational support teams including their approved complement and operational mandates.*
- *any integrated policing units comprised of police officers and/or civilians from different police agencies (RCMP/Municipal or Municipal/Municipal), including their geographic areas of operation, their operational mandate, and their approved complement.*
- *interagency mutual aid practices (backup), procedures, and policies for day-to-day policing operations.*
- *any regular training, mandatory training, or educational requirements/opportunities, and who provides the training.*
- *a copy of the most recent strategic plan.*
- *with respect to each of the above, please include a copy of any policy, procedure, or standing order that may apply.*

Given the complexity of the RCMP's operations in Nova Scotia- serving both as the provincial police force providing local police service to a number of communities, along with fulfilling its federal policing responsibilities- the request for information was refined after discussions with the RCMP. The following categories of disclosure proposed by the RCMP and accepted by the author (acronym definitions added):

- *Nova Scotia's current socio-political, demographics, population profile.*
- *RCMP Policing priorities and challenges*

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<sup>4</sup> This excludes the CAF Military Police, CN Police Service (Canadian National Railway), and CP Police Service (Canadian Pacific Railway).

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- *Rural policing vs. urban policing*
  - *Specific policing challenges NS.*
- *Policing agreements governing RCMP provision of services.*
- *Establishment of resourcing.*
- *Explanation of costs*
  - *90/10, 70/30*
  - *Legal indemnification*
  - *Division administration*
  - *Relationship of RCMP as service provider vs. NSDOJ (Nova Scotia Department of Justice) negotiating with municipalities for police services.*
- *PPSA (Provincial Police Service Agreement) article 9.*
- *RCMP organizational structure in NS (high level)*
  - *Total # of members (authorized and actual)*
  - *Overall organizational structure*
  - *Districts and Detachments*
    - *Structure and mandate*
  - *Support Services*
    - *Structure and mandate*
  - *Federal Policing*
    - *Structure and mandate*
- *Integrated units (excluding Halifax District):*
  - *Active Operating Picture (AOP)*
  - *Street Crime Enforcement Unit (SCEU)*
  - *Criminal Intelligence Service Nova Scotia (CISNS)*
  - *Federal Serious and Organized Crime (FSOC)*
  - *Major Crime Unit (MCU)*
  - *Marine Security Operations Centre (MSOC)*
- *Halifax District:*
  - *Structure*
  - *IES (Integrated Emergency Services)*
  - *CID (Criminal Investigation Division)*
  - *Versadex (records management system)*
  - *Cellblock*
  - *Exhibits*
  - *IM/IT (Information Management/ Information Technology)*

- *OCC and 911 (include Truro OCC (Operational Communications Centre) vs. new one) PSAPS (Public Safety Answering Points);*
  - *IM/IT including policy and legislation.*
- *Support Services:*
  - *CIP and CIC (Critical Incident Preparedness and Critical Incident Command)*
  - *FIS (Forensic Identification Services)*
  - *Major Crime*
  - *PDS (Police Dog Service)*
  - *ERT (Emergency Response Team)*
  - *Cost recovery*
  - *Interoperability*
- *Standards and training*
- *(Governance) NS DOJ, Police advisory boards and HRM Board of Police Commissioners.*
- *(Governance) Policy and procedures.*
- *(Governance) NS Policing standards and NS Police Act.*
- *(Governance) SIRT (Serious Incident Response Team).*
- *(Governance) RCMP Act—PRU.(Professional Responsibility Unit)*
- *(Governance) Training and training standards (mandatory training and otherwise. Also covered in CIC and ERT— include IARD (Immediate Action Rapid Deployment), equipment i.e. carbines, HBA (hard body armour).*
- *Governance CRCC (Civilian Review and Complaints Commission).*
- *Communications –NS Chiefs, Other policing committees.*
- *Crime Analysts*
- *CISNS (Criminal Intelligence Service Nova Scotia)*
- *Public Alerting*
- *Canadian Firearms Program*

The Government of Nova Scotia also provides support related to the delivery of policing services in the province and therefore provided information for this report.

Legal counsel for the Commission made initial contact with each of the police agencies and contributors. The author made follow-up contacts with the police agencies to clarify the nature of the information requested. Any information provided to the author that was deemed not relevant to this report but possibly relevant to the larger objectives of the Commission, was forwarded to the Commission. Information was also gleaned from the public domain as many of the agencies involved in this report provide information to the public about their operations.

A draft report was circulated to all of the contributing agencies, requesting that they review the report for correctness and accuracy especially as it related to the information they had submitted. The RCMP requested a meeting to outline their feedback. That meeting was attended by the Commanding Officer, Criminal Operations Officer, Officers in Charge of Issues Management (both current and former), Officer in Charge Support Services, Officer in Charge Federal Policing, District Policing Officer Southwest Nova, District Policing Officer Northeast Nova, Officer in Charge Administration and Personnel, Executive Officer to the Commanding Officer, and the Acting Manager of Strategic Planning and Client Services. The RCMP also submitted feedback through documents by email.

Feedback on the draft report was also submitted by Public Safety Canada, Nova Scotia Department of Justice, Halifax Regional Police, and Annapolis Royal Police Service.

### Limitations

It is understood and acknowledged by the author that the availability of personnel to be deployed by any police agency referred to in this report is dynamic. Where staff numbers were available, they are provided in this report; it is not, however, the intention of this report to provide a precise accounting of the number of police officers or civilian employees working on any given day in any jurisdiction in the province, but rather to depict, at a high level, the scale of policing operations throughout the province.

It is also not within the mandate of this report to provide an exhaustive accounting of each and every operational, support, or administrative team of any police agency referred to in the report. It is however acknowledged and understood that the overall functioning of any police agency relies on the collective contribution of all employees, and that every budgeted position contributes to the mission of the agency.

There is an indication from information received from some agencies that measures were in place at times in 2020, as result of and in response to the COVID-19 pandemic, that altered the deployment of officers in order to reduce the risk of exposure to illness and medical isolation.

The police agencies engaged in the research for this report provided varying levels of detail regarding staff numbers and deployment strategies. Where numbers were provided, the source of those numbers will be cited. The responsibility, nevertheless, for any errors or omissions between the information provided by the agencies and what was reported herein lies with the author. It should also be noted that information was provided in some cases by agencies that was considered outside of the mandate of this report, and therefore was not included in the report.

### Notes on Form, Presentation, and Terms

This report includes several excerpts from documents that describe services related to policing in Nova Scotia. They are highlighted in blue so that it is clear to the reader that the text is taken from a source document. Other, shorter, quotations are designated with quotation marks or indenting.

Agency employees are described in this report as police officers or civilians. It is understood that there are different classifications of employees within these groups related to their bargaining units or status as management or non-management; their specialized training, and also the rank structure. The classification of employees in this report as civilian or police officer is done with respect and for the sake of simplifying an inherently complex system.

The rank structure of police agencies most often includes the rank of Constable; the ranks of Corporal, Sergeant, and Staff-Sergeant are non-commissioned officers (NCOs); the ranks of Inspector, Superintendent, Chief Superintendent, Assistant Commissioner, Deputy Commissioner, Commissioner, Deputy Chief of Police, and Chief of Police are commissioned officers and/or management positions. When the term officer is used in this report it refers to any police officer regardless of rank unless the context indicates otherwise.

## Introduction

For many Canadians, policing is a public service that is quite remote from their everyday lives. Beyond seeing a police patrol car in their neighbourhood from time to time, they are not often in contact with the police. It is primarily through the news media that people learn about the activities of their local police, and through the entertainment media that they see fictionalized representations of police officers in the course of their duties. Most of these programs are based on American police agencies, and American models of policing, and are often depicting events far removed from the daily experiences of ordinary Canadian police officers.

As an institution, policing is commonly seen as but one part of the larger criminal justice system, which is, in a broad sense, comprised of the police, the courts, and corrections. Simply put, the police are tasked with preventing crime, enforcing the law, assisting victims of crime, providing emergency and enhanced services, and maintaining public order.<sup>5</sup> The wide variety of activities in which the police find themselves engaged will be explored in this report in order to provide an overview of the scope of police responsibility, and the organizational structures that support those activities.

This report will provide the reader with an overview of the actual structure of policing as it existed in Nova Scotia in 2020 at or about the time of the tragic events of 18-19 April. Serving as a guide to help the reader understand how different types of policing agencies serve their communities, this report will touch on issues as varied as: where the legal authority to create a police agency is derived, to how police officers from different agencies work together to serve their communities. Given the complexity of the policing system, this report will provide a high-level perspective.

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<sup>5</sup> *Police Act*, S.N.S. 2004, c. 31 [*Police Act*] ss. 31(1) and 35(3).

### Basic Structure of Policing in Canada

In Canada there are five levels of policing that are engaged directly or indirectly in providing frontline policing services.

- Federal/National Police Service
  - The RCMP is the federal police service of Canada. As such, it serves a federal policing role across Canada, including in Nova Scotia.
  
- Provincial Police Service
  - Provinces may choose the RCMP as their provincial police service, or they may form their own provincial police service, as is the case in Ontario and Quebec.
    - Nova Scotia has contracted with the RCMP to supply provincial police services.
    - The Royal Newfoundland Constabulary serves as the provincial police service in Newfoundland and Labrador but shares those duties with the RCMP.
  
- Municipal Police Service
  - Municipalities may choose to form their own police service or to contract with another agency, including the RCMP.
  
- Regional Police Service
  - A group of municipalities may choose to use the same municipal police agency.
  
- First Nations Policing
  - A First Nations or Inuit community may have its own police service under a self-administered agreement. The community may also enter into a tripartite agreement with the RCMP or a quadripartite agreement to use another community's police service.

The National Police Services (NPS) is a key foundational structure that supports policing in Canada. While the NPS is administered by the RCMP, it is a suite of programs that supports all policing in Canada. The NPS will be described in more detail later in this report.

The RCMP provides police services at the federal, provincial, and municipal levels in the Province of Nova Scotia. However, several municipalities in Nova Scotia maintain their own police services; in addition to the RCMP, there is a total of ten municipal police services providing frontline policing in Nova Scotia.

### Legal Context for Policing

Nova Scotia's *Police Act* sets out how, and by whom, communities will be policed. Section 5(1) states that:

...the Minister must ensure that there is adequate and effective policing.

This section of the *Police Act* places the responsibility on the provincial government to ensure that police agencies are meeting the obligations set out in the *Act*.

Every municipality is responsible for providing and paying for its own policing. Section 36(1) sets out that the community can do this by:

- Establishing a municipal police department.
- Entering into an agreement to provide police services with:
  - the RCMP as the provincial police under the PPSA,
  - the federal government,
  - another municipality,
- by any other means approved by the Minister.

A municipality that establishes a municipal police department must provide for a board of police commissioners, the majority of whom are not members of the municipal council, or employees of the municipality.<sup>6</sup>

The role of the board is to provide civilian governance in relation to

- the enforcement of law
- the maintenance of law and order
- the prevention of crime, and
- to provide administrative direction, organization and policy required to maintain an adequate, effective and efficient police department.<sup>7</sup>

The board explicitly cannot provide direction in relation to

- complaints, discipline, or personnel conduct except in respect of the Chief of Police
- a specific prosecution or investigation
- the actual day to day direction of the police department.

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<sup>6</sup> Ibid. S 44(1).

<sup>7</sup> Ibid. S. 55.



Only the board chair may provide advice or direction to the Chief of Police, and not to any other member of the police department. No other member of the board may give advice or direction to a member of the police department.

A municipality that is policed by the RCMP must establish a police advisory board instead of a board of police commissioners<sup>8</sup>. The advisory board consists of a mix of members of the municipal council, other residents of the community, and a person appointed by the Minister.

The *Police Act* provides that police agencies in Nova Scotia, including the provincial police, must provide the following services:

- crime prevention,
- law enforcement,
- assistance to victims of crime,
- emergency and enhanced services, and
- public order maintenance.<sup>9</sup>

The *Act* creates the positions of:

- the Nova Scotia Police Complaints Commissioner<sup>10</sup>
- the Nova Scotia Police Review Board<sup>11</sup>, and
- the Serious Incident Response Team<sup>12</sup>

Each of these positions will be discussed later in this report under Governance and Accountability.

The *Police Act* also provides for the establishment of the Nova Scotia Provincial Police and indicates that the province may enter into an agreement with the federal government for the RCMP to serve in that role<sup>13</sup>, as is the case now in Nova Scotia. *The Provincial Police Service Agreement (PPSA)* is the contract that sets out the conditions for how the RCMP will provide policing services to communities in Nova Scotia. We will look closer at this agreement in the next section.

While police officers are appointed under the *Police Act* pursuant to the authority granted to a municipal board of police commissioners to do so, their authority to carry out their duties extends throughout the province.<sup>14</sup> This is significant because it speaks to the connection

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<sup>8</sup> Ibid. S. 57.

<sup>9</sup> Ibid. S. 35(3).

<sup>10</sup> Ibid. S. 11.

<sup>11</sup> Ibid. S. 13.

<sup>12</sup> Ibid. S. 26A.

<sup>13</sup> Ibid. S. 27, 34.

<sup>14</sup> Ibid. S 42(2).

between local crime and a regional response to that crime. This report will describe a number of integrated policing structures comprised of police officers employed by different police agencies whose mandate has them addressing regional and provincial enforcement priorities that, while being directly connected to local criminal outcomes, see those police officers working at times outside of their primary jurisdiction.

### Provincial Police Service Agreement (PPSA)

As the formalized agreement between the federal government and the Province of Nova Scotia, the PPSA<sup>15</sup> sets out in detail the terms for the provision of policing services by the RCMP in their contracted role as the provincial police service in Nova Scotia. The *Police Act* provides several options for communities in determining how they wish to provide policing services. They can:

- form their own municipal police department,
- enter into an agreement with another municipality to use that municipality's police department, or
- enter into an agreement to have the RCMP police the community.

In the case of the RCMP option, there are three types of agreements through which communities can access policing services:

1. Communities with a population of fewer than 5000 people can be policed under the Provincial Police Service Agreement (PPSA), with a 70%-30% cost-share between the province and the federal government. The province then recovers costs of the police service from the community.
2. Communities with a population of 5,000 to 14,999 may enter into a direct contract with Canada for policing by the RCMP, known as a Municipal Police Service Agreement (MPSA)<sup>16</sup>. Under this type of contract, the community pays 70% of the cost and Canada pays 30%. But new communities entering into an MPSA for the first time during the term of the current PPSA must cover 100% of RCMP policing costs. For these communities with populations between 5,000 and 14,999 the Minister may also direct that they continue to be policed under the PPSA with the same 70%-30% cost-share formula.
3. Communities with a population greater than 14,999 may enter into a direct contract with Canada for policing by the RCMP; this is also a Municipal Police Service Agreement (MPSA). Under this type of contract, the community pays 90% of the cost and Canada pays 10%; but

<sup>15</sup> Nova Scotia, Canada. [Provincial Police Service Agreement, April 1, 2012](#). Author. (GOC00000051\_0001)

<sup>16</sup> There are communities whose populations have decreased below 5000 and their MPSA has been permitted to be retained. RCMP. 2018. [RCMP Policing Agreements in Nova Scotia, Strategic Planning and Client Services](#). Author. (GOC00033767\_0001).

new communities entering into an MPSA during the term of the current PPSA must cover 100% of the policing costs.

4. Indigenous communities in Nova Scotia can enter into a tripartite agreement with the federal government and the province, with a 52-48% cost share, respectively.<sup>17</sup>

### PPSA Overview

The provisions of the PPSA have wide ranging impacts across Nova Scotia due to the number of communities that are policed by the RCMP under the agreement. With roughly half of the population of Nova Scotia living in communities policed by the RCMP, an overview of the PPSA is necessary to outline key information about how the agreement is implemented. The following section provides a short description of the content from several of the PPSA articles, while a more extensive overview can be found in Appendix A.

The overview of the PPSA in Appendix A is taken directly from the **2012 RCMP Provincial and Territorial Police Service Agreements Companion Document, 2014**, as prepared by the Contract Management Committee (CMC)<sup>18</sup>. The CMC's role, structure, and mandate are outlined in Article 21 of the PPSA. The committee is comprised of the Federal/Provincial/Territorial (FPT) Assistant Deputy Ministers of policing and/or public safety from the provinces and territories with which Canada has a Police Service Agreement, along with a representative from Public Safety Canada and the RCMP.<sup>19</sup> It is important to point out that the Companion Document,

...provides information to facilitate, where appropriate, the consistent interpretation and uniform application of the Agreements in contract policing jurisdictions. When applicable, it also explains the variations that are unique to specific jurisdictions' Agreements. The Companion Document does not form part of the Agreements (as per Article 21) and it is not a legally binding document.<sup>20</sup>

### PPSA Articles

**Article 2: Purpose and Scope:** setting out the fundamental roles and responsibilities of the parties, this article also touches on the Minister's authority to direct the RCMP to provide assistance or special expertise to other police agencies.

<sup>17</sup> Indigenous communities may also enter into a quadripartite agreement if they choose a non-RCMP police agency.

<sup>18</sup> Contract Management Committee. 2012 RCMP Provincial and Territorial Police Service Agreements Companion Document, 2014. Version 1.1, September 2017. Author. See Annex B.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid. Page 7.

**Article 3: Term of Agreement:** this article sets out the term of the agreement and the process for extension and renewal, termination, and transition out of the agreement.

**Article 4: Inclusions and Exclusions:** the article addresses the geographical areas of responsibility for policing service in the province.

**Article 5: Increase or Reduction in the Provincial Police Service & Regional or Divisional Administration Staff:** the process for changing the number of police officers working in the province is set out in this article, including the consultation process.

**Article 6: Management of the Provincial or Territorial Police Service:** this article addresses the responsibilities of the parties to the agreement in managing the RCMP. The issue of policing standards and procedures is also covered.

**Article 7: The Commanding Officer (CO) and the Operation of the Division:** this article sets the authority and parameters for the Minister to provide direction to the CO, as well as establishing objectives, priorities, and goals for the RCMP.

**Article 8: Resources and Organization:** this article addresses the process through which changes to the RCMP (location of detachments and units) in the province are made, as well as reporting to the Minister on the organizational structure of the RCMP.

**Article 9: Emergencies and Events:** this article sets out the process for accessing additional resources during emergencies and other events, including the cost implications.

**Article 10: Municipalities:** the terms for municipalities policed by the RCMP are addressed in this article, including issues such as population and cost-share.

**Article 11: Basis of Calculation of Payment:** this article addresses the methodology for determining costs and where the responsibility for payment lies.

**Article 12: Accommodations Program- AB, NS, SK Version:** this article addresses issues related to the sharing of costs of federally owned accommodations.

**Article 13: Removal of Buildings and Living Quarters and Transfer of Buildings, Living Quarters and Land:** this article deals with the process for assessing the fair market value of federally owned buildings.

**Article 15: Transfer of Ownership of Equipment:** in the case of the expiration or termination of the PPSA, this article sets out the process for managing the transfer of equipment purchased by the federal government.

**Article 16: Jails and Lock-ups:** addressing the responsibility for holding persons lawfully detained by the police, this article also touches on the process for changing the number of lock-up facilities.

**Article 18: Financial Planning and Reporting:** the process for the parties to engage in long-term financial planning is set out in this article.

**Article 19: Directed Reviews:** the province may request reviews of programs and services.

**Article 20: Bilateral Reviews:** a review mechanism to examine emerging issues.

**Article 21: Contract Management Committee:** this articles establishes the terms by which the committee fulfills its governance role in relation to the PPSA.

**Article 22: CMC Five Year Reviews:** a mechanism to review the financial and other provisions of the agreement.

**Appendix A: Application of the Municipal Police Service Agreement (MPSA):** this appendix addressed the MPSA as it mirrors the terms of the operating procedures of the PPSA.

**Appendix B: Contract Management Committee Terms of Reference (CMC):** addressing the authority, mandate, and membership of the CMC.

## Police Resources

### How many police officers?

The evolving needs and expectations of communities regarding crime and public safety, balanced against rising cost of policing<sup>21</sup> and the financial capacity of the community, can result in police agencies having to address incremental changes in resource levels. Policing reviews in communities policed by the RCMP under the PPSA can be requested by a community to the Minister of Justice. A policing review is a joint process between the RCMP and the NS Department of Justice staff. Any police agency may identify a need for incremental increases or reallocations of staff in order to fill a gap in service. Such incremental changes in staffing levels, in particular when increased funding is required, must be taken through the agency's budget process. Generally, this would involve the submission of standardized documentation, sometimes referred to as a business case, that establishes the rationale, options, and financial implications. The RCMP's Multi-Year Financial Plans include business cases for incremental increases in staff for the next three fiscal years.<sup>22</sup>

<sup>21</sup> Statistics Canada. (2020). Police Resources in Canada, 2019. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00015-eng.htm>. Online August 12, 2021.

<sup>22</sup> RCMP. (2020). *H Division Multi-Year Financial Plan 2019/20 to 2021/22*. Author. (GOC00000049\_0001).

The methodology used by the RCMP to estimate the number of officers required to staff a detachment involves several steps and the use of resourcing model.

NOTE: Information regarding the practice of establishing police resource levels was not sought from the contributing agencies in the first instance, but was offered by the RCMP in the discussions that led to the agreed upon outline for disclosure from the RCMP.<sup>23</sup>

#### A Resourcing Model- GDPRM

The RCMP uses a resourcing model to estimate the proper staffing level for detachments across Canada. The General Duty Police Resourcing Model (GDPRM) was endorsed by the RCMP in 2007, after about ten years of research and development.<sup>24</sup> Using detachment specific data, the GDPRM estimates the number of police officers required and how they should be allocated.

The following workload parameters are considered in the model<sup>25</sup>:

- Distribution of occurrences and call priority at the Detachment, based on Detachment specific police records management systems (RMS) historical data;
- Profile of time standards (as outlined below) required for a General Duty uniform first responder to respond to an occurrence in terms of Initial Investigation, Follow-up, Court and Disposition activities;
- Distribution of travel time taken to arrive at scene based on Detachment specific historical CAD data;
- Detachment specific shift schedules;
- Detachment specific hours of officer availability considering detractors (as outlined below) such as training and leave;
- Officer back-up and assistance;
- Call-out rules (specifically for non-24-hour Detachments when a priority call is received after scheduled hours);
- Core service time (0800hrs to 2200hrs) and non-core service time; and
- Administrative time.

#### Percentage of Calls Responded to Immediately:

- The GDPRM calculates the percentage of availability for General Duty uniform first responders to immediately respond to calls for service over the course of the reviewed period. For example, the ability to respond to 95% of the calls for service means that 5% of the time, when a priority call comes in, all General Duty uniform first responders are

<sup>23</sup> See page 7 of this report.

<sup>24</sup> RCMP. (2021). General Duty Police Resourcing Model (GDPRM) Background. Author. (GOC00046070\_0001).

<sup>25</sup> RCMP. (2021). General Duty Police Resourcing Model (GDPRM) General Overview. Author. (GOC00046071\_0001).

engaged and the call has to be queued. As a result, personnel must be redeployed from a lower priority call or personnel must be recalled for duty.

- Level of availability, particularly for Priority 1 and Priority 2 calls, is a good indicator of workload for a Detachment/Unit.

#### Time Standards:

- Time standards for investigations are included in the GDPRM and grouped into 4 categories: Initial Investigation, Follow-Up, Court and Disposition. Lower, most frequent and upper limits are considered for each time standard group, as well as the likelihood of back-up and assistance.
- These time standards were developed by a rotation of Regular Members from across the country through workshops and focus groups coordinated by the Police Resourcing Model Support Unit (PRMSU). They are also updated as required by PRMSU if new legislation or policy impacts the workload of General Duty first responders.

#### Proactive Time:

- Proactive time corresponds to the amount of time between 0800hrs and 2200hrs which is not committed to Response to Call, Initial Investigation, Follow-Up, Court, Case Disposition and Administrative Duties.
- Standards and expectations for proactive time duties may vary from community to community. It is generally accepted that as levels for proactive time drop, policing becomes reactive in nature with little or no time remaining for a proactive approach to policing and/or community policing based activities.
- Prolonged periods of call-to-call response is an indicator of heavy workload and demonstrate that the General Duty uniform first responder resources are more reactive in nature and less proactive.
- Proactive time is measured in minutes between work activities; it does not necessarily represent consecutive minutes.
- Options are available within the GDPRM for a variety of resourcing scenario analyses. For example: increasing the proactive time to reduce workload by either increasing the availability of officers to respond to calls for service through increases in establishment or by reducing the calls for service which officers respond to by making shift scheduling adjustments. Scheduled and/or planned overtime, particularly during peak seasons, may be another analysis option for consideration within the model.
- PRMSU (Police Resourcing Model Support Unit) recommends a minimum benchmark of 35% proactive time based on recent research of Canadian police services.

#### Detractors:

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- Detractors are a calculation of time where General Duty uniform first responders are away from their regular work duties. Detractors are calculated in hours per year.
- Detractors are circumstances where a General Duty uniform first responder is not available for response to call such as, but not limited to: annual leave, statutory holidays, training, sick leave, paternity/maternity leave, court related duties, specialized duties and transfers. These factors are considered and calculated in the GDPRM resourcing analysis.
- The detractor hours are removed from the total regular working hours to provide a more accurate availability of actual General Duty uniform first response resources.
- The GDPRM uses this detractor calculation to determine the number of General Duty uniform first responders required to provide a level of service.

#### Travel Time:

- The GDPRM uses travel time distributions based on historical CAD (dispatch) data during its simulations.
- Only uninterrupted travel times are used for these calculations in order to provide the most accurate travel times.

The GDPRM is not an Audit or Review Function. The GDPRM is not a Staffing Function, it is a tool to estimate General Duty first responder resource requirements rather than an RCMP standard.

The RCMP disclosed to the Commission numerous documents related to policing reviews that had been conducted in Nova Scotia over a number of years in response to requests from municipalities. The reviews examined for this report<sup>26</sup> include analysis of the communities' policing needs and expectations, results of workload analyses of the relevant areas, as well as simulations based on different staffing levels and schedules. An analysis of costs compared to workload and calls for service can also be included in such a review. The reviews provided options to the municipalities regarding how they can achieve their objectives based on projected costs.

#### Rural and Urban Policing

Many Nova Scotians live in communities where a small-town policing model is the norm, whether policing services are supplied by the RCMP through the Provincial Police Service Agreement, through the RCMP under a Municipal Police Service Agreement, or by a municipal police agency. While these agencies, be they municipal or RCMP, may have access to specialty services from neighbouring agencies or centralized resources, the day-to-day policing is done by

<sup>26</sup> RCMP. 2020. General Duty Police Resourcing Model Review Cumberland District 2019-01-01 to 2019-12-31.

Author. (GOC00033649\_0001).

RCMP. 2020. Review of Policing Colchester District RCMP Possibilities for change. Author. (GOC00045898\_0001).



a small team of officers. In many instances these small teams work shifts designed to cover periods of peak demand. However, there are times when there may be no officers on duty in a particular agency or detachment. In such cases the police revert to an alternate response model. This may involve a combination of response from neighbouring jurisdictions, or elsewhere in the case of an RCMP district, and/or officers being on-call while off-duty.<sup>27 28</sup>

Low population density in rural areas also means that policing services may need to be provided in locations that are some distance from where the police are situated. For example, a police officer based in any community may be dealing with a call for service at one end of the jurisdiction when another priority call for service is made from the opposite end of the jurisdiction. Travel time is a key feature factored into response times as indicated in the RCMP's GDPRM described in the previous section.

While many police services can be delivered by phone or online, the investigation of certain crimes requires that the police go to the location where the incident occurred. In 2016 the RCMP created the Call Back Unit (CBU)<sup>29</sup> to alleviate pressure on frontline members. The five officers assigned to the CBU process calls that do not require a police officer to physically meet with the complainant, such as: lost items, telemarketing complaints, and Facebook related complaints.<sup>30</sup>

Responding to emergency calls for service and serious crimes in progress requires a timely response from the police. This can present challenges in any rural policing environment where large distances must be traveled to reach a location, and/or when there is a surge in high priority calls for service.

Amelia Thatcher's 2017 article from the RCMP's Gazette magazine, touched on the challenges of rural policing.

The Digby RCMP detachment polices approximately 20 communities in Digby County. This rural area of about 18,000 residents is a microcosm of Canada's diversity: there's a Mi'kmaq First Nations community called Bear River, two islands with isolated fishing villages, and three African Nova-Scotian communities with historic roots dating back to the 18th century.

In many ways, the unique populations and expansive geographies are the biggest challenges faced by rural detachments like Digby. The remoteness of some areas

<sup>27</sup> M. Kane, Chief of Police, Annapolis Royal Police Service. Telephone conversation of 21 July 21.

<sup>28</sup> J. Spence, Sgt, RCMP. Email of 22 July 21.

<sup>29</sup> RCMP. 2019. Colchester District RCMP: Vacancy and Shift Coverage Data. Author. (GOC00045916).

<sup>30</sup> Ibid.

can make it difficult for RCMP officers to respond to calls, based on the sheer distance they have to travel.

"If something happens in the city, the cavalry shows up. In the rural areas, the closest officer for backup could be 40 kilometres away," says Supt. Martin Marin, the district policing officer for southwest Nova Scotia. "You really have to know who your partners are and use all resources."<sup>31</sup>

In higher density urban environments there may be other challenges taxing police resources, but travel time and distance for frontline officers, or access to additional officers for backup are rarely among those challenges.

#### Multi-Officer Response to High-Risk Incidents

The availability of additional police officers to support a multi-officer response to high-risk calls for service varies by jurisdiction. Regardless of the size of the agency, there appears to be common practices in place to ensure that backup is available when required. Municipal agencies appear to not have specific policies regarding mutual aid or backup assistance to other agencies, but many indicated that they do provide mutual aid as and when asked to do so for both emergency and non-emergency operational issues.<sup>32</sup>

The RCMP have a policy outlining procedures for accessing assistance, which covers their own members and other agencies. The following excerpts<sup>33</sup> provide an overview of key aspects of the policy:

*Back-up refers to an urgent response by on-duty or off-duty RCMP members and/or operational peace/police officers from other accredited law enforcement agencies. Back-up may be required in support of members of the RCMP before, during or after an incident.*

This section of the policy sets out that a request for backup received by the RCMP from any member of any police agency must be addressed without delay.

*Back-up will be required when responding to high-risk incidents involving, but not limited to, domestic disputes, the potential for violence, armed suspects, emotionally disturbed individuals, or suspects fleeing the scene of a crime.*

<sup>31</sup> A. Thatcher. (2017). *Urban vs Rural, Policing Nova Scotia's unique communities and geographies*. Gazette Magazine, Vol. 79, No. 4. <https://www.rcmp-grc.gc.ca/en/gazette/urban-vs-rural>. Online August 12, 2021.

<sup>32</sup> Submissions from Amherst PD, Annapolis Royal PS, Westville PS, Cape Breton RP, Stellarton, Truro PS, Kentville PS, Bridgewater PS, New Glasgow RP.

<sup>33</sup> RCMP. H Division Operational Manual, 16.9 Request for Back-Up. Author. (GOC0000060\_0001)

*Every member will render assistance to a request for back-up without unreasonable delay. An off-duty member who volunteers to be and is identified as back-up must ensure that he or she remains available to provide timely assistance upon request.*

The policy also indicates that regardless of the availability of assistance, the officers must take action to ensure public safety and police safety.

*Where a member has determined that back-up is required, but may be delayed due to the response time, the member will continuously assess risk, applying necessary intervention to ensure public and police safety in accordance with the principles of the IMIM (Incident Management Intervention Model<sup>34</sup>). Where practicable, the member will provide continuous updates to OCC and other responding members. If there is an obvious or perceived danger requiring immediate intervention, the member must take appropriate action to prevent grievous bodily harm or death to himself/herself or another person.*

The call-out practice with the RCMP Operational Communications Centre (OCC) for when officers are not on duty also accounts for decisions related to multi-officer response.

*When a primary member is called out, the OCC dispatcher will ask if they would like their back up called to assist. If additional resources (more than the two on call members) are required, or if a supervisor must be contacted, that request will come through the Risk Manager or on call members.*

*These are the points generally considered when calling out members and back up members:*

*Type of complaint:*

- *Domestic*
- *Violence / possibility of violence*
- *Number of subjects*
- *Weapons*
- *IPTA / MHA issues (Involuntary Psychiatric Treatment Act/Mental Health Act)*
- *Other challenges such as weather, road conditions, accessibility to location*
- *On call member experience/skillset*
- *lack of information/unknowns about complaint*
- *Risk assessment either by on call member, Risk Manager or dispatcher*

<sup>34</sup> RCMP. Incident Management/Intervention Model, 2021-05-05. <https://www.rcmp-grc.gc.ca/en/incident-management-intervention-model-imim>. Online July 23, 2021. See Appendix A.

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- *Does the occurrence require an urgent response - is it something that can be dealt with by the Risk Manager on the telephone or by members when they come on duty (Admin non urgent file)*

*In the event of a significant occurrence requiring additional resources than are working in a district, the following would be the process:*

- *Identify type of event and number and type of resources required*
- *Identify the most efficient method of obtaining resources (calling out additional off duty local members and / or moving resources from neighbouring districts / proximity to municipal police agencies.)*
- *If resources are to be moved, contact the Team Leader or A/TL in the neighbouring district to determine the number of members available and equipment required (C8, 40 mm , CEW, Spike Belt, NVG). If contacting a municipal PD point of contact would generally be the Sgt on duty. When requesting assistance from HRM RCMP either the RM calls the RCMP watch commander directly, or the request goes from the OCC to IES.*
- *If no supervisor is on duty, the risk manager will assume the role and directly move members from their district.*
- *All movement of resources is done with a risk assessment and planning to ensure adequate coverage at the districts providing personnel.*
- *Ongoing assessment is conducted to adjust resources as necessary. As these situations are dynamic, resources numbers are often adjusted as the situation evolves or is resolved.*
- *If a senior NCO (District Commander or Ops NCO) takes control of the incident on scene, the resourcing requests would then come through them, and be facilitated by the Risk Manager / OCC.<sup>35</sup>*

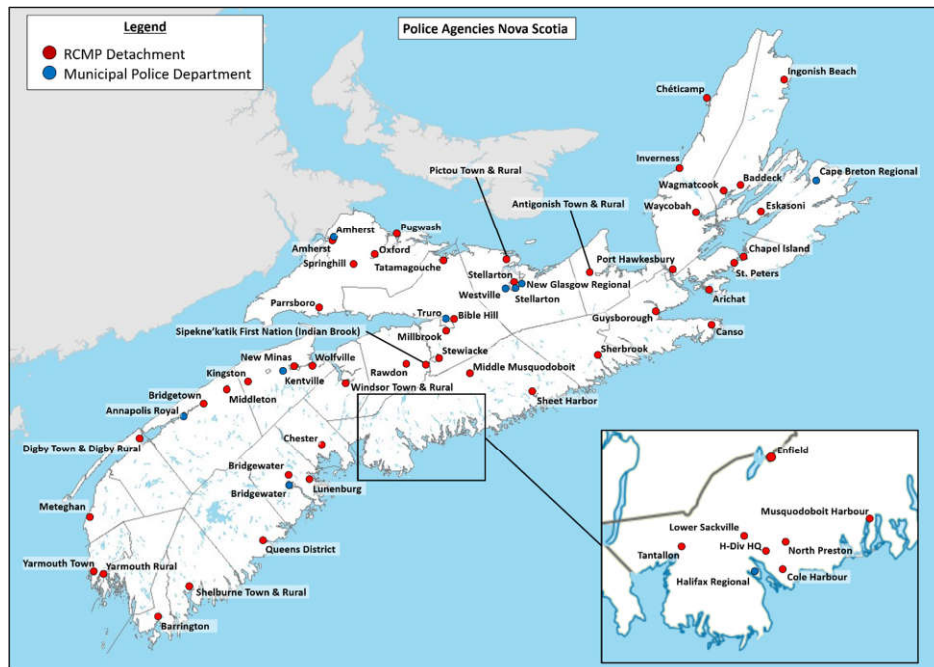
The RCMP national Operational Manual policy<sup>36</sup> on the issue of backup and multiple officer response to incidents requires that there be a risk assessment completed as outlined in the *Backup- Unit Plan*. The completion of this plan is primarily for first responder units.

The backup plan provides for a risk assessment of constant and variable situational factors specific to the detachment or unit, along with a Risk Identification Worksheet and a Risk Response/Backup Plan Summary for Elevated Risks. The plan also requires the approval of several supervisory levels beginning with the Detachment Commander, up to and including the Commanding Officer.

<sup>35</sup> J. Spence, Sgt. RCMP. Email of 4 Aug 21.

<sup>36</sup> RCMP. Operational Manual- ch. 16.9 Backup. Author. (GOC0000029\_0001). See Appendix A for policy and Unit Backup Plan template.

## Nova Scotia Policing



There are eleven police agencies operating in Nova Scotia and for this report they have been divided into four categories based on their approved complement of police officers and civilian employees. It is important to point out that the contribution of civilian employees ought not be underestimated. Increasingly, police agencies are examining how roles currently filled by police officers could more effectively and efficiently be staffed by civilian employees with the appropriate education and training.

### Agencies by Size (including civilian employees<sup>37</sup>)

Police agencies in Nova Scotia can be sorted by size from the RCMP with 1,427 employees in descending order down to the Annapolis Police Service with four (4) employees. It is not the intention in this section to provide a precise accounting of staff numbers for each agency or detachment on any given date, but rather to give the reader a sense of the number of employees assigned to the agency or detachment. The numbers include police officers and civilian employees, but do not reflect vacancies or positions that may be surplus to the authorized or established positions.

1. RCMP (1,427)<sup>38</sup>
  - a. Provincial Contract- Provincial Policing Service Agreement (1,003)
  - b. Federal Policing (158)
  - c. Municipal Contract- Municipal Police Service Agreement (45)
  - d. First Nations- Community Tripartite Agreement (47)
  - e. Administration (Divisional, Departmental, and Regional) (174)
2. Large municipal agencies (more than 100 employees)
  - a. Halifax Regional Police (741)<sup>39</sup>
  - b. Cape Breton Regional Police Service (230)<sup>40</sup>
3. Medium municipal agencies (more than 24 employees)
  - a. Truro Police Service (51)<sup>41</sup>
  - b. New Glasgow Regional Police Service (42)<sup>42</sup>
  - c. Bridgewater Police Service (37)<sup>43</sup>
  - d. Amherst Police Department (30)<sup>44</sup>
4. Small municipal agencies (fewer than 25 employees)
  - a. Kentville Police Service (21)<sup>45</sup>

<sup>37</sup> RCMP Civilian Members and Public Service Employees are different classifications. For this report, the term *civilian employee* encompasses both.

<sup>38</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001) Note: the RCMP Multi-Year Financial Plan 2021/22 to 2023/24 (GOC00000049\_0001) indicates an FTE total of 987.5 (843.5 Regular and Civilian Members and 144 support staff).

<sup>39</sup> Halifax Regional Police. (2021). HRP Complement of Police Officers. Author.

<sup>40</sup> R. Hutchings, Supt., CBRP. Email of 28 May 21.

<sup>41</sup> D. MacNeil, Chief of Police, TPS. Email of 19 April 21.

<sup>42</sup> S. Chisholm, Chief of Police, NGRP. Email of 17 May 21.

<sup>43</sup> S. Feener, Chief of Police, BPS. Email of 23 April 21.

<sup>44</sup> D. Pike, Chief of Police, APD. Email of 23 April 21.

<sup>45</sup> J. Cecchetto, Chief of Police, KPS. Email of 13 April 21.

- b. Stellarton Police Service (19)<sup>46</sup>
- c. Westville Police Service (11)<sup>47</sup>
- d. Annapolis Police Service (4)<sup>48</sup>

The total police employees working for the RCMP in Nova Scotia is 1,427, and the total number of police employees working for the municipal agencies is 1,186.

### Police Agencies by Region

Like the variation in the size of municipal police agencies in Nova Scotia, RCMP detachments throughout the province vary greatly in size, with most detachments organized around larger districts. The following section provides an overview of RCMP deployment throughout the province by region along with an indication of the number of police officers funded by each community. It also sets out the municipal police agencies that exist within each region. Later in this report, there will be a description of other centralized RCMP federal and provincial support services. More detail will also be provided about the support resources within each municipal agency, as well as collaborative agreements in place among agencies.

The Additional Officer Program (AOP) has funded numerous police officer positions in police agencies throughout the province. These positions are accounted for within the staff numbers provided by the municipal police agencies. In the case of the RCMP, those positions are accounted for along with the Centralized Provincial Resources and Shared Positions section on page 93 of this report. But those positions are actually dispersed throughout the province, assigned to Street Crime Enforcement Units, School Safety Resource Officer positions, Community Safety Resource Officer positions, as well as civilian Tech Crime and Crime Analyst positions. The most current data at the time of the writing of this report showed 55 RCMP positions (48 police officers and 7 civilian employees) funded through the AOP as of February 2019. The RCMP staff numbers in the following section are taken from the Summary of H Division Resources- January 2020<sup>49</sup>, which indicated that the AOP accounted for 49 police officer positions and 6 civilian positions. Keeping this discrepancy in mind, and using the RCMP AOP map<sup>50</sup> located in Appendix A, these positions are reflected in the following overview.

While the term *detachment* is used by the RCMP to refer to the actual building to which RCMP officers are assigned, it actually hails back to the agency's military roots that refer to "*the dispatch of a body of troops or part of a fleet from the main body for a special mission or*

<sup>46</sup> M. Hobeck, Chief of Police, SPS. Email of 20 May 21.

<sup>47</sup> H. Dunbar, Chief of Police, WPS. Email of 20 May 21.

<sup>48</sup> M. Kane, Chief of Police, ARPS. Email of 21 April 21.

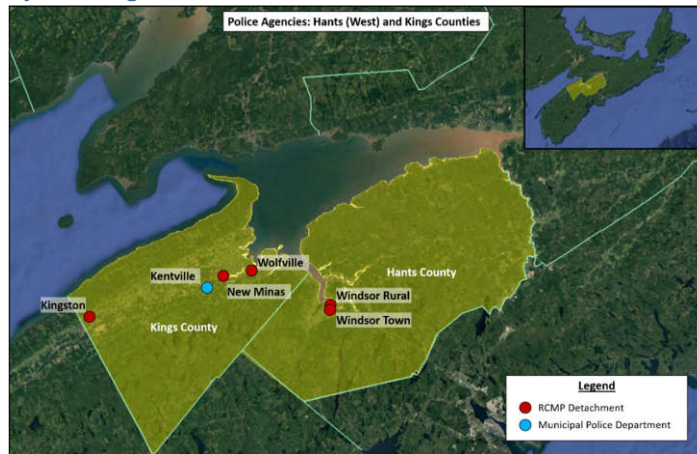
<sup>49</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

<sup>50</sup> RCMP. H Division- Additional Officer Program/Safer Communities Positions, February 2019. Author. Appendix A.

service.<sup>51</sup> There are cases outlined below where the RCMP office or detachment building is shared by complements of officers assigned to different jurisdictions. For example, the Antigonish rural and municipal components of the RCMP share the same building in Antigonish. For the purposes of this report, these separate components are counted as different detachments of police officers.

This quick tour of police detachments and agencies starts in west Hants County and progresses west through the Annapolis Valley and then around the western tip of the province toward Yarmouth. Continuing east along the South Shore toward Halifax, we will then head north toward the New Brunswick border covering Colchester, Cumberland, and eastern Hants County. We will complete the tour of mainland Nova Scotia with Pictou, Antigonish, and Guysborough Counties. Cape Breton Island's police agencies will then be outlined.

### Hants (west) and Kings Counties



1. **Hants West District RCMP**<sup>52</sup> is a single detachment with a complement of seventeen police officers and two civilian employees.
  - Hants West Detachment:
    - Windsor Rural- fifteen police officers
  - Funding: West Hants County- fifteen police officers under the PPSA.<sup>53</sup>

<sup>51</sup> "Detachment." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/detachment> . Online 13 July 21.

<sup>52</sup> RCMP. (2020). *Summary of H Division RCMP Resources- January 2020*. Author. (GOC00000154\_0001).

<sup>53</sup> The Municipality of the District of West Hants and the Town of Windsor amalgamated on April 1, 2020 and is now the Region of West Hants Municipality. At the time of the writing of this report the municipality was policed by the RCMP under a Municipal Police Services Agreement.



- AOP: two police officer positions.
2. **Windsor Town RCMP**<sup>54</sup> detachment has a complement of eight police officers and is co-located with the Hants West RCMP.
    - Funding: Town of Windsor- seven police officers under an MPSA.<sup>55</sup>
    - AOP: one police officer position.
  3. **Kings District RCMP**<sup>56</sup> is comprised of three detachments with a complement of sixty-one police officers and eleven civilian employees. There is also one provincial First Nations position.
    - Kings District Detachments:
      - New Minas- twenty-nine police officers,
      - Wolfville- nine police officers,
      - Kingston- nineteen police officers.
    - Funding (police officers): Wolfville- nine, Kings County- forty-five, Gov. NS- one, and Berwick- four, all under the PPSA.
    - AOP: Two police officer positions and one civilian position.
  4. **Kentville Police Service**<sup>57</sup> is a municipal police agency located in the town of Kentville geographically between the New Minas and Kingston RCMP detachments. The police service has a complement of sixteen police officers and five civilian employees.

<sup>54</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

<sup>55</sup> See footnote 48.

<sup>56</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

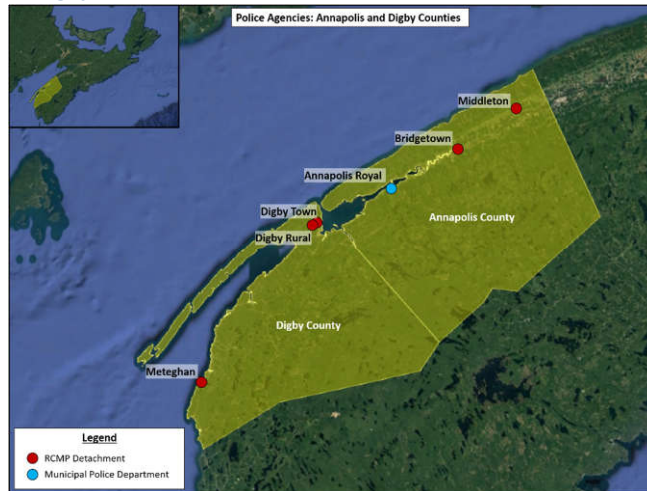
<sup>57</sup> J. Cecchetto, Chief of Police, KPS. Email of 13 April 21.

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## Annapolis and Digby Counties



5. **Annapolis District RCMP**<sup>58</sup> is comprised of two detachments with a complement of twenty-two police officers and four civilian employees.
  - Annapolis District Detachments:
    - Bridgetown- twelve police officers,
    - Middleton- seven police officers.
  - Funding: Annapolis County- fifteen police officers, Middleton- four police officers, both under the PPSA.
  - AOP: three police officer positions.
  
6. **Annapolis Royal Police Service**<sup>59</sup> is the municipal police agency for the town of Annapolis Royal, located between the Bridgetown and Digby RCMP detachments. The police service has a complement of four police officers.
  
7. **Digby RCMP**<sup>60</sup> is comprised of a rural and a municipal component of fifteen police officers working out of one detachment, along with two civilian employees.
  - Digby Detachments:
    - Digby County- nine police officers,
    - Digby Town- six police officers.

<sup>58</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

<sup>59</sup> M. Kane, Chief of Police, ARPS. Email of 21 April 21.

<sup>60</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

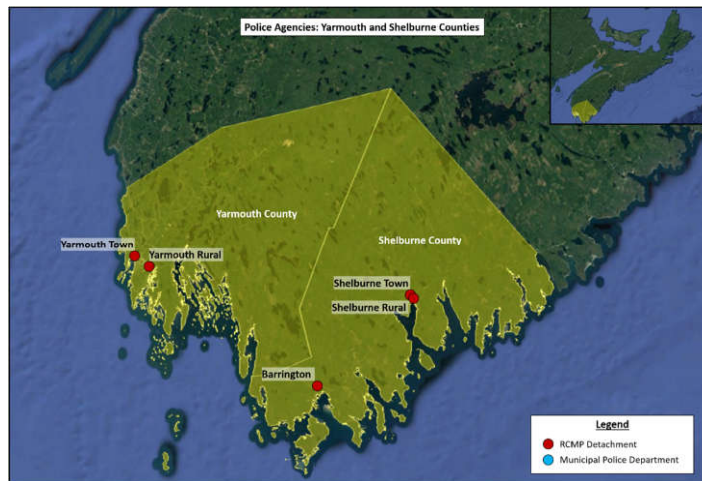
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Structure of Policing in Nova Scotia

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- Funding: Digby County- nine police officers under the PPSA, and Town of Digby- five police officers under an MPSA.
  - AOP: one police officer position.
8. **Meteghan RCMP**<sup>61</sup> is a single detachment with a complement of eight police officers and one civilian employee.
- Funding: Clare- seven police officers under the PPSA.
  - AOP: one police officer position.

### Yarmouth and Shelburne Counties



9. **Yarmouth County RCMP**<sup>62</sup> is a single detachment serving the rural area surrounding Yarmouth with a complement of fourteen police officers and three civilian employees.
- Funding: Yarmouth County- 6.38 police officers, Argyle- 5.62 police officers, both under the PPSA.
  - AOP: three police officer positions and one civilian position.
10. **Yarmouth Town RCMP**<sup>63</sup> is a single detachment serving the town of Yarmouth with a complement of nineteen police officers.

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<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

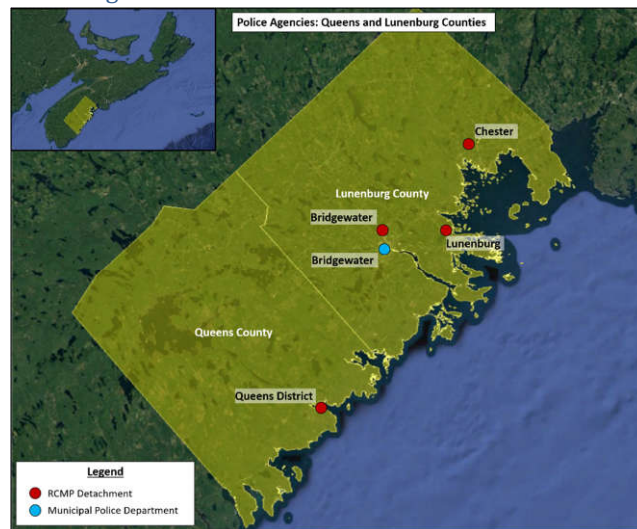
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Structure of Policing in Nova Scotia

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- Funding: Town of Yarmouth- eighteen police officers under an MPSA.
  - AOP: one police officer position.
11. **Barrington RCMP**<sup>64</sup> has a complement of eight police officers and one civilian employee.
- Funding: Barrington- six police officers, Clark's Harbour- one police officer, both under the PPSA.
  - AOP: one police officer position.
12. **Shelburne RCMP**<sup>65</sup> is a single detachment with both a rural and town component. They serve the community with a complement of thirteen police officers and one civilian employee.
- Funding: Shelburne County- five police officers, Lockport- one police officer, both under the PPSA. Town of Shelburne- four police officers under an MPSA.
  - AOP: three police officer positions.

### Queens and Lunenburg Counties



13. **Lunenburg County District RCMP**<sup>66</sup> is comprised of three detachments with a complement of forty-three police officers and seven civilian employees.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

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Structure of Policing in Nova Scotia

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- Lunenburg District Detachments
    - Bridgewater- twenty police officers,
    - Chester- twelve police officers,
    - Lunenburg- eleven police officers.
  - Funding: Chester District- 11.5 police officers, Lunenburg County- 20.5 police officers, Lunenburg Town- five police officers, and Mahone Bay- two police officers, all under the PPSA.
  - AOP: four police officer positions.
14. **Queens District RCMP**<sup>67</sup> is a single detachment serving the area of Liverpool with a complement of thirteen police officers and two civilian employees.
- Funding: Region of Queens- thirteen police officers under the PPSA.
15. **Bridgewater Police Service**<sup>68</sup> is the municipal police agency for the town of Bridgewater, located between the jurisdictions of the Liverpool and Lunenburg RCMP detachments. The Bridgewater Police Service has a complement of twenty-six police officers and eleven civilian employees.

### Halifax County



16. **Halifax District RCMP**<sup>69</sup> is comprised of eight detachments with a complement of 149 police officers, and another forty-four police officers assigned to: the HRP/RCMP Integrated

<sup>67</sup> Ibid.

<sup>68</sup> S. Feener, Chief of Police, BPS. Email of 23 April 21.

<sup>69</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

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Structure of Policing in Nova Scotia

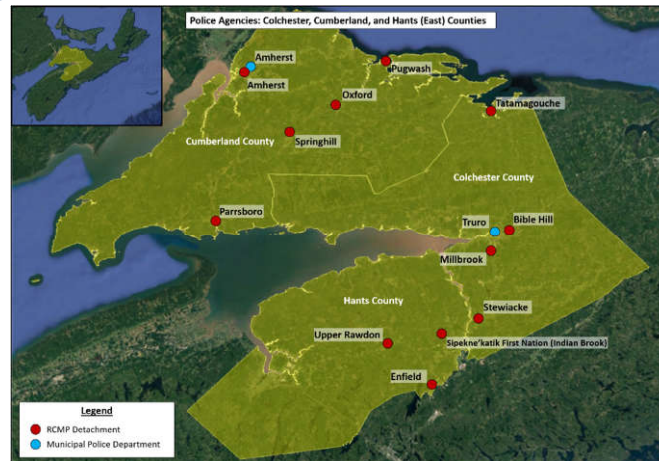
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Criminal Investigations Division (twenty-five)<sup>70</sup>, Crime Prevention/Victim Services(seven), District Officers (eight), Court Services (two), Police Service Dog (one), and Headquarters (one). There are also thirty-seven civilian employees assigned to the offices. These detachments cover the suburban and rural areas of the Halifax Regional Municipality (HRM).

- Halifax District Detachments (not including AOP positions)
  - Cole Harbour- thirty-six police officer,
  - Lower Sackville- fifty-one police officers,
  - Musquodoboit Harbour- nine police officers,
  - Sheet Harbour- five police officers,
  - Tantallon- twenty-nine police officers,
  - Middle Musquodoboit (North Central)- four police officers,
  - North Preston- four police officers.
- Funding: Halifax Regional Municipality- 183 police officers under the PPSA.
- AOP: ten police officer positions and two civilian positions.

17. **Halifax Regional Police**<sup>71</sup> is the municipal police agency for the urban core of the HRM (Halifax, Dartmouth, and Bedford) and the communities extending from Bedford to the Sambro Loop. The approved complement is 532 police officers and 209 civilian employees.

### Hants (east), Colchester, and Cumberland Counties



<sup>70</sup> HRP submission conflicts with this number, indicating 29 RCMP members are assigned to CID.

<sup>71</sup> Halifax Regional Police. (2021). HRP Complement of Police Officers. Author.

18. **Hants East District RCMP**<sup>72</sup> is comprised of two (2) detachments (Upper Rawdon and Enfield) and one satellite office (Mount Uniacke) with a complement of twenty-five police officers and four civilian employees assigned to both detachments.
- East Hants District Detachments
    - Upper Rawdon- six police officers,
    - Enfield- nineteen police officers.
  - Funding: East Hants County- twenty-three police officers under the PPSA.
  - AOP: two police officer positions.
19. **Colchester District RCMP**<sup>73</sup> is comprised of three detachments and one satellite office with a complement of thirty-five police officers, six of which are assigned to Colchester County. Eight civilian employees are also serving the district.
- Colchester District Detachments (not including AOP positions)
    - Bible Hill- eighteen police officers,
    - Stewiacke- four police officers,
    - Tatamagouche- 4 police officers.
  - Funding- Colchester County- thirty-one police officers, Stewiacke- one police officer, both under the PPSA.
  - AOP: three police officer positions and one civilian position.
20. **Sipekne'katik First Nation RCMP** (Indian Brook)<sup>74</sup> serves the community of Sipekne'katik with a complement of eleven police officers and one civilian employee.
- Funding: Federal/Provincial- eleven police officers and one civilian under a CTA.
21. **Millbrook RCMP**<sup>75</sup> is a single detachment with a complement of seven police officers and one civilian employee serving the residents of the Millbrook First Nation, which is located within the town of Truro.
- Funding: Federal/Provincial- seven police officers and one civilian under a CTA.
22. **Truro Police Service**<sup>76</sup> is the municipal police service for the Town of Truro, located in Colchester County near the Bible Hill detachment of the RCMP whose jurisdiction covers the rural area around Truro. The TPS has a complement of thirty-six police officers and fifteen civilian employees.

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<sup>72</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

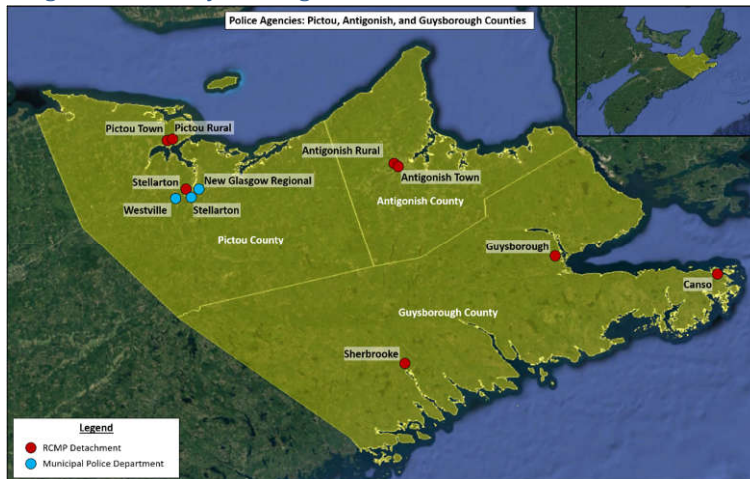
<sup>75</sup> Ibid.

<sup>76</sup> D. MacNeil, Chief of Police, TPS. Email of 19 April 21.



23. **Cumberland County District RCMP**<sup>77</sup> is comprised of five detachments with a complement of thirty-four police officers and six civilian employees. Three of these police officers are assigned to Cumberland County in addition to those assigned to the detachments.
- Cumberland County District Detachments (not including AOP positions)
    - Amherst- six police officers,
    - Pugwash- four police officers,
    - Parrsboro- five police officers,
    - Oxford- five police officers,
    - Springhill- eight police officers.
  - Funding: Cumberland County- twenty-eight police officers, Oxford- three policing officers, both under the PPSA.
  - AOP: three (3) police officer positions.
24. **Amherst Police Department**<sup>78</sup> is the municipal police service for the Town of Amherst, located in Cumberland County near the Amherst detachment of the RCMP, whose jurisdiction covers the rural area around Amherst. The APS has a complement of twenty-four police officers and six civilian employees.

### Pictou, Antigonish, and Guysborough Counties



<sup>77</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

<sup>78</sup> D. Pike, Chief of Police, APD. Email of 23 April 21.



25. **Pictou RCMP**<sup>79</sup> is comprised of three detachments with a complement of twenty-seven police officers, and four civilian employees.
- Pictou District Detachments
    - Stellarton- fifteen police officers,
    - Pictou County- eight police officers,
    - Pictou Town- eight police officers.
  - Funding: Pictou County- twenty-one police officers under the PPSA. Pictou Town- seven police officers under an MPSA.
  - AOP: three police officer positions.
26. **Westville Police Service**<sup>80</sup> is the police service for the Town of Westville, located in Pictou County next to the communities of Stellarton, New Glasgow, and Trenton. The police service has a complement of ten police officers and one civilian employee.
27. **Stellarton Police Service**<sup>81</sup> is the police service for the Town of Stellarton, located in Pictou County next to the communities of Westville, New Glasgow, and Trenton. The police service has a complement of thirteen police officers and six civilian employees.
28. **New Glasgow Regional Police**<sup>82</sup> is the police service for the towns of New Glasgow and Trenton, located in Pictou County. The police service has a complement of thirty-three police officers and nine civilian employees.
29. **Antigonish District RCMP**<sup>83</sup> is comprised of a rural and a municipal component working out of one detachment with the rural component having a complement of nineteen police officers and three civilians.
- Antigonish District Detachments (co-located)
    - Antigonish County- ten police officers,
    - Antigonish Town- nine police officers.
  - Funding: Antigonish County- ten police officers under the PPSA. Town of Antigonish- nine police officers under an MPSA.
  - AOP: one police officer position and one civilian position.

<sup>79</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

<sup>80</sup> H. Dunbar, Chief of Police, WPS. Email of 20 May 21.

<sup>81</sup> M. Hobeck, Chief of Police, SPS. Email of 20 May 21.

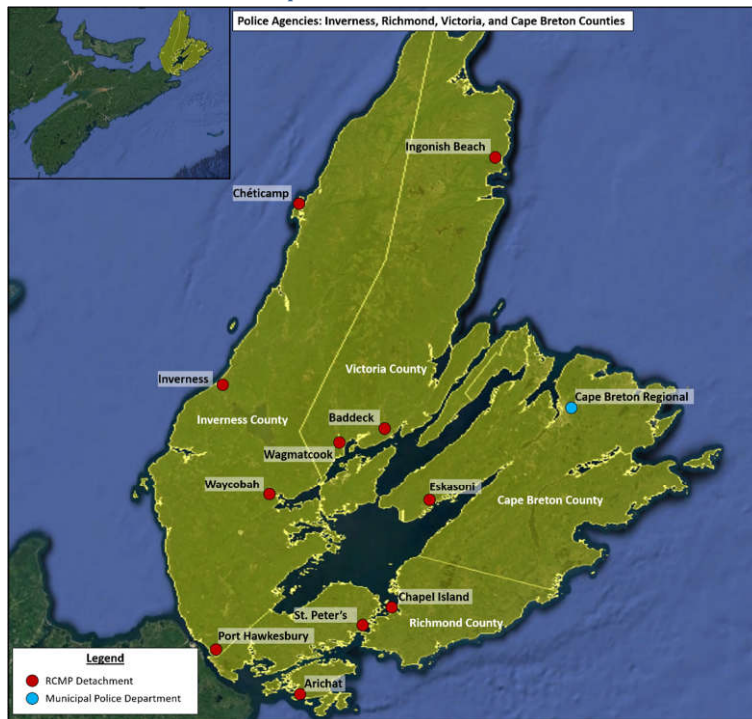
<sup>82</sup> S. Chisholm, Chief of Police, NGRP. Email of 17 May 21.

<sup>83</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

30. **Guysborough County District RCMP**<sup>84</sup> is comprised of three detachments with a complement of thirteen police officers and three civilian employees.

- Guysborough County District Detachments (not including AOP positions)
  - Canso- three police officers,
  - Sherbrooke- four police officers,
  - Guysborough- four police officers.
- Funding: Guysborough County- eight police officers, St. Mary's- three police officers, both under the PPSA.
- AOP: two police officer positions.

### Inverness, Richmond, Victoria, Cape Breton Counties



<sup>84</sup> Ibid.

31. **Eskasoni RCMP<sup>85</sup>** is a single detachment that serves the Eskasoni First Nation with a complement of eighteen police officers and two civilian employees.
- Funding: Federal/provincial- eighteen police officers under a CTA.
32. **Inverness District RCMP<sup>86</sup>** is comprised of four detachments with a complement of twenty-six police officers. Five civilian employees also serve the district.
- Inverness District Detachments
    - Inverness- six police officers,
    - Inverness County- two police officers,
    - Waycobah- two police officers,
    - Port Hawkesbury- twelve police officers,
    - Chéticamp- four police officers.
  - Funding: Federal/provincial (Waycobah)- two police officers under a CTA, Inverness District- 16.5 police officers, Mulgrave- one police officer, and Port Hawkesbury- six police officers under the PPSA. (Figures from source documents do not reconcile)
33. **Richmond County District RCMP<sup>87</sup>** is comprised of two detachments with a complement of twelve police officers and two civilian employees.
- Richmond County District Detachments (not including AOP positions)
    - St. Peter's- six police officers,
    - Arichat- three police officers.
  - Funding: Richmond County- 9.5 police officers under the PPSA. (Figures from source documents do not reconcile)
  - AOP: three police officer positions.
34. **Chapel Island RCMP<sup>88</sup>** has a complement of two police officers serving the Potlotek First Nation in the area of the Richmond District RCMP.
- Funding: Federal/provincial- two police officers under a CTA.
35. **Victoria County RCMP<sup>89</sup>** is comprised of two detachments with a complement of eleven police officers and two civilian employees.
- Victoria County Detachments (not including AOP position)
    - Baddeck- five police officers,

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<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid. Note- Source numbers do not reconcile.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

- Ingonish Beach- five police officers,
- Funding: Victoria County- ten police officers under the PPSA.
- AOP: one police officer position.

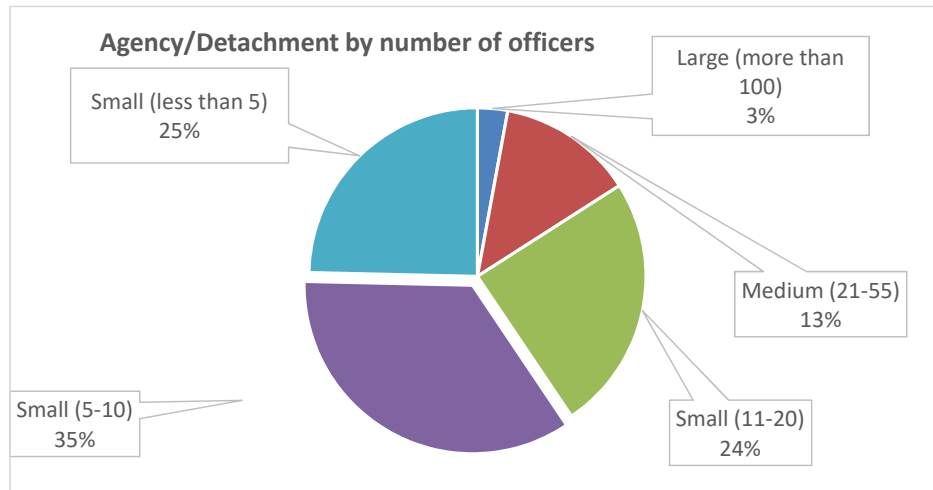
36. **Wagmatcook RCMP**<sup>90</sup> detachment serves the Watmatcook First Nation in the area of Victoria County with a complement of four police officers.

- Funding: Federal/provincial- four police officers under a CTA.

37. **Cape Breton Regional Police**<sup>91</sup> is the municipal police service for the Regional Municipality of Cape Breton, which covers the entire County of Cape Breton including all communities and rural areas. The police service has a complement of 200 police officers and thirty civilian employees.

### Overview of Agencies and Detachments by Size

Much of the of the policing in Nova Scotia is carried out by relatively small teams of police officers, even though they may be members of larger agencies, such as the RCMP.



The list of RCMP detachments with the number of staff assigned to each location, when added to the list of municipal police agencies, provides a clear picture of the distribution of frontline police staff across Nova Scotia. In addition to adding the detachments to the list, two

<sup>90</sup> Ibid.

<sup>91</sup> R. Hutchings, Supt., CBRP. Correspondence of 28 May 21.

categories of RCMP staff have been added to the *Large Agency* category as they represent substantial contingents of police officers and civilian employees who support provincial and federal RCMP policing operations. Such positions in the municipal agencies have been included in their numbers.

As with the preceding maps, the RCMP detachments and support service groups are highlighted in **RED** while the municipal agencies are highlighted in **BLUE**.

1. Large agencies and **RCMP Support Services** (more than 100 police officers):

- **Halifax Regional Police**
- **Cape Breton Regional Police Service**
- **RCMP Centralized Provincial Resources and Shared Positions<sup>92</sup>**
- **RCMP Federal Policing<sup>93</sup>**

2. Medium agencies/detachments (21-55 police officers)(9 agencies)

- **Truro Police Service**
- **Lower Sackville (HRM)**
- **New Glasgow Regional Police Service**
- **Bridgewater Police Service**
- **Cole Harbour (HRM)**
- **Amherst Police Department**
- **New Minas**
- **Tantallon (HRM)**
- **Kentville Police Service**

3. Small agencies/detachments (11-20 police officers) (17 agencies)

- **Stellarton Police Service**
- **Bridgewater**
- **Kingston**
- **Yarmouth Town**
- **Yarmouth County**
- **Bible Hill**
- **Eskasoni First Nation**
- **Enfield**
- **Hants West**
- **Stellarton**

<sup>92</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

<sup>93</sup> Ibid.

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- **Liverpool**
- **Lunenburg**
- **Queens District**
- **Bridgetown**
- **Port Hawkesbury**
- **Chester**
- **Sipekne'katik First Nation (Indian Brook)<sup>94</sup>**

4. Small agencies (5-10 police officers) (24 agencies)

- **Amherst**
- **Antigonish County**
- **Antigonish Town**
- **Baddeck**
- **Digby County**
- **Digby Town**
- **Musquodoboit Harbour (HRM)**
- **Sheet Harbour(HRM)**
- **Wolfville**
- **Barrington**
- **Springhill**
- **Windsor Town**
- **Meteghan**
- **Middleton**
- **Millbrook First Nation**
- **Parrsboro**
- **Pictou County**
- **Pictou Town**
- **Shelburne County**
- **St. Peter's**
- **Upper Rawdon**
- **Inverness**
- **Oxford**
- **Westville Police Service**

5. Small agencies (less than 5 police officers)(17 agencies)

- **Ingonish Beach**
- **Shelburne Town**

<sup>94</sup> Formerly known as Indian Brook, the First Nation changed its name in 2013. <https://sipeknekatik.ca/about/>

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- **Sherbrooke**
- **North Preston (HRM)**
- **Tatamagouche**
- **Wagmatcook First Nation**
- **Pugwash**
- **Chéticamp**
- **Guysborough**
- **Middle Musquodoboit (HRM)**
- **Stewiacke**
- **Berwick**
- **Annapolis Police Service**
- **Arichat**
- **Canso**
- **Potlotek (Chapel Island)**
- **We'koqma'q First Nation (Waycobah)**

With an estimated population of approximately 975,898<sup>95</sup> in the first quarter of 2020, Nova Scotia has slightly less than half of its population<sup>96</sup> policed by fifty-nine agencies/detachments<sup>97</sup>. The largest of these agencies/detachments have fewer than fifty-five frontline uniformed police officers. 41% (n=24) of these fifty-nine agencies/detachments have five-ten police officers, 29% (n=17) of those fifty-nine agencies or detachments have fewer than five police officers.

The other half of the province's population live in the Halifax Regional Municipality (HRM) and the Cape Breton Regional Municipality (CBRM). In the case of HRM, a combination of Halifax Regional Police and eight (8) RCMP detachments police the communities that lay within its borders.

There are 894 municipal police officers in Nova Scotia, and 1,012 RCMP officers.

<sup>95</sup> Canada. Statistics Canada, 2021. Population estimates, quarterly. Online, July 21, 2021. <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1710000901&cubeTimeFrame.startMonth=01&cubeTimeFrame.startYear=2020&cubeTimeFrame.endMonth=04&cubeTimeFrame.endYear=2021&referencePeriods=20200101%2C20210401>.

<sup>96</sup> The population of HRM (448,554) and CBRM (100,711). Canada. Statistics Canada, 2021. Population estimates, July 1, by census metropolitan area and census agglomeration, 2016 boundaries. Online, July 21, 2021. <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1710013501>.

<sup>97</sup> This excludes all agencies and detachments in CBRM and HRM.

## Additional RCMP Resources

When describing the deployment of police resources, both municipal and RCMP, around the province in the preceding sections, there was mention made of the RCMP's **Centralized Provincial Resources and Shared Positions**, as well as the RCMP's **Federal Policing Resources**.

### Centralized Provincial Resources and Shared Positions

**Centralized Provincial Resources and Shared Positions**<sup>98</sup> are funded under the PPSA and include services such as:

- Street Crime Enforcement Unit police officers, School Safety Resource Officers, and Intelligence Analysts (49 police officers and 6 civilians). These positions are not charged back to the communities where they are assigned as they are funded through the Additional Officer Program<sup>99</sup>.
- Case Managers (4 police officers)
- Criminal Intelligence Service Nova Scotia (14 police officers and 5 civilians)
- Commercial Crime Section (7 police officers and 1 civilian)
- Communication Technology (6 civilians)
- Community Policing Service (3 police officers and 5 civilians)
- Crime Stoppers (1 police officer)
- Criminal Operations (including Special Projects) (5 police officers and 3 civilians)
- Division Crime Analysis Section (1 police officer)
- District Officers (2 police officers and 2 civilians)
- Underwater Recovery Team (1 police officer)(additional team members drawn from other assignments)
- Emergency Response Team- Provincial (3 police officers)(additional team members drawn from other assignments).
- Eskasoni Community Policing/Victim Services (1 police officer)
- First Nation Family Violence (1 police officer)
- Human Trafficking Unit (2 police officers)
- Forensic Identification Services (15 police officers and 1 civilian)
- Sipekne'katik First Nation (Indian Brook) (provincial)(0.5 civilian)
- Informatics Operations Support (2 civilians)
- Internet Child Exploitation Unit (5 police officers)
- Legal Assistance Support Team (2 police officers)
- Major Case Management (3 civilians)

<sup>98</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

<sup>99</sup> The Additional Officer Program is a funding program that began in 2007 with a federal government initiative to increase the number of police officers in communities across Canada. Nova Scotia continues to fund additional positions through this program. See appendix A.



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- Major Crime (25 police officers and 5 civilians)
- National Sex Offender Registry (1 police officer and 2 civilians)
- Pictou Landing First Nations- Safer Communities (1 police officer)
- Police Service Dogs (5 police officers)
- Truth Verification (Polygraph)(2 police officers)
- Proceeds of Crime (2 police officers)
- Provincial Contract Support Services (1 police officer and 1 civilian)
- Provincial Criminal Intelligence (1 police officer)
- Risk Managers (4 police officers). Assigned to the RCMP Operational Communications Centre (PSAP).
- Source Witness Protection (1 police officer and 1 civilian)
- Special "I" (provincial)(1 police officer)
- Synthetic Drugs and Scene Coordinator (1 police officer)
- Technological Crime (5 police officers and 1 civilian)
- Traffic Services (65 police officers and 4 civilians)
- Training (3 police officers)
- Undercover Unit- provincial (2 police officers)
- Violent Crime Linkage Analysis System (3 police officers and 2 civilians)
- VIP Security Section (1 police officer)
- Advisory NCOs (5 police officers)
- Operational Communication Centre (One of four Public Safety Answering Points in Nova Scotia) (2 police officers and 52 civilian employees)

While most of these positions may be centralized, in that they are not attached to a specific detachment, they all support the RCMP's frontline policing at the detachment level. The degree to which these RCMP services support municipal police agencies is addressed in the next section. Other positions, such as the Forensic Identification Services technicians and the AOP positions in the first bullet, are located throughout the province in detachments but are not part of the detachment complement.

#### Federal Policing

Federal policing services are provided by the RCMP in all provinces regardless of whether the RCMP serves as the provincial police service.

The Minister of Public Safety and Emergency Preparedness, Bill Blair, described the RCMP Federal Policing mandate as follows,

Through Federal Policing, the RCMP prevents, detects, and investigates national security, cybercrime, and transnational and serious organized crime, including financial crime. In addition, it enforces federal statutes, conducts international

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policing activities, and upholds Canada's border integrity and the security of significant government-led events, designated officials and dignitaries.<sup>100</sup>

The RCMP describes the Federal Policing function as follows,

The RCMP's Federal and International Operations Directorate provides policing, law enforcement, investigative and preventative services to the federal government, its departments and agencies and to Canadians.

Federal and International Operations works to ensure the safety and security of Canadians and their institutions, domestically and globally, through intelligence-based prevention, detection, investigation, and law enforcement measures taken against terrorists, organized criminals, and other criminal activity.<sup>101</sup>

In Nova Scotia, the Federal Policing Resources<sup>102</sup> include, but are not limited to, services such as,

- Criminal Intelligence Service Canada NS (1 police officer and 1 civilian)
- Combined Forces Special Enforcement Unit (4 police officers and 1 civilian)
- Criminal Operations- Federal (2 police officers)
- Divisional Crime Analysis Service (15 civilians)
- Emergency Response Team- Federal (3 police officers)
- Explosives Disposal Unit (team of technicians trained to safely handle and dispose of explosives and detonators<sup>103</sup>), and Chemical, Biological, Radiological, Nuclear Explosives (2 police officers)
- Federal Computer Support (2 civilians)
- Federal Operations and Intelligence (1 police officer)
- Federal Policing Officer (2 police officers and 1 civilian)
- Federal Serious and Organized Crime (52 police officers and 3 civilians)
- Federal Special Operations (1 police officer)
- Federal Support (1 police officer)
- Human Source (3 police officers and 1 civilian)
- Legal Applications Support Team (1 police officer)
- Major Case Management (8 civilian positions)
- Marine Security Operations Centre (4 police officers)

<sup>100</sup> Canada. Royal Canadian Mounted Police 2021-22 Departmental Plan. Her Majesty the Queen in Right of Canada, as represented by the Minister of Public Safety and Emergency Preparedness. 2021.

<sup>101</sup> RCMP. Federal and International Operations, 2007. <https://www.rcmp-grc.gc.ca/fio-ofi/index-eng.htm>. Online July 22, 2021.

<sup>102</sup> RCMP. (2020). Summary of H Division RCMP Resources- January 2020. Author. (GOC00000154\_0001).

<sup>103</sup>Ibid.

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- National Security Enforcement Section (5 police officers)
- Protective Services (1 police officer)
- Protective Technical Security Section (5 police officers)
- Special I- Electronic Surveillance (4 police officers and 11 civilians)
- Special O- Physical Surveillance (11 police officers)
- Digital Forensic Services (2 police officers and 2 civilians)
- Undercover Unit (5 police officers)
- Witness Protection (1 police officer and 1 civilian)

### RCMP Services in Support of Municipal Agencies

Some of the Centralized Provincial and Federal Policing<sup>104</sup> resources that were reviewed in the previous section are deployed regularly to support municipal agencies. Several municipal Chiefs of Police indicated so in providing information for this report, some stating that the support was part of the RCMP's role as the provincial police service.<sup>105</sup> Most often mentioned were the Forensic Identification Services and the Major Crime Unit. The PPSA does address the ability of the Minister to require that the RCMP provide temporary assistance, from time to time, to other police services in the province<sup>106</sup>. The companion document sets out under the interpretation section of Article 2, the following:

The PT Minister, in consultation with the CO<sup>107</sup>, has the authority to direct the Service to provide assistance or special expertise on a temporary basis to other police agencies/services in the province or territory. It is recommended that PTs and their respective RCMP divisions meet to discuss divisional temporary assistance policies (including cost recovery), procedures (including procedures for level of consultation with PT Minister i.e. delegation).<sup>108</sup>

The following paragraph appears in an RCMP presentation to the Southwest Nova District in October of 2018<sup>109</sup> and in an RCMP policing review report on the Colchester District RCMP in September 2020.<sup>110</sup>

<sup>104</sup> M. O'Malley, C/Supt, RCMP. Email of 27 Aug 21.

<sup>105</sup> See Overview of Municipal Agencies.

<sup>106</sup> Nova Scotia, Canada. Provincial Police Service Agreement, April 1, 2012. Author. (GOC00000051\_0001)

<sup>107</sup> CO- Commanding Officer, the senior RCMP officer in charge of the RCMP in Nova Scotia.

<sup>108</sup> Contract Management Committee. 2012 RCMP Provincial and Territorial Police Service Agreements Companion Document, 2014. Version 1.1, September 2017. Author. See Annex B.

<sup>109</sup> L. Ward, DOJ GC. Email to Rachel Young, 27 Aug 21.

<sup>110</sup> RCMP. 2020. Review of Policing Colchester District RCMP Possibilities for change. Author. (GOC00045898\_0001).

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As part of Service Exchange, the Province of Nova Scotia pays for specialized PPSA resources available to all police services in the province. Provincial Support Services include such units as Major Crime, Emergency Response Team (ERT), Traffic Services, Victim Services, Forensic Identification, Internet Child Exploitation, and Police Dog Services. Municipalities policed by the RCMP have access to these specialized resources to support them as if they had a large standalone service. The model is both effective and efficient as these resources are shared by all municipalities across the province.<sup>111</sup>

This issue was raised with an RCMP liaison for this report and the following response was received:

We do provide services but there are questions as to if, how and when we do or will assist other police agencies and questions such as cost recovery and if assisting other police agencies compromises our own ability to provide adequate services etc.

Although the RCMP does currently provide temporary specialized assistance, (such as ERT, PDS, Ident. and Major Crime etc.) to municipal police agencies when they don't have the capacity or expertise to provide those policing services themselves, there is no formal agreement that the RCMP will automatically provide those services to municipal police services. RCMP has the latitude under the Nova Scotia Provincial Police Service Agreement (NS PPSA) to work with the Provincial Minister to identify and stop doing duties or services it is currently doing that are incompatible with the effective and efficient delivery of police services in the province, such as when specialized services provided to municipal agencies without cost recovery, are impacting the RCMP's resources and ability to provide services to communities it serves under the PPSA or MPSA.

The RCMP also has the ability to work with the Provincial Minister to arrive at an understanding on how the Province expects the RCMP as the Provincial Police Service to assist municipal police services. These discussions are beginning with the Province, as well as discussions with the Province and other municipal agencies regarding policing and adequacy standards. A potential positive outcome of the latter discussions, will be to determine the minimum specialized policing services that each police agency in the province is expected to have

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<sup>111</sup> RCMP. RCMP Policing Agreements in Nova Scotia. Author. (GOC00033767\_0001).

available, either from within their own service or, from another service, (along with the appropriate cost recovery for provision of that service).<sup>112</sup>

While this matter appears to be unsettled at this time, it seems clear that currently, and during the period that is the focus of this report, the RCMP were providing support services to municipal police agencies.

## Overview of Municipal Police Agencies

With the addition of the provincial and federal RCMP resources described in the previous section, the full scope of the support in place for frontline RCMP officers becomes apparent. These types of support services are also available to frontline municipal police officers from their own agencies, or through formal or informal agreements with the RCMP or other municipal police agencies.

### Amherst Police Department

With a complement of twenty-four police officers and six civilian employees, this medium sized agency has most of its police officers assigned to the patrol function, with others assigned to Street Crime, Community Policing, and Major Crime. During the COVID-19 pandemic, these police officers assigned to specialized units were reassigned to patrol.

- Support agreements/integration, formal and informal,
  - Informal agreement with the RCMP for mutual backup on high-risk calls for service, as well as for non-emergency operational issues.
  - Formal agreement with the RCMP for membership in the Cumberland Integrated Street Crime Enforcement Unit. (Two positions are funded under the Additional Officer Program<sup>113</sup>)

### Annapolis Royal Police Service (ARPS)

With a complement of four police officers and no civilian employees, the ARPS is a patrol-based police agency with no specialized services. They rely on the RCMP for support services due to their role as the provincial service.<sup>114</sup> There is no formal agreement in place for the provision of such services from the RCMP. The RCMP Police Reporting and Occurrence System (PROS) program is used by ARPS for their police reports, and they also use the RCMP cells when needed. They rely on the RCMP for backup on high-risk calls for service and reciprocate that service to the RCMP. The ARPS has a Memorandum of Understanding in place with the Bridgewater Police Service (BPS) for the provision of dispatch services by BPS.

<sup>112</sup> J. Spence, Sgt. RCMP. Email 5 Aug21.

<sup>113</sup> D. Pike, Chief of Police, APD. Email of 23 April 21.

<sup>114</sup> M. Kane, Chief of Police, ARPS. Email of 21 April 21.

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- Support agreements/integration, formal and informal,
  - Informal agreement with RCMP for mutual backup on high-risk calls for service.
  - Long-standing informal agreement with RCMP for investigative support.<sup>115</sup>
  - Agreement in place for use of RCMP PROS and cells.
  - Formal Agreement with Bridgewater Police Service for the provision of 24/7 communications services.<sup>116</sup>

#### **Bridgewater Police Service (BPS)**

This medium-sized police service has a complement of twenty-six police officers and twelve civilian employees. Along with the patrol function, the BPS have a Police Service Dog and two police officers assigned to a General Investigation Section addressing serious crimes. They also have a School Safety Resource Officer, a police officer assigned to the South Shore Integrate Street Crime Enforcement Unit, and a criminal intelligence officer assigned to Criminal Intelligence Service Nova Scotia (CISNS) working out of the BPS office. Four police officers are trained as Scenes of Crime Officers (SOCO) which enable them to process crime scenes other than homicides. Evidence is sent to the RCMP Forensic Identification Services.<sup>117</sup> The BPS also has a police officer seconded to the NS Department of Justice as an instructor to police on various techniques in gathering evidence of impaired driving.

- Support agreements/integration, formal and informal,
  - Formal agreement with RCMP for membership in the South Shore Integrated Street Crime Enforcement Unit.
  - Formal agreement with RCMP for assignment of a police officer to CISNS.
  - Formal agreement with NS Department of Justice for the secondment of a police officer as a police instructor.
  - Formal agreement with Annapolis Royal Police Service and Kentville Police Service for the provision of 24/7 communications services.<sup>118</sup>

#### **Cape Breton Regional Police (CBRP)<sup>119</sup>**

As the second largest municipal police agency in the province, the CBRPS has a complement of 200 police officers and thirty civilian employees. Specialized units staffed from within the complement of police officers and civilian employee include:

- Major Crime Unit: two sergeants and five constables which includes one domestic violence Investigator,

<sup>115</sup> See page 96 for a discussion of RCMP support services to municipal agencies.

<sup>116</sup> Annapolis Royal Police Service, Bridgewater Police Service. 2020. Memorandum of Understanding.

<sup>117</sup> S. Feener, Chief of Police, BPS. Email of 23 April 21.

<sup>118</sup> Annapolis Royal Police Service, Bridgewater Police Service. 2020. Memorandum of Understanding.

<sup>119</sup> R. Hutchings, Supt., CBRP. Correspondence of May 25, 2021.

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- General Investigative Section: one sergeant and four constables, which includes one arson investigator,
- Forensic identification Unit: one Sergeant and two constables,
- Street Crime Unit: one sergeant and five constables,
- Community Safety Enforcement Unit: one sergeant and four constables which includes one investigator who is assigned to human trafficking,
- Internet Child Exploitation Unit: one sergeant and one constable,
- Polygraph Section: one sergeant,
- Traffic Safety Unit: one sergeant and three constables,
- K9 Unit: one sergeant and two constables,
- School Liaison Officers: four constables assigned to several schools in the CBRM,
- Mental Health Officer: one constable assigned to the Cape Breton Regional Hospital,
- Jailers (Special Constables): one supervisor and seven civilians,
- Crime Analyst: one civilian,
- Domestic Violence Coordinator: one civilian.

The CBRP has also entered into the following agreements:

- RCMP integrated Traffic Section: two CBRPS police officers are assigned; mandate is to assist RCMP traffic services from Cape Breton to Antigonish.
- Criminal Intelligence Service Nova Scotia: one police officer assigned.
- Safer Communities and Neighborhood (SCAN): DOJ has one civilian SCAN position with the CBRP.
- Cape Breton-Victoria Regional School Board: four police officers assigned to several schools in the CBRM.
- NS Department of Justice: Additional Officer Program (AOP) provides funding for nineteen police officers.
- Membertou First Nation- currently in a 2-year agreement to police this community.

The CBRP has police officers assigned to the following operational support teams:

- Emergency Response Team: Sixteen police officers,
- Public Safety Unit: twenty-six police officers,
- Marine Unit: eight police officers,
- Drone Support: two police officers.

#### **Halifax Regional Police (HRP)<sup>120</sup>**

With a complement of 532 police officers and 209 civilian employees, HRP is the largest

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<sup>120</sup> N. Ritcey, Division Manager, Corporate Affairs, HRP. Emails of 21 July 21.

municipal police agency in the province. The HRP polices the urban core of the Halifax Regional Municipality (Halifax, Dartmouth, Bedford) and all communities extending from Bedford to the Sambro Loop. The HRM has contracted with the RCMP to police the remainder of the municipality, which covers the entirety of Halifax County consisting of largely suburban and rural communities. As a result of this hybrid model, there are several integrated operational groups.

The six divisions of the HRP are:

1. **Patrol Division:** uniformed police officers patrolling neighbourhoods on foot or in police vehicles, responding to calls for service. Approximately 307 police officers assigned to Patrol; divided into four watches. Each watch has police officers who are assigned to one of the three patrol zones: Central, East and West. Patrol Division also includes Divisional Quick Response Units that operate in a plain clothes capacity.
2. **Criminal Investigations Division (CID):** police officers investigate cases of more complex criminal offences. There are 115 HRP police officers, twenty-nine RCMP officers<sup>121</sup>, and twenty-nine HRP civilian employees assigned to the division. The division serves the entire areas of HRM. Within CID there are five sections:
  - **General Investigation Section (GIS)** investigates residential and commercial break and enters, robberies/attempted robberies, stolen motor vehicles, arsons, and serious assaults.
  - **Investigative Support Operations (ISO)** section provides the following support services: crime analysis, criminal intelligence, cybercrime, forensic identification and polygraph.
  - **Special Investigation Section (SIS)** investigates homicides, attempted homicides, serious assaults in which death may occur, unsolved major cases and sexual assaults.
  - **Special Enforcement Section (SES)** focuses on drug trafficking, firearm offences, gang-related crime, human trafficking, information on preventing human trafficking, online luring and exploitation of children, missing persons, high-risk offenders, and people with outstanding warrants.
  - **Special Victims Section (SVS)** focuses on information for victims of sexual assault and information on what happens when you report a sexual assault.
3. **Support Division:** responsible for various operational functions. There are sixty-one police officers and forty-nine civilian employees. There are seventy-six full-time

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<sup>121</sup> RCMP submission indicates that there are 25 RCMP officers assigned to CID.



Integrated Emergency Services (IES) dispatchers and five part-time IES dispatchers assigned to the Support Division, which includes the following units and sections:

- Prisoner Care
- Aviation Security Unit
- Community Relations and Crime Prevention Unit
- Records & Courts
- K9 Unit
- Ports Unit
- Traffic Support
- Traffic Unit/Crossing Guards
- Integrated Emergency Services (IES)
- FOIPOP/CORPS of Commissionaires
- Victim Services
- Mounted Unit
- Mobile Mental Health Unit
- Liquor Enforcement Unit

4. Administration Division: provides administrative support to the organization. There are nine police officers and twenty-nine civilian employees assigned to the Administration Division. This division includes the following units and sections:

- Human Resources
- Training
- Information Technology
- Financial Services
- Property & Evidence

5. Corporate Affairs Division: manages relationships with HRP's variety of external and internal stakeholders and provides integrated support for strategic organizational functions. There are eight civilian employees and two police officers assigned to the division, which includes the following units and sections:

- Corporate Communications & Media Relations
- Research & Development
- Corporate Analyst
- Policy & Planning

6. Professional Standards Division: provides oversight and support to uphold the integrity and professionalism of the organization. There are eight police officers and one civilian employee assigned to the Professional Standards Division, which includes the following units and sections:

- Professional Standards Investigative Unit

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- Audit & Oversight
- Diversity & Inclusion
- Departmental Sergeant Major functions

#### **Kentville Police Service (KPS)**<sup>122</sup>

With a complement of sixteen police officers and five civilian employees, this municipal police agency has police officers assigned to patrol, street crime, and criminal intelligence. There are also five auxiliary police officers not included in the approved complement number.

Support Agreements/Integration, formal and informal

- Formal agreement with RCMP for membership in the Valley Integrated Street Crime Enforcement Unit,
- Formal agreement with the RCMP for the secondment of a police officer to Criminal Intelligence Service Nova Scotia,
- Reference made to support services from the RCMP such as Forensic Identification, Major Crime Unit, and Emergency Response Team through the Provincial Policing Services Agreement,<sup>123</sup>
- Formal agreement with Bridgewater Police Service for them to provide 24-hour 911 call-taking and police dispatch.

#### **New Glasgow Regional Police Service (NGRPS)**<sup>124</sup>

Serving as the regional municipal police service for the towns of New Glasgow and Trenton, the NGRPS has a complement of thirty-three police officers and nine civilian employees. The department has police officers deployed to their major crime unit, Criminal Intelligence Service NS (CISNS), as well as the Pictou County Integrated Street Crime Enforcement Unit (PCISCEU). They also have dedicated positions for traffic enforcement, police service dog, forensic identification, and school safety resource officer. Five civilian employees staff the service's communications centre.

- Support Agreements/Integration, formal and informal
  - MOU with RCMP for three police officers to be assigned to the integrated street crime unit,
  - MOU with RCMP for the assignment of a police officer to CISNS,
  - Informal agreement for backup and other operations.

<sup>122</sup> J. Cecchetto, Chief of Police, KPS. Email of 13 April 21.

<sup>123</sup> See page 96 for a discussion of RCMP support service to municipal agencies.

<sup>124</sup> S. Chisholm, Chief of Police, NGRP. Email of 17 May 21.

**Stellarton Police Service**<sup>125</sup>

With a complement of thirteen police officers and six civilian employees, this small municipal police agency serves the Town of Stellarton, which is located in Pictou County adjacent to the communities of Westville, New Glasgow, and Trenton. The agency is patrol based, with no specialty services.

- Support agreements/integration, formal and informal,
  - Formal agreement with RCMP for one police officer assigned to the Pictou County Integrated Street Crime Enforcement Unit,
  - Formal agreement with the Town of Westville to provide lock-up facilities and dispatch services,
  - Informal mutual aid agreement with Westville Police Service to assist on calls for service and training,
  - Informal agreement with RCMP for use of Forensic Identification Services and Major Crime Unit.

**Truro Police Service (TPS)**<sup>126</sup>

With a complement of thirty-six police officers and fifteen civilian employees, this medium-sized police agency has police officers assigned to specialty units such as the RCMP Major Crime Unit, Police Service Dog, Drug Enforcement, Forensic Identification, Criminal Investigations, and the Colchester Integrated Street Crime Enforcement Unit.

- Support agreements/integration, formal and informal,
  - Formal agreement with RCMP for Colchester Integrated Street Crime Enforcement Unit.
  - Formal agreement with the RCMP for the secondment of a police officer to the RCMP Northeast Nova Major Crime Unit, thereby extending the unit's responsibility to Truro for the investigation of major crime.
  - Formal agreement with the RCMP for the secondment of a police officer to Criminal Intelligence Service Nova Scotia.
  - Informal agreements with other municipal agencies and RCMP for operational support.

**Westville Police Service (WPS)**<sup>127</sup>

With a complement of ten police officers and one civilian employee, this small municipal police

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<sup>125</sup> M. Hobeck, Chief of Police, SPS. Email of 20 May 21.

<sup>126</sup> D. MacNeil, Chief of Police, TPS. Email of 19 April 21.

<sup>127</sup> H. Dunbar, Chief of Police, WPS. Email of 20 May 21.

service is primarily patrol based with one officer assigned to the Pictou County Integrated Street Crime Enforcement Unit (PCISCEU).

- Support Agreements/Integration, formal and informal
  - MOU with Stellarton Police Service for dispatch service and the use of their cellblock facilities.
  - MOU with RCMP for one police officer assigned to PCISCEU.
  - Informal mutual aid agreement with Stellarton for mutual aid and cost-share on equipment.
  - Mutual aid agreement since the 1980s with the town of Stellarton, Trenton, and New Glasgow.

## Interagency Collaboration: Government Relations, Integrated Policing, and Interoperability

### Government Relations

The Nova Scotia Chiefs of Police Association<sup>128</sup> has representation from all police agencies in Nova Scotia including municipal police departments, the RCMP, the Military Police, and other enforcement agencies. This group represents the interests of the police community at the local and provincial levels and, through the Canadian Association of Chief of Police, at the national level.

### Integration

For the purposes of this report, integrated policing refers to different police agencies entering into formal agreements to work together to address shared priorities. Interoperability in this context refers to the ability of police agencies' systems to communicate with one another, allowing for the appropriate sharing of data through computer systems, and for police officers to communicate in real time during emergencies. While the policing model in the Halifax Regional Municipality has the highest degree of interagency integration in the province, there are other areas where municipal agencies and RCMP work collaboratively. One example is found in Pictou County.

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<sup>128</sup> Nova Scotia Chiefs of Police Association. <http://nschiefs.ca/about-us/>. Author.

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## Inter-Agency Collaboration in Pictou County



Serving the community of Westville, in northern Nova Scotia's Pictou County, the **Westville Police Service** employs ten police officers and one civilian employee. The structure of this police agency is patrol based, although they do have one police officer assigned to the Pictou County Integrated Street Crime Enforcement Unit.

Westville shares a municipal boundary with the town of Stellarton to its east. At Stellarton's northern boundary lie the towns of New Glasgow and then Trenton, both of which are policed by the New Glasgow Regional Police Service, while Stellarton has its own municipal police agency, the Stellarton Police Service.

The Stellarton Police Service serves the Town of Stellarton with a complement of thirteen police officers and six civilian employees, and like the Westville Police Service, they are a patrol-based service with one police officer assigned to the Pictou County Integrated Street Crime Enforcement Unit. With their own dispatch services and cellblock facility, Stellarton provides these services to Westville on a cost-recovery basis. Each of these agencies rely on one another for support in operations, and both also rely on the RCMP for Forensic Identification Services and Major Crime Unit support.<sup>129130</sup>

The New Glasgow Regional Police Service (NGRPS) is the municipal agency that polices the towns of New Glasgow and Trenton. With a complement of thirty-three police officers and nine

<sup>129</sup> H. Dunbar, Chief WPS. Emails of 12-20 May 21.

<sup>130</sup> M. Hobeck, Chief SPS. Email of 20 May 21.

civilians this service has twenty police officers on patrol as well as three assigned to the Pictou County Integrated Street Crime Enforcement Unit and three to their Major Crime Unit. They also have a Forensic Identification Technician, a police officer assigned to a police service dog, a traffic specialist, and School Resource Officer. They have a police officer assigned to CISNS who works together with an RCMP member out of the NGRPS office.

If we acknowledge that the Pictou Town RCMP and the Pictou County RCMP do have different jurisdictions of responsibility, we then have five townships (Pictou, Westville, Stellarton, New Glasgow, and Trenton), along with the rural areas of the county, policed by five different groups of police officers from four police agencies (RCMP Pictou Rural, RCMP Pictou Town, Westville Police, Stellarton Police, New Glasgow Regional Police).

This cluster of townships has been engaged in a cooperative model of policing that engages their respective police agencies to support one another, both formally and informally, in order to leverage their particular assets. The Stellarton and Westville police agencies have used their close relationship to their benefit, as they have with the New Glasgow Regional Police. Stellarton provides dispatch and holding-cell services to Westville through a formal written agreement that provides for cost recovery. There has also been an informal mutual aid agreement in place between the towns of Westville, Stellarton, and New Glasgow since the 1980s.<sup>131</sup> This relationship extends to supporting each other with policing operations, and also in sharing the cost of purchasing new equipment that they then share between the agencies.<sup>132</sup>

#### [Pictou County Integrated Street Crime Enforcement Unit](#)

The Stellarton, Westville, and New Glasgow Regional police agencies, together with the Pictou RCMP, have entered into a Memorandum of Understanding to assign police officers to the Pictou County Integrated Street Crime Enforcement Unit (PCISCEU): This group of police officers is part of a larger network of similar units throughout Nova Scotia, and is tasked with the investigation of,

...organized illegal activity, intelligence led law enforcement initiatives, targeted crimes involving sexual exploitation, assault, drugs and safety in schools and/or street crime initiatives or any other investigation deemed appropriate by the JMT.<sup>133</sup>

The agencies contribute staff to the unit as follows:

- Westville Police Service- one officer
- Stellarton Police Service- one officer

<sup>131</sup> H. Dunbar, Chief. Email of 21 May 21.

<sup>132</sup> Ibid.

<sup>133</sup> Memorandum of Understanding, Pictou County Integrated Street Crime Enforcement Unit, 2016. Section 4.1.1.

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- New Glasgow Regional Police Service- three police officers
- Pictou RCMP- two police officers

Recognizing that police jurisdictional boundaries do not inhibit criminal activity, the PCISCEU is used to target criminal activity that affects all of the communities who contribute to its complement. Equity in the unit's deployment is recognized in the agreement, which states that it is the intent of the partners to,

...ensure meaningful and equitable law enforcement throughout the area of jurisdiction of the PCISCEU.<sup>134</sup>

Governance and operational oversight of the unit fall to the Joint Management Team, which is comprised of the Chiefs of Police for each agency and the District Commander for the RCMP.<sup>135</sup>

### Integrated Street Crime Enforcement Unit Model

The street crime unit model that is in place in Nova Scotia at this time appears to have had its genesis in the mid-2000s when the federal government began providing partial funding for frontline policing. By 2008, Nova Scotia had funded 150 new positions, some of which went to street crime units.<sup>136</sup> There are integrated units in several areas, and others comprised of RCMP detachments coming together. Halifax Regional Police have operational units operating with similar but broader mandates<sup>137</sup>, and the Cape Breton Regional Police has a stand-alone Street Crime Unit.

The following street crime units are currently in place in Nova Scotia:

- Antigonish/Guysborough RCMP SCEU<sup>138</sup>
- Halifax District RCMP Street Crime Enforcement Unit <sup>139</sup>
- Inverness/Richmond RCMP Street Crime Enforcement Unit<sup>140141</sup>
- Annapolis County RCMP Street Crime Enforcement Unit<sup>142</sup>

<sup>134</sup> Ibid. Section 4.1.3.

<sup>135</sup> Ibid. Section 4.1.6.

<sup>136</sup> Nova Scotia. News release, October 16, 2008, <https://novascotia.ca/News/release/?id=20081016006>. Online 9 Aug 21.

<sup>137</sup> HRP Divisional Quick Response Units and Special Enforcement Section.

<sup>138</sup> RCMP. *Your Antigonish District RCMP, 2019*. Author. (GOC00027188\_0001).

<sup>139</sup> RCMP. <https://www.rcmp-grc.gc.ca/en/news/2017/rcmp-street-crime-enforcement-unit-arrest-two-adults>. Online August 1, 2021.

<sup>140</sup> RCMP. *Your Inverness RCMP, 2019*. Author. (GOC00027197).

<sup>141</sup> RCMP. <https://www.rcmp-grc.gc.ca/en/news/2018/rcmp-street-crime-unit-making-an-impact-inverness-richmond-county>. Online August 1, 2021.

<sup>142</sup> RCMP. <https://www.rcmp-grc.gc.ca/en/news/2021/search-somerset-home-leads-arrest-and-charges>. Online August 1, 2021.

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- Clare/Yarmouth RCMP Street Crime Enforcement Unit<sup>143</sup>
- Cumberland Integrated Street Crime Enforcement Unit
  - Amherst Police Service
  - Cumberland RCMP
- Kings County Integrated Street Crime Enforcement Unit
  - Kentville Police Service
  - Kings County RCMP
- Pictou Integrated Street Crime Enforcement Unit
  - Pictou RCMP
  - Westville
  - Stellarton
  - New Glasgow
- Colchester Integrated Street Crime Enforcement Unit
  - Truro Police Service
  - Colchester RCMP
- South Shore Integrated Street Crime Enforcement Unit
  - Lunenburg RCMP
  - Bridgewater Police Service

### Interoperability

Two key aspects of interoperability in policing are the ability for frontline police officers to be able to communicate with one another during critical incidents, and the ability to appropriately share relevant information from police databases.

### Communications

A Trunked Mobile Radio (TMR) system was implemented in Nova Scotia in 2001 and was updated in 2015 (TMR2) to provide additional capabilities. This system allows police officers from different agencies to communicate with one another once assigned to a mutual aid talk group. A mutual aid talk group is essentially a channel to which the police agency users would be assigned after a specific request was made and approved by staff at a Public Safety Answering Point. Encrypted communication became available with TMR2 in 2015 to all police agencies that had the appropriate radios, which at that time was all Nova Scotia RCMP, Halifax RP, and Cape Breton RP. New Glasgow RP came on in 2018; Amherst PD in February/March 2020; Stellarton PS and Westville PS also came on 2020; Annapolis Royal PS, Bridgewater PS, Kentville PS, and Truro PS came on in 2021<sup>144</sup>. Unencrypted communications are subject to being scanned by the general public who then may become aware of sensitive police

<sup>143</sup>RCMP. Your Yarmouth Rural RCMP, 2019. Author. (GOC00027208).

<sup>144</sup> RCMP. 2021. Structure of Policing in Nova Scotia in April 2021, H Division Operational Communication Centre. Author.



operations, and possibly compromise the security of the operations and safety of the police officers and the public.

#### Information Sharing

Police agencies in Nova Scotia are able to perform queries of databases that hold information that could be relevant to police operations. Searches performed through the Canadian Police Information Centre (CPIC- part of the National Police Services, see page 118) can be customized to include a query of the Police Information Portal (PIP) which can access some information from police agencies' local records within and beyond Nova Scotia. Queries may also be made of the Nova Scotia Justice Enterprise Information Network (JEIN).

### Police Training- All Agencies

**Recruit Training:** The government of Nova Scotia's Department of Justice Public, Safety and Security division website indicates that those wishing to become police officers must have completed grade 12 with academic post-secondary level courses in math and English, and that preference is often given to those with some post-secondary education.<sup>145</sup> The Nova Scotia *Police Regulations* also indicates that the person must be a graduate of a recognized training program. While the regulations are silent as to the recognized programs, the Policing Services website list several police academies.

- École nationale de police du Québec
- Halifax Regional Police
- Holland College
- Justice Institute of British Columbia
- Ontario Police College
- RCMP Training Academy
- Saskatchewan Police College
- Toronto Police College

As of 2019 the Halifax Regional Police, Police Science program has been deemed to be a recognized program.<sup>146</sup>

**In-service Training:** The NS Department of Justice (DOJ), Public Safety and Security division has some responsibility to coordinate in-service training for the police<sup>147</sup> and their role is discussed further under Role of the Provincial Government later in this report. Aside from any training coordinated by DOJ, policing agencies are involved in a continuous cycle of training and

<sup>145</sup> Nova Scotia. [https://novascotia.ca/just/Policing\\_Services/training.asp#university](https://novascotia.ca/just/Policing_Services/training.asp#university). Online 12 Aug 21.

<sup>146</sup> D. Kinsella, Chief of Police, HRP. Email of 1 Sept 21.

<sup>147</sup> Nova Scotia. [https://novascotia.ca/just/Policing\\_Services/](https://novascotia.ca/just/Policing_Services/). Online 1 Sept 21.

certification in certain technical competencies. Some skills require regular recertification such as firearms qualifications. Others may relate to investigative techniques such as interviewing or accident investigation. Each of the police agencies engaged in the report provided information about their training. It was common that the agencies were training together and using the services of qualified instructors from other agencies. This cooperative relationship saw agencies, regardless of size, hosting in-service training where they had qualified instructors. Naturally the larger agencies, such as the RCMP and HRP appear to have a larger footprint on assisting with in-service training. Several agencies reported that in-service training was also accessed through police agencies outside of Nova Scotia.

The Halifax Regional Police Block Training Overview<sup>148</sup> provides an example of how a large municipal police agency approaches the inherent challenges of delivering training in a large workforce. The RCMP's Mandatory and Operational National Training Matrix provided the same overview in addressing training on a national basis across the various layers of civilian and police officer employees, as well as supervisors and managers.

In-service training is also conducted by the Atlantic Police Academy aside from its recruit training course. The Canadian Police College does not conduct recruit training, but as part of the National Police Services concentrates on advanced and specialized training for all police agencies through programs such as:

- Explosives Training
- Forensic Identification
- Indigenous Policing
- Investigative Techniques
- Leadership
- Polygraph
- Technological Crime

**Post-Secondary Education and Career Development Training:** There are several post-secondary police related programs in Canada, including:

- Dalhousie University, Henson College- Certificate in Police Leadership
- University of Regina, Police Studies
- Wilfrid Laurier University, Online BA in Policing

#### [Comments from Municipal Chiefs of Police on Training](#)

The appendix to this report contains samples of training records from several agencies (RCMP, HRP, and Amherst PD) that provide a sense of the ongoing training that police officers are

<sup>148</sup> See excerpt in Appendix A and link to the full document in Appendix B.

required to complete. Some of the courses listed in the records would be job-specific rather than mandatory across the agency.

The following are comments from the several agencies regarding their training practices:

**Truro Police Service:** *Annual mandatory training is set from the NS DOJ and covers use of force and firearms, which we complete each year. Our firearm training program far exceeds the minimum qualification set to DOJ.*

*All other training is determined by operational needs, or identified via employee performance review process. We have a standard suite of course for all new hires i.e. equity/ diversity, ethics, etc. and for those officer that transfer into our Criminal Investigation Division.*

*We utilize the Canadian Police College, Atlantic Police Academy, CPKN, DOJ, and take advantage of training offered by other provincial agencies like the RCMP, or HRP etc.<sup>149</sup>*

**Annapolis Royal Police Service:** *We have our own trained use of force and firearms instructor. Mandatory-:*

1. Use of Force ( In house )
2. and Kentville Police (TASER)
3. Firearms ( In House )

*All members have been trained at a recognized police college or service. All are PROS (Police Reporting Occurrence System) trained, EVOG (Emergency Vehicle Operator Course) trained and 2 are breath Tech users, 1 member trained on Carbine (police rifle).<sup>150</sup>*

**Cape Breton Regional Police:** *We provide in house training for our new K9 members (Tracking, Drug detection). In addition, there are many in house courses provided during the year, Domestic Violence, Statement Analysis, Interviewing Course, CPKN courses online. There are courses/training provided by the Dept. Of Justice (DRE, SFST, ASD) and we follow the Policing Standards/Police Governance standards in Nova Scotia.*

*Members attend various courses at the Atlantic Police Academy, Canadian Police College and the OPP Academy training. We also send members on other training that is required for Specialized Units (ERT/PSU Toronto Police Service), (Traffic Courses OPP). There are also other police related courses taken at Cape Breton University, Henson College and other universities across Canada.<sup>151</sup>*

<sup>149</sup> D. McNeil, Chief of Police, TPS. Email of 22 April 21.

<sup>150</sup> M. Kane, Chief of Police, ARPS. Email of 21 April 21.

<sup>151</sup> R. Hutchings, Supt, CBRP. Correspondence of 25 May 21.

MCC

Structure of Policing in Nova Scotia

MacKnight

**Kentville Police Service:** *The training is sent to us yearly as mandatory by DOJ. The policing standards are so old /outdated in NS, we go by the yearly updates. The standards update project is underway again by DOJ after being on a shelf for several years.*

*Regular training is the same as mandatory training for us. It is the DOJ listed mandatory requirements each year. Firearms is every year. Rapid deployment, taser, empty hand, baton, handcuffing, OC, LVNR every two years.*

*Other training & educational opportunities we have taken advantage of (not every member has these) are listed. This is what we have found in the previous 4 years :*

*DV (domestic violence)– train the trainer & yearly updates – sponsored by DOJ*

*DRE (Drug Recognition Expert)– sponsored by province*

*SFST (Standard Field Sobriety Test)– RCMP provides seats*

*Breath Tech – various instructors – RCMP – APA - HRP*

*EAP – I believe its through EHS but Wendy Rafuse does the training/scheduling*

*Phased interview – sponsored by Amherst Police – RCMP instructors*

*APA for u/f (use of force) recerts, and cyber crime training , search warrant courses*

*Halifax – Mental health / Mobile crisis intervention training. Trainers were from the Mobile Mental Health Crisis team*

*Pistol instructor – Halifax Police*

*C8 (patrol rifle) instructor – APA and Halifax Police*

*De-escalation training – sponsored by DOJ, training by APA*

*CPC – Major Crime Investigative techniques, Major Case Management, DIT course, SPAC,*

*-Our CISNS member has had a lot of training through RCMP – not sure of all courses at this time*

*DAL - Henson – Leadership development*

*Child Sexual Assault training – through Community Services*

*Trauma Informed Response to Sexual Assault – through SANE (Sexual Assault Nurse Examiner) program*

*Property Crime Examiner – Training through RCMP*

*SOCO(Scenes of Crime Officer) – through APA*

*ICS (Incident Command System) 100 through 300 – training via EMO*

*Fentanyl response – NS Chiefs – Drug sub-committee*

*Human Rights training – NS Human Rights Commission*

*LEOSH(Law Enforcement Occupational Safety and Health) – Canadian conference/training*

*Sexual Assault Investigation – sponsored by DOJ*

*Human Sources training – RCMP*

*R2MR (Road to Mental Readiness)– RCMP instructors*

*CPTED (Crime Prevention Through Environmental Design) – Halifax Regional Municipality*

*Quality Assurance of files – DOJ*

*Spit hood – online*

*A lot of CPKN (Canadian Police Knowledge Network) online courses – to many to name.<sup>152</sup>*

<sup>152</sup> J. Cecchetto, Chief of Police, KPS. Email of 21 April 21.

**New Glasgow Regional Police:** *In service UOF (use of force), firearms as mandated – annually for firearms. CPKN (Canadian Police Knowledge Network)– online learning. DOJ – as offered. ICIR (Initial Critical Incident Response)– Tabletop exercises for NCO's initiated Fall of 2019.*<sup>153</sup>

**Bridgewater Police Service:** *BPS takes training seriously and provides various avenues through online and in person training which we have developed over the years. We have developed relationships and received training from HRP, RCMP, CBRP, other smaller municipal police in a NS group training. We have jointly trained on Active Shooter/Attacker with Kentville Police Active and Annapolis Royal Police, Saint John Police Service, Canadian Police College, Ontario Police College, Atlantic Police College. We also do our yearly re-certs required by DoJ for Firearms and Officer Safety.*<sup>154</sup>

**Stellarton Police Service:** *Annual firearms/use of force training done inhouse. Courses at the Atlantic Police Academy.*<sup>155</sup>

#### **Westville**

*We currently use an annual training cycle where our mandatory DOJ imposed training is conducted. Further to this we have instituted our own annual qualifications- Vascular Neck Restraint, prone handcuffing techniques, de-escalation techniques and legal articulation. This training is normally conducted during the June time frame as well as weapons platforms qualifications. During the annual training cycle we also conduct a 1 day PD sessions quarterly which will relate to any issues of the day as well as guest lecturers on specified subjects of interest. We are currently taking advantage of residential and distance learning opportunities from other learning institutions. Members are also permitted to apply for related training from relevant and recognized universities. This program has been very well received by our members and has proved itself to be a morale builder as well. We have developed a basic package for all our officers in their respective professional development. For example, each officer will have required coursing in Child Sexual Assault Investigation, Sexual Assault Investigation, the Domestic Violence curriculum as defined by DOJ, PHASE Interviewing, Pure Version Interviewing, other interviewing coursing, SOCO and soon to come online is Sudden Death Investigation. At this point the members will have been identified for skills related to investigation, traffic, etc.*

*Currently the educational requirements are that candidates applying have a grade 12 and be graduates of the APA or other recognized police institutions. In reality most officers have a number of years of university or are graduates.*

<sup>153</sup> S. Chisholm, Chief of Police, NGRP. Email of 17 May 21.

<sup>154</sup> S. Feener, Chief of Police, BPS. Email of 23 April 21.

<sup>155</sup> M. Hobeck, Chief of Police, SPS. Email of 20 May 21.

*Currently we are using the APA for basic skills building, CPC for advanced training of members (MCIT, MCMTC, DIT, etc.) The OPC has been used in the past as well as satellite coursing from other police organizations. The NS DOJ provides a host of investigative coursing as well. The RCMP also supply a number of courses such as PHASE Interviewing, Surveillance Techniques Course, SOCO, Warrant Writing, etc.<sup>156</sup>*

## Other Federal Resources

### National Police Services (NPS)

The National Police Services (NPS) is a suite of programs that is separate from the national or federal police services provided by the RCMP. While administered by the RCMP, the NPS exists in order to serve the police and criminal justice community in its entirety.

The following description of the NPS is taken from the RCMP website.<sup>157</sup>

The RCMP is the steward of the cluster of programs known as the National Police Services (NPS), created following the Federal/Provincial Conference on Organized Crime in 1966. During the Conference, the Federal Government committed to providing a range of services to the policing and the criminal justice communities. The service lines created then were the Canadian Police Information Centre, Criminal Intelligence Service Canada, Fraudulent Cheques, Criminal History / Fingerprint Repository, Forensic Laboratory Services, and the Canadian Police College.

Approximately 70 percent of NPS clients are external to the RCMP<sup>158</sup>. In many instances, the RCMP is the sole provider of these specialized police support services. NPS has grown significantly over the years and currently includes:

- Canadian Anti-Fraud Centre
- Canadian Police College (CPC)
- Canadian Police Information Centre (CPIC)
- Criminal Intelligence Service Canada (CISC)
- Forensic Science and Identification Services (FS&IS)
- Canadian Firearms Program (CFP)
- Violent Crime Linkage Analysis System and National Sex Offender Registry (services provided by Technical Operations)
- National Cybercrime Coordination Unit (NC3)

<sup>156</sup> H. Dunbar, Chief of Police, WPS. Email of 25 May 21.

<sup>157</sup> RCMP. National Police Services, <https://www.rcmp-grc.gc.ca/sps/nps-snp-eng.htm>. Author.

<sup>158</sup> Author comment: This description of the NPS is taken from the NPS website, and therefore the assumption is that this statement is regarding all users of the NPS across Canada, and not Nova Scotia specifically.

As well, a number of advisory bodies assist NPS programs by offering strategic and tactical advice and guidance, such as the NPS Advisory Council, the CPIC Advisory Committee and the National DNA Data Bank Advisory Committee.

Since 1990, NPS has been the subject of several studies and reviews. The Office of the Auditor General tabled reports in 1990, 2000 and 2011 identifying the need to review the mandate of NPS as well as to determine what changes in governance, service delivery, funding and stakeholder engagement would be required to ensure the needs of the law enforcement and criminal justice communities are met, today and in the future.

The National Police Services National Advisory Committee (NPS NAC) provides strategic advice to the Commissioner of the RCMP and to the Federal/Provincial/Territorial Assistant Deputy Ministers Crime Prevention and Policing Committee (ADM CPPC) through the Deputy Commissioner, Specialized Policing Services. NPS NAC consists of senior policing officials, representing all of the provinces and territories, from across Canada.

The NPS NAC mandate is to:

- review the NPS mandate and provide recommendations to ADM CPPC and the Commissioner of the RCMP as it pertains to its relevancy and alignment with the needs of the NPS user community
- recommend strategic priorities for the Commissioner and ADM CPPC's consideration regarding the services to be maintained and delivered to the NPS community, as well as to how these services are to be delivered
- support the exchange of information across the law enforcement community about NPS and its challenges, to ensure all stakeholders have the opportunity to influence the NPS strategic direction
- generally, support the integrity, accessibility, viability and sustained delivery of NPS

The NPS NAC is currently comprised of 17 senior police officers (Deputy Chiefs of Police, Chiefs of Police, and Chief Superintendents) and is chaired by an RCMP Deputy Commissioner. Five of the 17 positions are held by the RCMP, including the Chair, with three more being held by representatives of the three provincial police forces (OPP, SQ, RNC). The remaining nine positions are held by members of municipal police services from across Canada.

**The NPS Programs:**

#### **Criminal Intelligence Service Canada (CISC)**

Criminal Intelligence Service Canada supports the effort to reduce the harm caused by organized crime through the delivery of criminal intelligence products and services. It informs

partners, government and other stakeholders about criminal markets in Canada and assists law enforcement leaders in making decisions regarding organized crime enforcement priorities.<sup>159</sup>

### **Criminal Intelligence Service Nova Scotia (CISNS)**

CISNS is the Nova Scotia provincial bureau of Criminal Intelligence Service Canada (CISC), and thereby a key agency administered by the RCMP as part of the National Police Services. There are ten such provincial bureaus across Canada. The role of each provincial bureau is to analyse information about organized and serious crime in their area and to ensure that the information is shared with its member agencies and CISC through the national databank for criminal intelligence.<sup>160</sup>

The field offices of CISNS are located with police agencies across Nova Scotia and are staffed jointly by RCMP members and police officers from municipal police agencies including:

- Bridgewater Police Service,
- Cape Breton Regional Police Service,
- New Glasgow Regional Police Service,
- Truro Police Service, and
- Kentville Police Service.

### **Canadian Firearms Program(CFP)**

The CFP is part of the National Police Services and supports policing agencies in the investigation of individuals involved in the smuggling, tracking, and criminal use of firearms.<sup>161</sup> Of particular interest to policing, the CFP have several programs that directly support policing:

**National Weapons Enforcement Support Team (NWEST):** Working in partnership with RCMP, municipal, and provincial police services, NWEST supports investigations and the prosecution of persons involved in the illegal movement and criminal use of firearms. Also working with the Canada Border Services Agency (CBSA) to conduct joint investigations to intercept illegal firearms entering Canada through border crossings, and with Global Affairs Canada (GAC) to address the issue of international firearms sales.

NWEST also works alongside U.S. Homeland Security Investigations (HSI) and the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on cross-border smuggling and investigations.

<sup>159</sup> Canada. Criminal Intelligence Service Canada. <https://cisc-scrs.gc.ca/about-ausujet/index-eng.htm>. Online 30 July 21.

<sup>160</sup>Ibid.

<sup>161</sup> RCMP. 2019 Commissioner of Firearms Report. <https://www.rcmp-grc.gc.ca/en/firearms/2019-commissioner-firearms-report#a6>. Online August 9, 2021.



NWEST provides operational support including assistance with firearms identification, the preparation and execution of search warrants, production orders and prohibition orders. NWEST also provides expert advice to law enforcement agencies and crown attorneys, and provides training to frontline law enforcement agencies across the country on firearms law and its application.<sup>162</sup>

Canadian National Firearms Tracing Centre (CNFTC): The centre assists national and international agencies in tracing the origin and history of firearms.<sup>163</sup>

**Specialized Firearms Support Services (SFSS):** This unit has expertise in the identification and description of firearms. It maintains the Firearms Reference Table, which is its primary support to policing. This database is used by police agencies in the identification and description of firearms.<sup>164</sup>

**Firearms Internet Investigations Support Unit (FIISU):** Working with local, national, and international policing agencies, as well as the provincial Chief Firearms Officers, the unit conducts open-source internet investigations regarding on going investigations, as well as licensing and possession eligibility issues.<sup>165</sup>

**Canadian Police College:** The Canadian Police College provides advanced and specialized training and executive development to police officers from all jurisdictions to help them combat crime and increase Canadians' safety since 1976.

Through its highly trained staff and subject-matter experts, the college offers over 50 advanced and specialized courses and workshops. The college has programs in:

- technological crime
- forensic identification
- explosives disposal/investigations
- police executive development
- professional development for Indigenous policing

The college continually develops new courses based on needs and trends. It is one of the few permanent Canadian learning institutions that bring police officers face-to-face from across Canada and around the world. Participants have an opportunity to share best practices,

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<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

network and develop mentoring and working relationships with police officers from many jurisdictions. The college is a national police service of the RCMP.<sup>166</sup>

#### **Canadian Anti-Fraud Centre**

The Canadian Anti-Fraud Centre collects information on fraud and identity theft, providing information on past and current scams affecting Canadians.<sup>167</sup>

#### **Canadian Police Information Centre**

CPIC is a national repository of police information that amounts to a vital shared resource within Canadian law enforcement.<sup>168</sup>

#### **Forensic Science and Identification Services (FS&IS)**

Forensic Science and Identification Services (FS&IS) is an integral part of National Police Services, with a mandate to provide quality investigative support services for frontline policing. FS&IS provides a wide range of forensic programs and services to clients in Canada and internationally through:

- forensic science services
- crime scene forensic identification
- fingerprint identification and criminal record repositories
- the National DNA Data Bank

FS&IS programs and services form an essential part of virtually every criminal investigation - it assists investigators to solve crime. It strives to be leading edge in developing processes and methods to ensure that the law enforcement community receives quality and timely support in fighting crime.<sup>169</sup>

#### **Violent Crime Linkage and Analysis System**

The Violent Crime Linkage and Analysis System (ViCLAS) help investigators identify serial crimes and criminals. It focuses on the linkages that exist among crimes committed by the same offender.<sup>170</sup>

<sup>166</sup> Canada. Canadian Police College. <https://www.cpc-ccp.gc.ca/about-apropos/about-apropos-eng.htm>. Online 12 Aug 21.

<sup>167</sup> Canada. Canadian Anti-Fraud Centre. <https://www.antifraudcentre-centreantifraude.ca/index-eng.htm>. Online 12 Aug 21.

<sup>168</sup> RCMP. Canadian Police Information Centre. <https://www.rcmp-grc.gc.ca/en/privacy-impact-assessment-canadian-police-information-centre>. Online 12 August 21.

<sup>169</sup> RCMP. Forensic Science and Identification Services. <https://www.rcmp-grc.gc.ca/fsis-ssji/index-eng.htm>. Online 12 Aug 21.

<sup>170</sup> RCMP. Violence Crime Linkage Analysis System. <https://www.rcmp-grc.gc.ca/en/violent-crime-linkage-analysis-system>. Online 4 Aug 21.

### The National Sex Offender Registry

The National Sex Offender Registry (NSOR) is a national registration system for sex offenders convicted of designated sex offences and ordered by the courts to report annually to police.

The registry helps police prevent and investigate crimes of a sexual nature by providing:

- up-to-date information relating to convicted sex offenders
- an instant list of sex offenders who are registered and living within a particular geographic area<sup>171</sup>

The High-Risk Child Sex Offender Program deals with identifying and monitoring high-risk child sex offenders and investigations on transnational child sex offenders.<sup>172</sup>

### The National Cybercrime Coordination Unit (NC3)

Cybercrime investigations are complex and technical in nature. They require specialized investigative skills. Including RCMP officers and civilians from many backgrounds, the NC3 works with law enforcement and other partners to help reduce the threat, impact and victimization of cybercrime in Canada. As a National Police Service, the NC3 serves all Canadian police agencies.<sup>173</sup>

## Other Partner Agencies

**Canadian Border Services Agency (CBSA)** is federal government agency under Public Safety Canada and,

...is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation.<sup>174</sup>

CBSA is part of the Public Safety Canada's Public Safety Portfolio along with the Canadian Security Intelligence Service, Correctional Services Canada, Parole Board of Canada, and the RCMP. The agency is an active member of Criminal Intelligence Service Nova Scotia having entered into an MOU in 2019 with the RCMP for the placement of a CBSA Intelligence Analyst into a position with CISNS.<sup>175</sup>

<sup>171</sup> RCMP. National Sex Offender Registry. <https://www.rcmp-grc.gc.ca/en/sex-offender-management>. Online 17 Aug 21.

<sup>172</sup> Ibid.

<sup>173</sup> RCMP. National Cybercrime Coordination Unit. <https://www.rcmp-grc.gc.ca/en/nc3>. Online 12 Aug 21.

<sup>174</sup> Canada. <https://www.cbsa-asfc.gc.ca/agency-agence/menu-eng.html>. Online 4 Aug 21.

<sup>175</sup> RCMP, CBSA, CISNS. Memorandum of Understanding, 2019. (GOC00033801\_0001)

**Canadian Armed Forces (CAF)** resources may be accessed in emergencies through the provincial Emergency Management Office (EMO). The Minister for EMO (Municipal Affairs in this case) would make a request for civil assistance to the federal Minister of Public Safety. In the case of a request for assistance by a police agency, the Minister of Justice would send a request to the federal Minister of Public Safety.<sup>176</sup>

**Financial Transactions and Reports Analysis Centre of Canada (FINTRAC)** is Canada's financial intelligence unit (FIU). The Centre assists in the detection, prevention and deterrence of money laundering and the financing of terrorist activities. FINTRAC's financial intelligence and compliance functions are a unique contribution to the safety of Canadians and the protection of the integrity of Canada's financial system. FINTRAC acts at arm's length and is independent from the police services, law enforcement agencies and other entities to which it is authorized to disclose financial intelligence. It reports to the Minister of Finance, who is in turn accountable to Parliament for the activities of the Centre.<sup>177</sup>

## The Role of the Provincial Government

### NS Department of Justice

Under the *Police Act* (NS) the Minister of Justice has wide-ranging responsibilities with respect to policing. The Public Safety and Security division of DOJ is responsible for several activities associated with overseeing and supporting the delivery of policing in the province<sup>178</sup>, such as:

- developing policing standards, and ensuring that policing services are delivered efficiently and effectively,
- providing regular audits, inspections, and reviews for municipal police agencies to ensure policing standards are being met,
- managing contracts for the Royal Canadian Mounted Police and First Nations Policing,
- providing community-based crime prevention initiatives, and
- coordinating in-service training initiatives for police and public safety enforcement agencies.

### Policing Standards

The policing standards are published on the NS Department of Justice website with the caveat that they are under review.

The standards provide a guide for agencies in a number of different service areas, providing direction primarily with respect to policies and directives that must be in place regarding the

<sup>176</sup> J. Waugh, NSDOJ. Email of 8 Sept 21.

<sup>177</sup> Canada. <https://www.fintrac-canafe.gc.ca/intro-eng>. Online 19 Aug 21.

<sup>178</sup> Nova Scotia. Policing Services in Nova Scotia, [https://novascotia.ca/just/Policing\\_Services/](https://novascotia.ca/just/Policing_Services/). Online 22 July 21.

particular service. The policing standard documents referred to below are undated, and include the following<sup>179</sup>:

**Police Role and Responsibilities:** the basic role and authority of the police, limits of authority, and use of force.

**Jurisdiction and Centralized Services:** the geographical boundaries of the jurisdiction, concurrent jurisdiction, and temporary assistance to other police agencies. Use of provincial radio system, national fingerprint records system, Canadian Police Information Centre, and Uniform Crime Reporting.

**Contractual Agreements for Police Services:** contracts for law enforcement services to other communities.

**Liaison with Other Agencies:** establishing and maintaining effective liaisons with other public service and criminal justice agencies.

**Organization:** the application of organizational principles such as the description of the department's organizational structure, statement of responsibilities or organizational components, unity of command, and command protocols.

**Direction:** the designation of command during the absence of the Chief of Police, and the accountability of supervisors.

**Administrative Reporting:** management information systems related to statistical data and administrative reporting.

**Planning and Research:** staffing and activities related to planning and research.

**Crime Analysis:** the analysis of crime data at both the strategic and tactical level, and the communication of the analysis internally and externally.

**Personnel Allocation:** the establishment, allocation, and distribution of personnel, including the use of auxiliary police officers and civilian employees.

**Financial Management:** budgeting, accounting, and financial control.

**Job Classification and Description:** job task analysis, classification, and delineation of duties and responsibilities.

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<sup>179</sup>Nova Scotia. Policing Standards in Nova Scotia, [https://novascotia.ca/just/Policing\\_Services/standards.asp](https://novascotia.ca/just/Policing_Services/standards.asp). Online, 3 Oct 21.

**Compensation, Benefits, and Health and Fitness:** salary compensation, benefits, administrative leave, health insurance, liability protection, educational benefits, health and physical fitness.

**Career Development and Education:** the requirement for career development at all levels of an agency in order to promote productive, efficient, and effective job performance, and to improve the overall level of job satisfaction.

**Disciplinary and Remedial Procedures:** reflecting a systems approach to discipline, this standard addresses disciplinary procedures including a code of conduct and appearance, recognition of commendable performance, training and counselling as remedial measures, and the role of supervisors.

**Recruitment:** the recruitment of police personnel including administrative practices and procedures, community outreach, job announcements and publicity, and the application process.

**Selection:** the selection of police personnel, including the professional and legal requirements, administrative practices, background investigations, detection of deception, interviews, occupational qualifications, and probationary procedures.

**Training:** the training of police personnel, including organization and administration, recruit training; in-service training, roll-call training, and advanced training; specialized training, and civilian training.

**Promotion:** designed to improve the validity and fairness of the promotional process, this standard addresses professional and legal requirements, administrative practices, and assessment centres.

**Performance Evaluation:** related to the evaluation of employee job performance, this standard addresses the principles of performance evaluation and the manner in which it should be conducted.

**Internal Audit:** this standard addresses the audit function within an agency, including the conduct of self-administered audits and the facilitation of audits by the provincial government.

**Patrol:** this standard addresses patrol as the basic function through which police officers engage with the community. It includes organization and administration, and the conduct of operations.

**Criminal Investigation:** addressing the criminal investigation function undertaken by patrol officers and those in specialized investigative units, this standard provides organizational and administrative guidance, as well as operational guidelines.

**Organized Crime and Vice Control:** this standard addresses the agency's need to identify and address criminal activity related to organized crime and vice offences.

**Young Offenders:** this standard addresses the procedures for dealing with young offenders.

**Crime Prevention:** this standard is related to the prevention and suppression of crime, and encourages the establishment of departmental policies, goals, and objective in that regard.

**Unusual Occurrences:** addressing circumstances of an emergent nature, whether natural or intentional, this standard includes establishing responsibility for planning and response to such events.

**Tactical Operations:** this standard is related to police operations including the use of an emergency response team, hostage negotiation, use of tactical vehicles, decoy and undercover operations, bomb disposal, coverage of tactical events, VIP protection, response to disasters, riot control, and civil defense.

**Criminal Intelligence:** this standard concerns the conduct of police agencies in the gathering, processing, and disseminating information regarding criminal activity.

**Internal Investigations:** the conduct of investigations into allegations of misconduct made against police officers is the focus of this standard.

**Community Relations:** this standard addresses the functions of providing information to the public about matters related to crime and policing, as well as the assessment of the attitudes and opinions of the public regarding the police agency's performance.

**Traffic Administration, Traffic Law Enforcement, Traffic Accident Investigation, Traffic Direction and Control, Traffic Engineering, and Traffic Ancillary Services:** this group of standards is related to the agency's overall responsibility to address traffic safety, education, accident investigation, and enforcement of laws with respect to vehicle operations.

**Prisoner Transportation:** this standard is related to the appropriate and safe transportation of persons in police custody.

**Detention Facility:** this standard related to the operation of short-term detention facilities by police agencies, and includes the management, conditions for prisoners, safety and sanitation, security and control, the processing of prisoners, medical and health care services, prisoner rights, and supervision of prisoners.

**Communications:** this standard is related to an agency's ability to communicate information both internally with police officers and staff, and externally with the public, by telephone, radio, and other automated means.

**Records:** this standard is related to an agency's central records system, and includes establishing the responsibility for the review, maintenance, and control of incident reports.

**Evidence:** this standard addresses the processing of evidence at scenes of crime.

**Property Management:** while this standard appears on the list of Policing Standards on the Department of Justice web site, there is no description of its content.

Updated Police Governance Standards<sup>180</sup> are available on the NS Department of Justice website, and include the following:

**Canine Unit:** this standard addresses the deployment of canine units, as well as the selection of police dogs and dog masters, training, testing, and reporting procedures for incidents. (2007)

**Conducted Energy Weapons:** this guideline document refers to the use of conducted energy weapons (CEW) by police and other authorized agencies, and includes direction regarding policy, operational deployment, person with mental illness, training and re-certification, the reporting of the use of CEWs, testing of CEWs, and standard operating procedures. (2011)

**Emergency Management Operations:** this standard addresses the requirement that an agency have policy and procedures to address the planning and response to emergencies. (2007)

**Exhibit, Seized or Found Property Management:** this standard addresses the maintenance of records and procedures related to exhibits, as well as seized and found property. (2006)

**Firearms:** this standard addresses policies and procedures related to the administration, training, and use of police issued firearms. (2006)

**Jurisdiction and Mutual Aid/Contractual Agreements:** this standard addresses agency jurisdictions and boundaries, providing assistance to other agencies, requesting assistance from other agencies, responsibilities related concurrent jurisdictions, and contractual agreements regarding the provision of services. (2007)

**Impact Weapon (Baton):** this standard addresses policies and procedures related to the administration, training, and use of the police issued impact weapon (baton). (2006)

**Liaison with Other Agencies:** this standard requires that agencies have policy and procedures requiring liaison protocols with justice system partners and other agencies. (2007)

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<sup>180</sup> Nova Scotia. [Policing Governance Standards for Nova Scotia](https://novascotia.ca/just/Policing_Services/governance.asp). Author. [https://novascotia.ca/just/Policing\\_Services/governance.asp](https://novascotia.ca/just/Policing_Services/governance.asp). Online 31 July 21.



**Oleoresin Capsicum:** this standard addresses policies and procedures related to the administration, training, and use of police issued oleoresin capsicum (pepper spray). (2006)

**Organizational Structure:** this standard addresses the requirement that agencies describe their organizational structure. (2007)

**Police Notebooks:** this standard addresses the administration and use of police notebooks. (2007)

**Police Role and Responsibilities:** this standard addresses the requirement that agencies have a system for the issuance, maintenance, updating, and distribution of policies and directives. (2007)

**Training Certification and Validation of Training:** this standard addresses the maintenance of training records. (2006)

**Violent Crime Linkage Analysis System (ViCLAS):** this standard addresses the submission of ViCLAS booklets. (2007)

**Expedited Court Appearance for Young Offenders:** this standard addressed the policy and procedures requirement to meet a recommendation of the Nunn Commission (2006), and relates to the timely appearance of young persons in Youth Court. (2007)

As an example, the Patrol standard<sup>181</sup> provides a glimpse into the provincial government's role in setting clear guidelines for police agencies. Such standards, together with the audit role, support police agencies and ensure uniform services across communities policed by different agencies.

The following excerpt from the Patrol standard gives a sense of the guidance set out for agencies.

### **22.2 Operations**

*22.2. 1 A written directive establishes the categories of crimes and incidents that should receive preliminary investigation by patrol officers.*

*Comments: The single most important determinant in solving a crime is the information supplied by the victim or witnesses to the immediately responding patrol officer. In general, patrol officers should conduct the preliminary investigation of most cases. In unusually serious or complex crimes, the preliminary investigation may be conducted by specialists.*

<sup>181</sup> Nova Scotia. Policing Standards in Nova Scotia: Patrol.  
[https://novascotia.ca/just/Policing\\_Services/standards/Patrol.pdf](https://novascotia.ca/just/Policing_Services/standards/Patrol.pdf). 31 July 21.

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*Investigation of certain other crimes may require the presence of Investigators In plain clothes during the initial investigation. The circumstances calling for early involvement of specialists should be clearly described by the department.*

22.2.2 A written directive governs the conduct of follow-up Investigations by patrol officers.

*Comments: The purpose of this standard is to increase the effectiveness of patrol officers, to enhance their role, and to provide specialized investigators more time to concentrate on complex investigations. The directive should clearly specify which kinds of cases are referred to specialized Investigative components.*

#### Policing Standard Audits

While Chiefs of Police have a legislated responsibility to “conduct self audit and quality assurance programs”<sup>182</sup> under the *Police Act*, the Minister also has the authority to,

...determine the adequacy and effectiveness of police services provided in a municipality through a system of audits, reviews and inspections and any other means the Minister determines to be appropriate;<sup>183</sup>

The Public Safety and Security division of the NS Department of Justice is responsible for “...regular audits, inspections and reviews for municipal police agencies to ensure improved policing standards are being met.”<sup>184</sup>

The value of the audit process was highlighted in a NS Department of Justice, Public Safety and Security division audit report of sexual assault investigations from 2018, which contained the following statements:

In September 2016, the Honourable Dianne Whalen instructed that staff from Public Safety and Security Division to initiate the reinstatement of the audit process that would see all policing services in the province audited on an ongoing basis.<sup>185</sup>

<sup>182</sup> Nova Scotia. Ministry of Justice. *Police Act*. 2004, c. 31, s. 1. Section 38(4)(e).

<sup>183</sup> Ibid. Section 6(e).

<sup>184</sup> Nova Scotia. DOJ, Policing Services in Nova Scotia, [https://novascotia.ca/just/Policing\\_Services/](https://novascotia.ca/just/Policing_Services/). Online 10 Aug 21.

<sup>185</sup> Nova Scotia Dept of Justice. (2018). Sexual Assault Investigation Audit Update. Nova Scotia. (MCC00000168).

Police welcomed the audits and were pleased with the audit process being brought into place again. They feel that audits benefit their agencies and give them the opportunity to make positive changes, if required.<sup>186</sup>

There were eleven audit reports disclosed by the NS Department of Justice. They included a 2018 Sexual Assault Investigation Audit Update completed by the Policing Services Section of the Public Safety and Security Division of NS DOJ. The report included audits of nine municipal police agencies and four RCMP detachments.

The other ten audit reports were also completed by the Policing Services Section of the Public Safety and Security Division of NS DOJ and were in relation to Domestic Violence Investigations conducted by each of the ten municipal police agencies in Nova Scotia.

The audit reports reviewed for this report did identify gaps in training in some agencies, and while it is somewhat speculative, the list of recent in-service training facilitated by the NS DOJ appears to correspond with the areas of required training identified in the audits.

### Training

The Public Safety and Security division of the NS Department of Justice “coordinates in-service training initiatives for police and public safety enforcement agencies.”<sup>187</sup> Several municipal police agencies engaged in this report provided examples of this type of training being facilitated or mandated by the NS Department of Justice.

The Amherst Police Department<sup>188</sup> provided a list of training courses where the source was the NS Department of Justice or other provincial government department.

- Trauma Informed Interviewing (DOJ)
- African Canadian Experience (DOJ)
- Sexual Assault Investigators (DOJ)
- Auditing for Police Managers (DOJ)
- Child Sexual Assault Course (NS Community Services)
- Mental Health First Aid (NS Mental Health)
- Elder Abuse (Dept of Seniors)
- Incident Command System (EMO)

Halifax Regional Police indicated that the following training is mandated by the NS Department of Justice<sup>189</sup>:

<sup>186</sup> Ibid.

<sup>187</sup> Nova Scotia. DOJ, Policing Services in NS. [https://novascotia.ca/just/Policing\\_Services/](https://novascotia.ca/just/Policing_Services/). Online 10 Aug 21.

<sup>188</sup> D. Pike, Chief of Police, APD. Email of 23 April 21.

<sup>189</sup> Halifax Regional Police. (2020). HRP Annual Block Training Overview. Author.

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- Firearms training- pistol and carbine.
- Intermediate Weapons- Conducted Energy Weapons, baton, pepper spray.

Bridgewater Police Service indicated that the province requires annual re-certifications for firearms and officer safety.<sup>190</sup>

The Cape Breton Regional Police also stated that there are courses provided by the Department of Justice.<sup>191</sup>

Chief Cecchetto from the Kentville Police Service stated that the NS Department of Justice provides a list of mandatory training each year that includes firearms. Every two years they are required to recertify in Immediate Action Rapid Deployment, conducted energy weapons, empty hand combat, baton, handcuffing, pepper spray, and Lateral Vascular Neck Restraint. Other training from provincial government departments included:

- Domestic Violence, train the trainer & yearly updates (DOJ)
- Drug Recognition Expert (DOJ)
- De-escalation training (DOJ, training by APA)
- Child Sexual Assault training (Community Services)
- Trauma Informed Response to Sexual Assault (Sexual Assault Nurse Examiner)
- Incident Command System (EMO)
- Sexual Assault Investigation (DOJ)
- Quality Assurance of files (DOJ)

#### Contract Management

The mandate of the Public Safety and Security division of the NS Department of Justice also includes the management of the RCMP policing agreement. Provincial government representatives also sit as members of the Contract Management Committee for the Provincial Policing Services Agreements.

#### Department of Municipal Affairs

##### Emergency 911 Service

Nova Scotia's Emergency 911 service is administered through the Emergency Management Office (EMO) under the Department of Municipal Affairs.<sup>192</sup> This responsibility lies with the Minister of Municipal Affairs pursuant to the *Emergency 911 Act*.<sup>193</sup> Emergency calls for police service from the public are routed through a public safety answering point<sup>194</sup> (PSAP), which is

<sup>190</sup> S. Feener, Chief of Police. Email of 23 April 21.

<sup>191</sup> R. Hitchings, Supt, CBRP. Correspondence of 25 May 21.

<sup>192</sup> Nova Scotia. <https://beta.novascotia.ca/government/emergency-management-office>. Online 31 July 2021.

<sup>193</sup> Nova Scotia. Emergency "911" Act. 1992, c. 4, s. 1.

<sup>194</sup> Ibid.

an established centre for receiving such calls and dispatching emergency services. These centres also serve as an essential link with police officers, who in the course of their duties may require certain information, or a connection to other services or service providers. EMO has agreements in place with four agencies that serve as PSAPs for Nova Scotia:

- Cape Breton Regional Municipality,
- Halifax Regional Municipality,
- RCMP Operational Communications Centre (Halifax, formerly Truro), and
- Valley Communications.

EMO has developed 911 Standard Operating Procedures to ensure that the operations of the PSAPs are consistent and efficient.<sup>195</sup>

#### Alert Ready Service

The Alert Ready system is a national network that distributes alerts to Canadians through television, radio, and wireless devices. There are 32 broadcast intrusive alerts concerning incidents that are a threat to life including: fire; natural events such as severe weather; biological threats; a hazardous or explosive substance; environmental threats such as air quality; a terrorist incident/violence or threats of violence by individuals or groups against civilians or infrastructure; civil emergency; and also test alerts may be sent<sup>196</sup>. Examples of alerts specific to policing related incidents are: civil emergencies (riots, demonstrations), criminal activity (terrorism, active shooter), and amber alerts.<sup>197</sup>

In April of 2020, the Nova Scotia EMO, under the Department of Municipal Affairs, had the sole authority to issue alerts based on information that was sent to them from a trusted source such as an emergency services provider.<sup>198</sup> The Nova Scotia EMO is the Authorized Government User of the system in Nova Scotia. EMO is responsible for training users and maintaining an on-call team and process in place to deliver alerts at all times.<sup>199</sup> Once EMO confirms that the requested alert is from a trusted source, and the Director of Operations confirms that an alert is warranted, the Provincial Coordination Centre (PCC) is activated, and a detailed process is followed leading to the issuing of the alert.<sup>200</sup> The PCC is the centralized operations centre during events that require an alert to be issued, and its activation and staffing are a prerequisite to issuing an alert.<sup>201</sup>

<sup>195</sup> Nova Scotia EMO. 2015. Standard Operating Procedures For 911 Telecommunicators. Author.

<sup>196</sup> ALERT READY. <https://www.alertready.ca/#types>. Online 31 July 2021.

<sup>197</sup> Nova Scotia. Public Alert System (PowerPoint presentation). Author.

<sup>198</sup> P. Mason. Memo to N. MacLellan, Deputy Minister, April 29, 2020. (See Appendix A)

<sup>199</sup> Nova Scotia EMO. Alert Ready Notification Public Alerting Program, Standard Operating Procedures and Overarching Policy. Nova Scotia.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

## Governance, Oversight, and Accountability

The exercise of authority by the police over the members of a society must be subject to rigorous oversight in order to avoid the abuse of that authority. At the same time, the police must also remain independent from political influence over matters of day-to-day operations such as the conduct of investigations and the enforcement of the law. The following mechanisms will be examined in this section.

**Governance** is the exercising of direct authority over an organization or entity. It is the ability to control and direct the making of policy, as well as directing and influencing decisions made by the organization. It includes the capability to ensure that decisions made by the governing body are carried out in accordance with the governing body's direction (oversight); with recourse to corrective action should this not occur. Governance is the processes and structure used to provide direction to an organization's general operations and activities.<sup>202</sup>

**Oversight** involves ensuring that the legislated functions for the police force are carried out by the organization and the services provided are in accordance with the law and a Code of Professional Conduct.<sup>203</sup>

**Accountability** is the condition of being held to account for a result or an outcome.

### Governance

The *Police Act* sets out provisions for the **civilian governance**<sup>204</sup> and oversight of municipal police agencies and the RCMP in Nova Scotia through Municipal Boards of Police Commissioners and Police Advisory Boards, respectively. Some key aspects of these sections of *the Act* are set out here:

In the case of Municipal Boards of Police Commissioners, the following sections of *the Act* are of particular relevance with certain parts highlighted for emphasis.

**55 (1)** The function of a board is to provide

<sup>202</sup> New Brunswick. Police Governance and Oversight in New Brunswick, 2011. Author.

<sup>203</sup> Ibid.

<sup>204</sup> Nova Scotia. Ministry of Justice. *Police Act*. 2004, c. 31, s. 1. Section 55(1)(a).

(a) **civilian governance** on behalf of the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality; and

(b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department,

**but the board shall not exercise jurisdiction relating to**

**(c) complaints, discipline or personnel conduct except in respect of the chief officer of the municipal police department;**

**(d) a specific prosecution or investigation; or**

**(e) the actual day-to-day direction of the police department.**

(3) Without limiting the generality of subsection (1), a board shall

(a) determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;

(b) ensure the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;

(c) ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;

(d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;

(e) act as a conduit between the community and the police service providers;

(f) recommend policies, administrative and organizational direction for the effective management of the police department;

(g) review with the chief officer information provided by the chief officer respecting complaints and internal discipline;

(h) ensure a strategic plan and business plan is in place;  
and

(i) ensure the department is managed by the chief officer

according to best practices and operates effectively and efficiently.  
2004, c. 31, s. 55.

In the case of Police Advisory Boards for communities policed by the RCMP, the following sections of *the Act* are of particular relevance with certain parts highlighted for emphasis.

#### Section 68 Functions of Advisory Board

**1) The function of an advisory board is to provide advice to the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality, but the advisory board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.**

**(3)** Without limiting the generality of subsection (1), an advisory board shall, subject to the police contract or policing agreement,

(a) determine, in consultation with the chief officer or the chief officer's designate, **priorities, objectives and goals** respecting police services in the community;

(b) ensure the chief officer establishes programs and strategies to **implement the priorities, objectives and goals** respecting police services;

(c) ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;

(d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;

(e) act as a conduit between the community and the police department;

(f) recommend policies, administrative and organizational direction for the effective management of the police department; and

(g) review with the chief officer or the chief officer's designate information provided by the chief officer respecting complaints and internal discipline. 2004, c. 31, s. 68.



These sections of the *Police Act* are parts of the legislated mechanisms to provide for governance and oversight of police agencies in Nova Scotia.

### Oversight and Accountability

While oversight and accountability apply to all aspects of policing, they are most often referred to with respect to police misconduct. A primary concern with police officers being held accountable is whether the systems in place to address those complaints can be trusted. The two processes discussed here for the investigation of allegations of police misconduct (one for municipal agencies and one for the RCMP) have the investigation conducted by the subject officer's agency in the first instance.

When it comes to complaints of police misconduct in Nova Scotia there are separate processes for the RCMP and municipal police departments. Complaints regarding the conduct of municipal police officers are dealt with according to the provisions of the *Police Act* and its Regulations, wherein is set out the precise process to be followed in addressing such complaints. While most complaints against on-duty police officers are dealt with in the first instance by the agency for whom the officer is employed, the Office of the Police Complaints Commissioner has an important role as an independent arms-length agency in the investigation and tracking of public complaints against the police. Complainants who are not satisfied with the decision at the agency level regarding a complaint, may appeal the matter to the Police Review Board.

*The Office of the Police Complaints Commissioner (OPCC) investigates complaints by citizens alleging misconduct by municipal police officers. The Office provides support to the Police Review Board which is empowered to hear and rule on public complainant appeals. Police officers may also appeal internal discipline decisions to the Review Board. The OPCC is an arms-length agency that is funded by the Nova Scotia government.<sup>205</sup>*

Public complaints regarding the conduct of RCMP members are dealt with in the first instance by the RCMP. If the complainant is unsatisfied with how the matter was dealt with, they can seek a review by the Civilian Review and Complaints Commission.<sup>206</sup>

The investigation of incidents where a person sustains serious or fatal injuries during an encounter with the police are now investigated in Nova Scotia by the Serious Incident Response

<sup>205</sup> Nova Scotia. <https://novascotia.ca/opcc/>. Online 3 Aug 21

<sup>206</sup> Canada. <https://www.crcc-ccetp.gc.ca/en/about-us>. Online August 3, 2021.

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Team (SIRT). Deriving its authority from the *Police Act*<sup>207</sup>, SIRT's legislated mandate under section 26A of the *Act* is to,

*...provide oversight of policing by providing independent investigation of serious incidents involving police...*

More specifically, SIRT describes its mission as being,

*To ensure Nova Scotians have the utmost trust and confidence in the investigation of serious incidents involving police.*<sup>208</sup>

Its mandate is,

...to investigate all matters that involve death, serious injury, sexual assault and domestic violence or other matters of significant public interest that may have arisen from the actions of any police officer in Nova Scotia.<sup>209</sup>

The structure of SIRT is designed to insulate the decision making in such cases from any perception that the police agency of the subject officer may have influence. Significant aspects of the structure and process of SIRT are,

- The director cannot be a current or former police officer in any jurisdiction.<sup>210</sup>
- The SIRT investigators are former police officers and seconded police officers from Nova Scotia agencies who report to the civilian director.<sup>211</sup>
- No SIRT investigator can lead any investigation into the conduct of an officer from the investigators former/current agency.<sup>212</sup>

## Appendix A

<sup>207</sup> Nova Scotia. Ministry of Justice. *Police Act*. 2004, c. 31, s. 1. Section 26A.

<sup>208</sup> SIRT. <https://sirt.novascotia.ca/about>. Online 4 August 2021.

<sup>209</sup> Ibid.

<sup>210</sup> Nova Scotia. Ministry of Justice. *Police Act*. 2004, c. 31, s. 1. Section 26B(2).

<sup>211</sup> SIRT. <https://sirt.novascotia.ca/about>. Online 4 August 2021.

<sup>212</sup> Nova Scotia. Ministry of Justice. *Police Act*. 2004, c. 31, s. 1. Section 26B(2).

## Overview of the Provincial Police Service Agreement (PPSA)

This overview of the PPSA is taken directly from the **2012 RCMP Provincial and Territorial Police Service Agreements Companion Document, 2014**, as prepared by the Contract Management Committee (CMC)<sup>213</sup>.

Parts of, or the entirety, of the PPSA articles deemed most relevant to this report by the author, as interpreted in the Companion Document, are presented in this section.

NOTE: An asterisk (\*) after the article number indicates an overview rather than the entire article. Parts of the PPSA that are specific to other provinces are not included in this section. All text highlighted in blue is a direct quote from the Companion Document. The abbreviation “PT” in any context in the Companion Document means Provincial or Territorial.

### Article 2\*: Purpose and Scope

**PURPOSE:** Article 2 outlines the roles and responsibilities of Canada with respect to the Service<sup>214</sup>. It also describes the role and duties of Members who form the Service. In addition, it contains provisions regarding non-police duties, as well as a provision for the Service to provide temporary assistance or special expertise to other police agencies.

**BACKGROUND:** The “administration of justice” has been interpreted by all levels of government to include law enforcement. The PT is responsible for law enforcement, but may contract with the federal government to utilize the RCMP as its police service. See the Preamble in the Companion Document for more information.

#### INTERPRETATION

#### PROVISION OF PROVINCIAL OR TERRITORIAL POLICE SERVICE AND ANNEX “A”

This section states that Canada will provide and maintain a Service for the PT in accordance with the Agreement. Canada is authorized by the PT to carry out the “powers and duties” required to provide the Service.

Annex “A” of each Agreement sets out the number of authorized positions for Members and Support Staff for the Service and for divisional/regional administration. The definition of Member is found in Article 1 and includes regular members, special constables, special

<sup>213</sup> Contract Management Committee. 2012 RCMP Provincial and Territorial Police Service Agreements Companion Document, 2014. Version 1.1, September 2017. Author. See Annex B.

<sup>214</sup> In the Companion Document, the term Service refers to the Provincial or Territorial Police Service. It does not include RCMP Municipal Police Services.

constable members and civilian members. Support Staff is also a term defined in Article 1. See Article 5 for more information on Annex “A”.

In the future, the category “civilian member” may be eliminated. Bill C-42 *Enhancing RCMP Accountability Act* received royal assent on June 19, 2013, allowing civilian members to be converted into another category of employee.

#### DUTIES OF MEMBERS WHO FORM THE PROVINCIAL/TERRITORIAL POLICE SERVICE

The Article outlines the duties of the Members in the Service; these duties originate from the *RCMP Act*. Members of the Service will perform the duties of peace officers and provide services to:

- preserve peace;
- protect life and property;
- prevent crime and offences against the laws of Canada and the laws in force in the province or territory (including municipal and Band by-laws which are enforcement related);
- apprehend criminals, offenders and others who may be lawfully taken into custody; and
- execute all warrants and perform all related duties and services that may be executed and performed by peace officers under the laws of Canada or the laws in force in the province or territory.

#### NON-POLICE DUTIES – MEMBERS OF THE SERVICE ARE NOT REQUIRED TO PERFORM CERTAIN DUTIES

Members of the Service are not required to perform duties or services that are inconsistent with the effective and efficient delivery of police services. However, if the Service is performing non-police duties when the 2012 Agreements come into effect, the Service will continue to perform these duties until the parties agree these duties and/or services will be performed by a third party .

The PT Minister<sup>215</sup> and the Commissioner will identify and discuss these duties and, if feasible, the PT will exercise its best efforts to implement an alternative service delivery mechanism, thereby removing this responsibility from the duties of the Service.

Article 4 does not need to be invoked if non-police duties are being removed from the responsibility of the Service, as Article 4 relates to police duties and functions.

<sup>215</sup> In the context of the Nova Scotia agreement the PT Minister refers to the Minister of Justice.

#### TEMPORARY ASSISTANCE OF PROVINCIAL/TERRITORIAL POLICE SERVICE TO OTHER POLICE AGENCIES/SERVICES

The PT Minister, in consultation with the CO, has the authority to direct the Service to provide assistance or special expertise on a temporary basis to other police agencies/services in the province or territory. It is recommended that PTs and their respective RCMP divisions meet to discuss divisional temporary assistance policies (including cost recovery), procedures (including procedures for level of consultation with PT Minister i.e. delegation)

#### Article 3: Term of Agreement

**PURPOSE:** Each Agreement is in effect for 20 years, however, the parties retain the flexibility to terminate the Agreement before the expiry of the 20-year term, provided they give two years' notice. This Article also allows the parties to extend or renew the Agreement.

**BACKGROUND:** The 20-year term of the Agreements provides stability for contract police services and enables long-term infrastructure investments.

#### INTERPRETATION

Term: April 1, 2012 to March 31, 2032.

Extension or Renewal: The Agreement may be renewed or extended for an additional period of time subject to terms mutually agreed upon by the parties. A renewal process will be determined closer to the end of the 2012 Agreement.

Termination: Either Party may terminate the Agreement on March 31 of any year, as long as the Party has provided a minimum of two years notice.

Transitioning out of an Agreement: The parties agree to work together from the time notice is provided to the date of termination to ensure a smooth transition to a non-RCMP provincial or territorial police service. The alternate police service must be authorized by the province or territory to act as the provincial or territorial police service. Both parties recognize that consideration must be given to maintaining an adequate and effective level of policing during the transition phase.

The transition period also includes the lead up to the decision by a P/T/ municipality to transition. During this time, Public Safety Canada and the RCMP will work collaboratively with the P/T or municipality in providing information to assist the jurisdiction in conducting their analysis.

The transition to a non-RCMP policing arrangement will require close collaboration between the parties. As set out in Article 26 (Survival), planning for the transition to a non-RCMP police

force will ensure the obligations and rights set out in Article 11 (Basis of Calculation of Payment); Article 12 (Accommodations Program); Article 15 (Transfer of Ownership of Equipment); Article 17 (Method of Payment); Article 24 (Notice); and Article 25 (Amendment) are fulfilled.

**ADMINISTRATION-** With the assistance of Public Safety Canada, the RCMP will work collaboratively with provinces, territories and/or municipalities in providing information related to RCMP services to assist the jurisdictions efforts to explore alternative police service delivery. This includes, but is not limited to, providing requested, unbiased, pertinent information to support evidence based decision making.

#### Article 4\*: Inclusions and Exclusions

**PURPOSE:** The purpose of Article 4 is to provide clarity on the geographic areas the PT Police Service is responsible for policing and to officially document any changes to these geographic areas over the 20-year term of the Agreement. The purpose of recording duties or functions is to clearly identify and officially document any duties or functions removed from, or added to, the Service over the term of the Agreement.

**BACKGROUND:** The Article on exclusion and inclusion is essentially similar to, and a continuation of, past practices in effect under the 1992 Agreement. It supports the evolving role of policing and provides the flexibility and adaptability to maintain an efficient and effective Service by providing the ability to consider new duties and functions in a geographic area as well as the use of alternative means to deliver functions that have traditionally been delivered by the Service. Only police related duties can be added to the current duties and functions of the Service. Article 4 does not need to be invoked if non-police duties are being removed from the responsibility of the Service.

The delineation of geographic areas does not limit the PT's authority to administer justice throughout the province or territory. It does not impact the PT's authority to enforce laws, pursue effective policing programs, or share services across geographic boundaries. For example, a provincial dog team or emergency response team may provide services in a municipal jurisdiction that is not included in the geographic area of the PT Police Service.

Similarly, in some provinces, the Provincial Police Service and the various RCMP Municipal Police Services operate in an integrated manner which means that they may be co-located in one Detachment, under the command of one Detachment Commander, and leverage resources between services to best address law enforcement and public safety in that specific Detachment's jurisdiction. This allows for cross-functionality and maximizes resource deployment between RCMP Provincial and Municipal Services.

**INTERPRETATION:** The PT Minister will give notice in writing (pursuant to Article 24) to the Federal Minister that the PT wishes to include or exclude a geographic area, or a function within a geographic area, from the responsibility of the Service. The proposed inclusion or exclusion should not unreasonably affect Canada's ability to provide contract policing services to the PT.

**Inclusions:** An inclusion means the PT Police Service becomes responsible for policing a geographic area, or for providing a specific policing duty or function within a geographic area.

The mutual agreement of the Federal and PT Ministers is required for the inclusion of a geographic area, or duty or function within a geographic area, to take effect.

An example of an inclusion of geographic areas occurred in New Brunswick. Between 1992 and 2002, the geographic areas policed by 15 small independent police services in New Brunswick were absorbed by the RCMP Provincial Police Service. This was possible because each Municipality had a population of less than 5,000 and therefore qualified for policing under the Provincial Police Service. For each Municipality, the Provincial Minister wrote to the Federal Minister requesting a geographic inclusion so that the geographic area within the municipal boundary was added to the Service's jurisdiction. Under Article 5, the authorized strength of the Service was also increased with each inclusion by the number of Members required to police that Municipality.

**Exclusions:** An exclusion means the PT Police Service will no longer be responsible for policing a specific geographic area of the province or territory, or for providing a certain function or duty within a specific geographic area.

An exclusion of a geographic area, or function within a geographic area, will take effect as soon as practicable, but no later than one year after the Federal Minister receives written notice from the PT Minister. This time period will allow the contract parties to work cooperatively through a transition process.

Under this Article, neither Canada nor a PT can add to, or remove from, the duties or functions of the Service as they were on March 31, 2012 (one day before the 2012 Agreements came into effect), without prior consultation and agreement between the Federal and PT Ministers. See Article 2 for more information on police duties. For a geographic exclusion, mutual agreement is not required; in all cases, the PT Minister will provide notice in writing pursuant to Article 24.

An example occurred in 1983 when Newfoundland and Labrador excluded the geographic areas of the greater metropolitan area of St. John's, Mount Pearl, Corner Brook, Labrador West and Churchill Falls from the responsibility of the Service. Responsibility for these geographic areas was transferred to the Royal Newfoundland Constabulary.

An example occurred in 1984 when New Brunswick excluded highway patrol from the duties of the PT Service. The province created a new highway patrol unit to provide traffic services on the highways. (This exclusion was later reversed.)

#### Article 5\*: Increase or Reduction in the Provincial Police Service & Regional or Divisional Administration Staff

**PURPOSE:** Article 5 describes how provinces and territories can increase or decrease the number of Members and Support Staff in their PT Police Service. It also describes the consultation process to increase or decrease the number of staff working in divisional and/or regional administration functions.

**BACKGROUND:** While Article 5 describes the processes for increasing or decreasing positions, Annex “A” (a schedule to the Agreements) is the official record of the number of Member and Support Staff positions for the Service and divisional/regional administration. Information about the composition of the Service, such as how the Service is organized, positions by rank and function, number of vacancies, etc. is covered in Article 8.

The number of positions noted in Annex “A” is also known as “authorized strength”. Authorized strength is the benchmark information used by the province or territory when reporting to the public, or Treasury Boards, on the size of the Service and/or divisional/regional administration. Of note, authorized strength is not the figure used for billing under the Agreement; instead, FTE Utilization, as defined under Article 1, is utilized.

PT involvement in decisions that impact the authorized strength of divisional/regional administration positions is new to the 2012 Agreements. In keeping with the increased accountability and transparency provisions under the Agreements, the RCMP will consult with, and seek the support of, the PT regarding changes to the number of divisional/regional administration positions.

As personnel related costs constitute the most significant expenditure in the policing budget, ensuring that funds are available is a key consideration in the decision to seek additional personnel. Ensuring that the federal share of contract policing funds each year is sufficient to cover any changes in personnel requirements depends, in part, on accurately forecasting these requirements across all contract jurisdictions. The RCMP undertakes a comprehensive planning process for its annual Treasury Board submission (the Annual Reference Level Update, or ARLU). As part of this process, the RCMP analyzes planned growth, attrition rates, restructuring initiatives, transfers, etc., over all business lines in order to forecast the total number of personnel required across the RCMP. Accurately forecasting changes in personnel, including any anticipated growth in contract policing jurisdictions, is an integral part of this exercise, so it



is important that contract jurisdictions consider their anticipated resource requirements during the multi-year planning cycles under Article 18.

#### INTERPRETATION

##### INCREASE OR DECREASE IN ANNEX “A” FOR THE PROVINCIAL OR TERRITORIAL POLICE SERVICE

Pursuant to the Agreement, the PT has the responsibility to establish the number of resources in their PT Police Service. This Article stipulates the process leading to an adjustment to the size of the Service.

If a PT wants to increase or decrease the size of their Service, the PT Minister will write a letter to the Federal Minister requesting an increase or decrease to the Annex “A” authorized strength.

**Increases:** A request for an increase must include confirmation of the financial commitment from the PT Minister. The Federal Minister’s approval is provided in writing and these two letters, the request and the response, constitute a formal adjustment to Annex “A”. The RCMP will fill the number of positions specified in the request as soon as possible, but within one year of its receipt.

**Decreases:** Similarly, the PT Minister’s request to decrease the size of the Service and the Federal Minister’s written approval constitute a formal adjustment to Annex “A”. The RCMP will reduce the number of positions specified in the request as soon as possible, but within one year of its request. However, the Federal Minister may refuse a request to reduce the number of positions assigned to the Service if that reduction would lower the level of resources below the threshold needed to deliver effective and efficient policing, or to maintain public or officer safety. In this case, the Federal Minister’s written reply to the PT Minister would provide the reasons for refusing the reduction.

Annex “B” is the schedule of the Agreements containing the template letters to be used by the PT Minister to request an adjustment to the authorized strength, or Annex “A”, of the Service.

##### INCREASE OR DECREASE IN ANNEX “A” FOR DIVISIONAL AND REGIONAL ADMINISTRATION

The PT Minister will be consulted by the RCMP before any changes are made to the number of divisional/regional administration staff. This consultation occurs as part of the budgetary planning process for the Service under Article 18 (see divisional multi-year financial planning timeline at the end of Article 18, CoDo pg. 210), whereby the RCMP provides the PT Minister with the multi-year report (the Report) that includes any proposed increase or decrease to divisional/regional administration staff, a description of any financial implications, as well as an explanation of any deviation from the previous year’s Report. At the onset of each fiscal year,

divisions and PTs will engage in the divisional planning process as outlined in the multi-year financial plan timeline.

For any proposed increase or decrease to the number of divisional/regional administration staff, the RCMP will seek the support from the PT. However, an increase to the number of divisional/regional administration staff may proceed without the PT Minister's approval if the Federal Minister provides written reasons stating the Service cannot be adequately supported without more staff.

#### Article 6\*: Management of the Provincial or Territorial Police Service

**PURPOSE:** Article 6 describes the specific responsibilities of each contract party in the management of the Service. It also addresses the harmonization of policing standards and procedures.

**BACKGROUND:** The provinces and territories recognize that the RCMP is more than a Provincial or Territorial Police Service and, unlike independent police services, the RCMP is a federal agency subject to all federal legislation. The RCMP, as the PT Police Service, delivers services according to the strategic policing direction of the contract jurisdiction. The PT Minister focuses on the vision for policing in the province or territory through the establishment of priorities and objectives (see Article 7 for more information). At the same time, as a national police force, the RCMP must maintain cohesive internal management of its policies, standards and procedures. The CO is also responsible for everyday policing decisions related to operational matters. The Authorities section of the Preamble provides more information on the roles and responsibilities of the contract parties.

The PTs are responsible for establishing professional police standards and procedures for policing in their jurisdiction. Similarly, the Commissioner is responsible for setting standards and procedures for the RCMP as a police force.

As Canada's National Police Force, the RCMP is managed, to the extent possible, in a manner that ensures consistent national professional standards in order to enhance Members' deployability across the country. To assist the RCMP in maintaining consistent standards in all contract jurisdictions, Canada and the PT may identify opportunities for improving consistency between PT and national RCMP standards, where it is feasible and appropriate to do so.

#### INTERPRETATION

**SETTING OBJECTIVES, PRIORITIES AND GOALS:** The PT Minister sets the objectives, priorities and goals of the Service in line with PT policing priorities. These are based on local needs, the evolving nature of crime and the specific requirements of policing in that jurisdiction.

**INTERNAL MANAGEMENT OF THE SERVICE:** The Commissioner, under the strategic direction of the Federal Minister, is responsible for the internal management of the RCMP. This includes the overall administration of the Service, as well as determining and applying professional police standards and procedures.

**LEVEL OF POLICING:** The PT Minister, in consultation with the Commissioner, has the responsibility to establish the level of policing service. The concept of “level of policing” is broader than the number of personnel in the Service. It refers to the resources required to ensure efficient and effective policing, to maintain public and police safety, and to meet the goals and objectives of the Service.

**RESPONSIBILITY FOR THE ADMINISTRATION OF JUSTICE:** The PTs are responsible for the administration of justice and law enforcement within their jurisdiction. This responsibility is not limited by the RCMP’s internal management of the Service or any other provision of the Agreements.

**HARMONIZATION OF STANDARDS AND PROCEDURES:** There are two components to the harmonization of standards and procedures under the Agreement. The first is that the PT recognizes Canada’s interest in the harmonization of policing standards and procedures *nationally across the RCMP* based on best practices. Canada and the PT will identify opportunities for improving consistency between PT and national RCMP standards, where it is feasible and appropriate to do so.

The second component is that the RCMP recognizes the PT’s interest in harmonizing policing standards and procedures *across police services within their contract jurisdiction* based on best practices. The Commissioner agrees to facilitate this consistency by meeting or exceeding the police standards set by the PT, unless doing so would contradict the law, negatively affect the RCMP’s ability to deliver effective and efficient police services, or negatively affect public or officer safety.

If a PT is developing new standards or procedures, or consulting on existing standards or procedures, the following process will be utilized:

- the PT Minister will consult with the Commissioner;
- the Commissioner will ensure the standards and procedures for the Service meet or exceed those set by the PT, unless doing so would contradict the law, negatively affect the RCMP’s ability to deliver effective and efficient police services, or negatively affect public or officer safety; and
- the Commissioner will consult with the PT Minister if the standards or procedures proposed by the PT Minister are of concern. If the issue of concern is not resolved

during consultation, upon request from the PT Minister, the Commissioner will provide written reasons for his or her opinion.

Any issues that are not resolved in consultation between the contract parties can be addressed through the Dispute resolution process as set out in Article 23.

#### Article 7\*: The Commanding Officer (CO) and the Operation of the Division

**PURPOSE:** Article 7 establishes the PT Minister's authority to provide direction to the CO in aiding the administration of justice in the province or territory. It ensures the provincial/territorial control over the administration of justice. It also establishes the CO's responsibility to implement the objectives, priorities and goals for the Service and consult regularly with the PT Minister on the operation of the Division. The Article also includes a consultation process for the selection of key positions in the Division.

**BACKGROUND:** The PT Minister has paramount authority over policing as part of the administration of justice, and establishes the priorities and objectives for the Service, while the CO is responsible for operational matters.

The consultation with respect to the appointment and replacement of key positions in the Division has been expanded from the 1992 Agreement to include the positions of Detachment Commanders and to allow for community consultation.

#### INTERPRETATION

**UNDER DIRECTION OF PROVINCIAL/TERRITORIAL MINISTER:** For the purposes of the implementing the Agreement, the CO acts under the direction of the PT Minister to aid in the administration of justice and carrying into effect the laws in force within Canada and the province or territory.

**CONSULTATION AND REPORTING:** The PT Minister needs information to make informed decisions and provide direction. The CO is required to engage and consult with the PT Minister by:

- implementing the objectives, priorities and goals established by the PT Minister, and ensuring the deployment of personnel and Equipment reflects these priorities to the extent possible;
- consulting regularly with the PT Minister and reporting on the operational and administrative status of the Service, as and when required, but at a minimum on a quarterly basis;
- ensuring reporting requirements are met in accordance with Article 18;

- providing an annual report, in a mutually agreeable format, to the PT Minister by July 1, outlining the extent to which the priorities, objectives and goals for the Service were implemented and achieved for the previous Fiscal Year;
- supplying the PT Minister or Attorney General with any information that comes into the possession of any Member of the RCMP in the province or territory that affects the administration of justice, as well as any other information requested by the PT Minister or the Attorney General. This information is to be provided in a reasonable and timely manner; and
- informing the PT Minister of complaints (new or outstanding) made against the Service on a monthly basis and in a format agreed upon by the CO and the PT Minister. Serious incident reporting is to be delivered in a consistent format with expected levels of detail, as agreed upon by the CO and PT Minister. The CO will also inform the PT Minister of routine complaint dispositions against the RCMP to allow the PT to monitor trends and mitigation strategies employed by the RCMP.

**APPOINTMENT AND REPLACEMENT OF KEY POSITIONS:** The Commissioner will consult with the PT Minister prior to the appointment of a CO, a Criminal Operations Officer or a Deputy Criminal Operations Officer. A designate of the PT Minister may participate in the selection process.

If the PT Minister loses confidence in the person holding any of the above positions, the PT Minister may write to the Commissioner to request the officer be replaced. The PT Minister must demonstrate sufficient cause exists for the loss of confidence and the Commissioner will ensure the officer is replaced as soon as possible.

At the request of the PT Minister, the CO will consult with the PT Minister (and/or with the CEO/Mayor of a Municipality) before the appointment of a Detachment Commander. The PT Minister may also ask the CO to consult with the community, in accordance with RCMP policies on community participation, before the appointment of the Detachment Commander (the Administration section should be consulted for further information).

If the PT Minister loses confidence in a Detachment Commander, the PT Minister may write to the CO to request he or she be replaced. If it is demonstrated sufficient cause exists, the CO will replace the incumbent, as soon as possible. The PT Minister may also write to the Commissioner to make this request.

The RCMP maintains a flexible process in the staffing of these positions as they are not only key positions within the Division but are also key positions within the RCMP organization as a whole. A national perspective must be maintained as these positions will at present, or in the

future, form the RCMP's Senior Management Team (SMT) which assists the Commissioner in fulfilling all of the RCMP's roles, responsibilities and mandates.

#### Article 8\*: Resources and Organization

**PURPOSE:** Article 8 outlines the consultative processes for any changes to the organizational structure of the Service, including major capital projects, and outlines the human resource reporting and equitable recruitment practices.

This Article also sets out the basic principles for the consultative process between the contract parties in relation to important changes to a divisional or regional headquarters.

**BACKGROUND:** This Article remains substantially the same as it was under the 1992 Agreement, except for the addition of references to the consultation process on major capital projects.

#### INTERPRETATION

**ORGANIZATIONAL STRUCTURE OF THE SERVICE AND LOCATION OF HEADQUARTERS:** The CO will consult with and seek approval of the provincial minister before making any changes to:

- the number or location of Detachments
- the number or location of Units, related to police service under this Agreement
- the organizational structure of the Division, related to police service under this Agreement

Before approving the location of divisional or regional headquarters, the Federal Minister will consult with the provincial minister, seeking any advice or recommendations on the location of headquarters for the Service. However, pursuant to *RCMP Regulations*, the ultimate decision rests with the Federal Minister.

**CONSTRUCTION OR RENOVATION OF ANY BUILDING:** Subject to Article 12 and its associated annexes, the Commissioner will obtain the approval of the PT Minister before and during the planning phase of major renovations, construction projects or demolitions for any building supporting the Service (including Detachments and district offices) to ensure the proposed buildings and improvements are appropriate and consistent with anticipated demands (e.g., population growth, authorized strength increases, etc.). Divisional and/or regional headquarters requiring renovation or construction of a new building are dealt with separately (see below).

**CONSTRUCTION OR RENOVATION OF HEADQUARTERS:** Similarly to the consultation process for other buildings, if a divisional or regional headquarters building is to be Renovated or constructed then the Commissioner will consult with the PT Minister during planning and prior

to beginning Renovations, demolition or construction. Consultation will cover any locations recommended by the PT Minister as well as a variety of other information which will enable the PT Minister to ensure the proposed building(s) and/or improvement(s) are appropriate and consistent with the Service's anticipated demands (e.g., population growth, authorized strength increases, etc.). The financial terms and conditions of the project will be approved by the PT Minister.

These provisions are linked to Article 12 where it states that the contract parties agree that any requirement to Renovate, replace or acquire new divisional or regional headquarters buildings will be by means of a separate agreement. However, if the contract parties wish to include the costs under the Agreement, then this can be done in accordance with Article 12. Otherwise, the cost to the PT is billed in accordance with the terms of the separate agreement.

**REPORTING ON THE ORGANIZATIONAL STRUCTURE OF THE SERVICE:** The CO will provide the PT Minister quarterly reports detailing the composition of the Service, including:

- current organization chart for the Division;
- location and function of all Members and Support Staff;
- location and function of all casual and temporary employees;
- number of Members, in Annex "A", by rank and function, by Detachment, Unit, and at divisional headquarters;
- number of vacancies (i.e., no staff assigned to the positions);
- number of vacancies where the assigned person is on special leave, and if possible an indication of whether the position has been backfilled; and
- number of Members deployed who are surplus to establishment.

The CO will also provide additional statements (i.e., more frequently than quarterly) as may be reasonably requested from time to time.

Each quarterly report will include an explanation of the changes from the previous report.

In accordance with the planning requirements in Article 18, each year, the CO will consult and obtain approval in principle from the PT Minister on the number of Members and Support Staff required to maintain the level of policing in the contract jurisdiction for the following Fiscal Year.

While Article 8 indicates September 1 is the date by which this human resources planning process should be completed, Article 18 stipulates that consultation and approval in principle of the number of Members and Support Staff will be included in the budget planning exercise of June 1 and 15. The dates in Article 18 will be the timelines used by the contract parties.

With reasonable notice, the CO will provide the PT Minister with any additional information, to the extent possible, relating to human resource and organizational planning of the Service.

**EQUITABLE RECRUITMENT:** To ensure equitable recruitment from across the country, the RCMP will make efforts to ensure the percentage of recruits from a province or territory corresponds with the yearly average of:

- the percentage of Members in the Division compared to the Force as a whole; and
- the percentage of the province or territory’s population compared to the country as a whole.

For example, if 6% of all the Force’s Members work in D Division (Manitoba) and 4% of Canada’s population lives in Manitoba, the percentage of recruits from Manitoba should be approximately 5%.

#### Article 9\*: Emergencies and Events

This Article is structured differently than the other sections of the Companion Document; Emergencies and Events are presented in separate sections.

**PURPOSE:** This Article provides a mechanism for temporarily accessing extra resources to assist with police duties during an Emergency or an event. It also outlines which level of government is financially responsible for the costs of policing Major Events, Special Events and different types of Emergencies.

#### EMERGENCIES

**BACKGROUND:** For the purpose of the Agreements, an “Emergency” refers to a policing emergency, meaning an urgent and critical situation of a temporary nature that requires additional police resources to maintain law and order, keep the peace or ensure the safety of persons, property or communities. With respect to emergencies resulting from natural disasters such as fires and floods, which are covered under other federal or PT legislation such as fires and floods which are co-ordinated through jurisdiction-specific emergency management frameworks the magnitude of the disaster often requires redeployment of additional police resources for initial response and for the ongoing protection of safety of persons endangered by the disaster. Due to the nature of Emergencies, resources may be redeployed in anticipation of an Emergency, or when an Emergency already exists. While Emergencies are not a frequent occurrence, it is important that police, as first responders, have access to extra resources as necessary; sometimes these resources may come from outside the jurisdiction experiencing the Emergency.



Redeployment of members occurs when Members are temporarily assigned to a different geographic location or Unit than where they are normally posted. For example, a Member attached to a Municipal Unit is considered redeployed if he or she is temporarily assigned to a PT or Federal Unit to respond to an Emergency.

**INTERPRETATION:** A key component of an Emergency is that the jurisdictional police do not have sufficient resources to deal with the situation and extra RCMP resources could be brought in from elsewhere. This could mean bringing in RCMP resources that are normally assigned to:

- a PT Unit elsewhere in the PT;
- a municipal or federal Unit within the PT; or
- RCMP resources from a different province or territory.

Under the Agreements, an Emergency is categorized as either provincial/territorial or federal. Typically, the level of government responsible for the policing activity to be delivered determines whether the Emergency is provincial/territorial or federal.

#### PROVINCIAL/TERRITORIAL EMERGENCY (WITHIN PROVINCE OR TERRITORY)

**PT Police Service Members redeployed:** If the PT Minister is of the opinion that an Emergency in an area of PT responsibility exists, or is likely to exist, the PT Minister requests in writing that the CO redeploys Members from the PT Service to maintain law and order, keep the peace and protect the safety of persons, property and communities. This means that Members assigned to a PT Police Service Unit are reassigned to assist another PT Police Service Unit. Time is usually of the essence in an Emergency response and therefore initial communications regarding operational response may likely occur between PT ADMs and RCMP CROPs to respond to the urgent and emerging situation in a timely manner. In this circumstance, the Ministerial written request may follow the initial operational response, as the situation dictates.

The PT is responsible for 70% of the costs of redeployment for the duration of the Emergency. In other words, the PT pays the costs of these Members, at the usual PT cost-share ratio of 70%, plus 70% of any additional costs Canada incurs as a result of resources being redeployed (e.g., Salary, transportation and maintenance). The cost-share remains at 70% for the duration of the Emergency. An emergency is said to have begun when the first Federal, Provincial, Territorial or Municipal Police Service assets are redeployed from outside of the usual detachment/jurisdiction for that geographic area to respond to an emergency, as defined in the PSA. The emergency is deemed to have ended when all asset(s) redeployed have returned to their respective home detachment.

**PT Police Service Members redeployed as a result of a strike, dispute or disbandment of independent municipal police force:** If the PT Minister is of the opinion that an Emergency

exists as a result of an independent municipal police force strike, dispute or disbandment, the PT Minister may request in writing that the CO redeploy Members from the Service to maintain law and order, keep the peace and protect the safety of persons, property and communities. In other words, the Service would be policing a geographic area not normally policed by the RCMP. This Ministerial written request may follow initial operational responses, as the situation dictates. Initial operational response communications may likely occur between PT ADMs and RCMP CROPS to respond to the situation in a timely manner.

In this case, the PT pays 70% of the costs of redeployment for the first 30 days and 100% of the costs thereafter. The PT Minister will make reasonable efforts to resolve any strike or dispute as soon as possible, or to establish a new police service for that area in a timely manner.

**Temporary increase in strength of the Service - Members from municipal, federal or other Units redeployed:** If Members cannot be redeployed from elsewhere in the Service, then the PT Minister may write to the CO or Commissioner requesting a temporary increase in the strength (number) of the Service. An increase in strength may occur when Members are brought from other RCMP Units in the province or territory (i.e., Municipalities policed by the RCMP, federal units or regional/divisional administrative units) or from the Service of other PTs. This Ministerial written request may follow initial operational responses, as the situation dictates. Initial operational response communications may occur between PT ADMs and RCMP CROPS to respond to the situation in a timely manner.

An increase in strength will not occur if the Commissioner thinks the increase should not take place because of other responsibilities and duties of the RCMP. In this case, the Commissioner will consult with the PT Minister before making this decision.

The PT receiving the Members pays Canada 100% of all the costs (e.g., Salary, transportation and maintenance) resulting from the increase in strength. The jurisdiction supplying the Members (e.g., Municipality, another PT or Canada) will not bear the costs directly related to the redeployment, however they are responsible for the costs of backfilling their Members while they are redeployed, should they choose to do so.

#### PROVINCIAL/TERRITORIAL EMERGENCY IN ANOTHER PROVINCE OR TERRITORY

If the Commissioner is of the opinion that an Emergency in an area of PT responsibility exists or is likely to exist in another province or territory, and where additional Members are required, the Commissioner may temporarily withdraw up to 10% of Members from another PT's Service as well as the necessary Equipment to deal with the Emergency. This will only occur after consultation with the supplying jurisdiction's PT Minister and with the approval of the Federal Minister. In practice ADM/CROPS/CO communication occurs prior to and in conjunction with consultation with the supplying jurisdiction's PT Minister.

The PT receiving the Members pays Canada 100% of all the costs (e.g., Salary, transportation and maintenance) resulting from the increase in strength. The jurisdiction supplying the Members (e.g., Municipality, another PT or Canada) will not bear the costs directly related to the redeployment, however they are responsible for the costs of backfilling their Members while they are redeployed, should they choose to do so.

#### FEDERAL EMERGENCY ANYWHERE IN CANADA

If the Commissioner is of the opinion that an Emergency in an area of federal responsibility exists, or is likely to exist, anywhere in Canada, the Commissioner may temporarily withdraw up to 10% of Members from the Service and the necessary Equipment to deal with the Emergency. This will only occur after consultation with the PT Minister. In practice, ADM/CROPS/CO communication occurs in conjunction with consultation with the supplying jurisdiction's PT Minister.

**Within province or territory:** If the Emergency occurs within the province or territory, for the first 30 days Canada and the PT will pay the costs of the withdrawal and redeployment at the usual cost-share (30/70, respectively). Costs include Salary, transportation, maintenance and any necessary Equipment. After 30 days, Canada is responsible for 100% of the costs.

**In another province or territory:** If the Emergency exists outside the province or territory, the PT will not bear the costs directly related to the withdrawal of PT Members and any necessary Equipment regardless of the length of the Emergency. However, they are responsible for the costs of backfilling their Members while they are redeployed, should they choose to do so.

#### CONSULTATION REQUIRED AFTER 30 DAYS

Regardless of the type or location of the Emergency, withdrawal or redeployment of Members will not extend beyond 30 consecutive days without further consultation between the Federal Minister, PT Ministers (for supplying and receiving jurisdictions), as well as the CEO/Mayor if the Emergency is located within their jurisdiction or their Members have been redeployed (as per the MPSA). Ongoing communications (daily briefings) occur between the ADM/CROPS throughout the Emergency to gauge the response to the situation and length of time redeployment is necessary.

#### Events

##### MAJOR EVENTS

**BACKGROUND:** In the 1992 Agreements, the definition of Special Event was the only mention of events in the Agreement; there were no provisions relating to process or financial responsibility. In the 2012 Agreements, the definition of Special Event was clarified and a clear

definition for Major Events was added, as well as procedures for redeploying resources for both types of events.

Redeployment of Members occurs when Members are temporarily assigned to a different geographic location or Unit than where they are normally posted. For example, a Member attached to a Municipal Unit is considered redeployed if he or she is temporarily assigned to a federal or PT Unit to police a Major Event.

#### INTERPRETATION

**MAJOR EVENTS:** Major Events are those events of national or international significance, occurring within Canada, that require additional police resources and where the overall responsibility for security for that event rests with Canada.

Examples of Major Events include: an international sporting event within Canada that requires the planning or coordination of security of athletes by the RCMP in either a direct or liaison capacity; a visit to Canada by Her Majesty the Queen, members of the Royal Family, or a head of state/government; or a major summit, conference or meeting when the participants are heads of states/governments (G-8 or G-20 type forum).

Given the high profile nature of these events, natural and man-made disruptions to these events can have significant security implications that can cross local, national or international boundaries. The management of the safety and security of these events is a multi-disciplinary, multi-jurisdictional issue that requires an integrated planning mechanism to ensure seamless operational management in the event that a security issue arises.

If the Commissioner is of the opinion that additional Members are required to police the Major Event, he or she may determine that Members of the Service (or from a Municipal Unit) will be redeployed. In that case, after consulting the PT Minister (or CEO/Mayor), the Commissioner may temporarily withdraw up to 10% of Members from the Service (or Municipal Unit) as well as the necessary Equipment to deal with the Major Event. Canada is responsible for 100% of all costs of the withdrawal and redeployment. This includes Salary, as well as transportation and maintenance costs for the duration of the Major Event.

Redeployment of Members beyond 30 days will not occur without further consultation between the Federal and PT Ministers.

Under the MPSAs and MPUAs, there are similar provisions covering the redeployment of municipal police service members for Major Events and includes a requirement for consultation with the Mayor/CEO.

**SPECIAL EVENTS:** Policing for Special Events is the responsibility of the jurisdictional police (i.e., provincial or municipal). Members of the Service (or Municipal Unit) can be redeployed within the Service (or to a municipal service jurisdiction) to provide additional police resources to maintain law and order, keep the peace and protect the safety of persons, property or communities.

Members of the Service will be redeployed based on the RCMP's operational assessment of the Special Event. This includes assessing the type of gathering, potential crowd behaviour and other situational factors. The duties performed by Members are to be in accordance with the duties of peace officers as outlined in Article 2.

The costs associated with redeploying Members for Special Events will be paid by the PT (or Municipality) at the cost-share ratio as set out in Article 11. This includes Salary, as well as transportation and maintenance costs.

#### Article 10\*: Municipalities

**PURPOSE:** Article 10 stipulates the terms for Municipalities to be policed by the RCMP. For provinces other than Alberta and Saskatchewan, it also sets out the province's authority to police Municipalities between 5,000 and 14,999 population with the RCMP Provincial Police Service, and specifies the manner in which costs will be covered.

**BACKGROUND:** The three territories do not have municipal policing. Article 10 in the Territorial Police Service Agreements simply states that no area is considered a Municipality under the Agreements with the entire territory falling under the jurisdiction of the Service. Similarly, Newfoundland and Labrador does not have municipal policing in their province, so most of this section of the Companion Document is applicable only to the remaining seven provinces with contract policing.

A new provision was introduced to the 2012 Agreements which allows the Service to continue policing a Municipality that meets or exceeds 5,000 population. This option is available at the PT Minister's direction and is contingent on the Municipality remaining under 15,000 population and the arrangement being cost neutral to Canada. This new provision gives PTs some flexibility in terms of utilizing different policing models.

This provision is not included in the Alberta or Saskatchewan Police Service Agreements.

Otherwise, Municipalities with populations over 5,000 are policed under individual MPSAs. If a Municipality not currently policed by the RCMP is interested in entering such an agreement with Canada, it would be subject to admissibility criteria established by the federal government for a new municipal agreement. The admissibility criteria are covered in the New Entrants Guidelines (NEG) which stipulate two sets of terms: one with respect to municipalities never

previously policed by the RCMP and the other, with respect to regional policing areas. The NEG is further explained at the end of the Administration section.

#### INTERPRETATION

##### DEFINITIONS SPECIFICALLY APPLICABLE UNDER THIS ARTICLE

The Article provides definitions for Furnished, Municipal Occupancy Ratio and Municipal Support Staff. Municipality is defined under Article 1.

Municipalities are responsible for 100% of the accommodations related costs including, the furnishings. Items that do not fall within the definition of Furnished are subject to the applicable cost-share ratio set out in Article 11.

Under this Article, the Municipal Occupancy Ratio is used to calculate the portion of accommodations costs related to a PT Police Service Unit providing policing to a Municipality.<sup>5</sup> Similarly, in this Article “Municipal Support Staff” refers to persons utilized in support of the Provincial Police Service Unit providing policing to a Municipality.

##### POPULATION THRESHOLD – 10.2

Generally, the PT Police Service is not required to deliver policing services in any Municipality having a population of 5,000 or more. At that threshold, Municipalities previously policed under the PT Police Service become subject to a different set of terms. These Municipalities may decide to obtain their policing services from an independent police service. To continue receiving policing services from the RCMP, there are two options. The Municipality will enter into a MPSA or, in British Columbia, a MPUA. Alternatively, the PT Minister could direct that the Municipality continue being policed by the PT Police Service under a Provincial Police Unit for that Municipality.

##### GRANDFATHERING – 10.3(a)

Any Municipality policed by the RCMP under a MPSA or MPUA on March 31, 2012, was automatically eligible for a 2012 Agreement.

In the past, some municipalities with populations below 5,000 entered into MPSAs. Where these arrangements were in force on March 31, 2012, regardless of the population threshold, they were eligible for a 2012 Agreement. There are Municipalities of less than 5,000 population with 2012 MPSAs in Manitoba, Nova Scotia and New Brunswick.

##### MUNICIPALITIES 5,000 POPULATION OR MORE – 10.3(b)

Municipalities with populations of 5,000 or more that were policed by the Service on March 31, 2012, had one or two options if they wished to continue to receive RCMP policing services after that date. All Municipalities were eligible to sign a 2012 MPSA or MPUA<sup>8</sup>. Alternatively, the PT Minister could direct that the Municipality continue being policed by the Service (as long as its population is and remains less than 15,000, and the arrangement remains cost neutral to Canada). This requires that the PT absorb the costs that would otherwise be covered by the Municipality according to the terms of the MPSAs or MPUAs (i.e., 100% of accommodations, Support Staff).

Note: The contract parties support a wider interpretation of this provision that would allow the PT Minister to direct that a Municipality with a population between 5,000 and 14,999 that had a MPSA or MPUA as of March 31, 2012 (rather than being policed by the Service on that date), may be policed by a Unit of the PT Police Service if so directed by the PT Minister.

#### EMERGING MUNICIPALITIES – 10.3(c)

Municipalities policed by the PT Police Service that meet or exceed a population of 5,000 during the term of the Agreement have one or two options if they wish to continue to receive RCMP policing services. All Municipalities are eligible to sign a MPSA or MPUA<sup>10</sup>. Alternatively the PT Minister may direct that the Municipality continue being policed by the PT Police Service (as long as its population is and remains less than 15,000, and the arrangement remains cost neutral to Canada). This requires that the PT absorb the costs that would otherwise be covered by the Municipality according to the terms of the MPSAs or MPUAs (i.e., 100% of accommodations, support staff).

#### EMERGING (OTHER) – 10.3(d)

During the 20-year term of the Agreement, if an area policed by the PT Police Service becomes a Municipality and has a population of 5,000 or more, the Municipality has one or two options, if they wish to continue to receive RCMP policing services. All Municipalities are eligible to sign a MPSA or MPUA<sup>12</sup>. Alternatively, the PT Minister may direct that the Municipality continue being policed by the PT Police Service (as long as its population is and remains less than 15,000, and the arrangement remains cost neutral to Canada). This requires that the PT absorb the costs that would otherwise be covered by the Municipality according to the terms of the MPSAs or MPUAs (i.e., 100% of accommodations, support staff).

#### MUNICIPALITY 5,000 OR OVER POLICED BY THE PT POLICE SERVICE – 10.4 AND 10.5

If the PT Minister directs that a Municipality 5,000 or over be policed by a Unit of the Provincial Police Service, then the PT becomes responsible for the costs normally incurred by a Municipality, as outlined below.

**Support staff – 10.4:** Under the MPSAs or MPUAs, Municipalities are responsible for 100% of the costs related to providing support staff for their Municipal Police Service. Similarly, if the PT Minister chooses to police the Municipality with a Provincial Police Unit, the PT becomes responsible for providing the support staff and covering 100% of the related costs. The support staff must meet the job and other related requirements as determined by the Commissioner.

If the support staff are also supporting federal police units, Canada will calculate the proportionate share of the Salaries attributable to each policing Unit and ensure that the PT is charged 100% only for the costs related to the support staff supporting the Provincial Police Unit which is policing the Municipality.

Canada may provide federal public service employees to act as Municipal Support Staff if the PT does not fill these positions. In that case, Canada will provide reasonable notice to the PT that they will be taking this step and the PT will pay 100% of the costs incurred by Canada.

#### Accommodations for Provincial Police Unit policing a Municipality at the PT Minister's Direction – 10.5

Under the MPSAs or MPUAs, Municipalities are responsible for providing accommodations for their Municipal Police Service and paying 100% of the related costs. Similarly, if the PT Minister directs that a Municipality be policed with a Provincial Police Unit, the PT becomes responsible for paying 100% of the accommodations costs (thus ensuring this arrangement remains cost neutral to the federal government). This includes accommodations for both Members and support staff. The Article prescribes the elements that are included in municipal accommodations, such as furnished office space including utilities (e.g., heat, light, water supply) and, if required, jail cell facilities and garage space.

The accommodations will be provided by the PT unless the PT and Canada agree that Canada will provide the accommodations. Both scenarios are described below.

#### Accommodations provided by PT

The PT will provide and maintain accommodations for the Provincial Police Unit policing the Municipality. The PT will pay 100% of the costs, including: all operating and maintenance costs (such as building and property maintenance services).

The accommodations provided must be to the satisfaction of the Commissioner and meet the security standards of the RCMP. If the Commissioner has any concerns with the accommodations provided, he or she will provide the Provincial Minister with written notice of the reasons the accommodations is not satisfactory and detailed information on the necessary actions to resolve the deficiencies. The PT has two years to correct the deficiencies to the



satisfaction of the Commissioner, or Canada may take corrective action itself or lease other accommodations and charge the province 100% of the costs. More information is provided under Administration below.

#### Accommodations provided by Canada

If, by arrangement between Canada and the PT, Canada provides and maintains any accommodations for use by the Provincial Police Unit policing a Municipality, the PT will pay to Canada 100% of the costs incurred by Canada to provide and maintain these accommodations. The PT's share of the costs is determined annually using the Municipal Occupancy Ratio formula. The PT will also pay 100% of any payment in lieu of taxes (PILT) for that building, based on the Municipal Occupancy Ratio. More information is provided under Administration below.

#### Exempted Costs

Any costs relating to the transfer of Members into the Provincial Police Unit policing the Municipality will not be billed to the PT. Canada is responsible for 100% of these costs. This is in keeping with the provisions under the MPSAs and MPUAs.

#### PROVISIONS UNIQUE TO CERTAIN PROVINCES

The **Nova Scotia** Agreement contains a distinct definition of Municipality which excludes municipalities incorporated as municipalities under a county or a district. Article 10 also specifically protects the Halifax Regional Municipality under the Provincial Police Service, excluding it from the population threshold criteria.

#### ADMINISTRATION

##### COST-SHARE

The cost-share under existing RCMP Police Service Agreements is determined as follows:

- provinces, territories and municipalities with populations between 5,000 and 14,999, pay 70% and the federal government pays 30%; and
- municipalities with populations 15,000 or more pay 90% and the federal government pays 10%.

For new entrant Municipalities that have never been policed by the RCMP, if the Municipality meets federal admissibility criteria (as per the federal government New Entrants Guidelines (NEG)), the Municipality pays 100%.

### Article 11\*: Basis of Calculation of Payment

**PURPOSE:** Article 11 describes the costs covered under the Agreements, how the costs are determined and who is responsible for payment.

**BACKGROUND:** The specific details of Article 11 vary slightly between the PT agreements and the municipal agreements. The costs incurred directly by the RCMP in each jurisdiction are not necessarily comparable to an independent municipal police service, nor do they reflect the total cost of providing each jurisdiction with a police service. Some costs incurred by the RCMP may not exist within an independent municipal police service (e.g., inter-divisional transfers), as well as costs incurred centrally by the RCMP or Canada (e.g., Accounting Operations, Shared Services Canada) may be applicable to each jurisdiction.

Some notable changes in the 2012 Agreements in comparison to the 1992 Agreements include:

- RCMP Programs (Recruiting, Cadet Training Program at Depot and the Police Dog Services Training Centre) move from a static rate of \$3,500 (for all three programs) per FTE Utilization of Members to a three-year rolling average of actual costs based on the previous three Fiscal Years effective Fiscal Year 2015-16.
- The cost of the Police Reporting and Occurrence System (PROS) is to be updated on an annual basis, based on the final costs of the previous Fiscal Year. PROS is also the only cost which is to be allocated to the PTs based on FTE Utilization of Members for the *previous* Fiscal Year.<sup>18</sup>
- The cost incurred by Canada for the Corps of Commissionaires to provide point of entry security at divisional/regional headquarters has been added to the cost base.
- The dollar threshold for PTs to amortize Equipment increased from \$100,000 to \$150,000. Amortization is now based on the estimated life of the equipment and the federal Consolidated Revenue Fund lending rate at the time of acquisition.
- The cost base includes costs for both Legal Services (previously excluded from the cost base) and Enhanced Reporting and Accountability (new provision in 2012 Agreements).
- The costs incurred by Canada for the External Review Committee and the Staff Relations Representative Program (and any successors) are excluded from the cost base.

**Cost Base:** The term cost base is used extensively throughout this section of the Companion Document. The cost base refers to the various costs, or the totality of the costs, which are cost-shared between Canada and the PTs.

Costs in the cost base are separated into two major categories.

1. *Direct Costs* – are expenditures associated with the RCMP personnel (Members and public service employees (PSEs)) employed in each jurisdiction. Direct costs include Salary, overtime,

training, travel, and locally purchased equipment such as computers and vehicles, etc. It is important to note that not all costs incurred locally are included in the cost base. There are three broad categories of direct costs:

- a) *Billable Costs* – these costs are incurred locally and are directly billable to each PT. Examples of items in this category include: Salary, local training costs and equipment purchased for use in the Service.
- b) *Non-Billable Costs* – these costs are incurred locally but are deemed a federal responsibility and are not applicable to the cost base. Some costs are non-billable because Canada, not the PT, is responsible for the internal management and control of the RCMP, so the PT should not, for example, be responsible for civil lawsuits resulting from internal management decisions. Another principle is that the PT would not incur certain costs if they had their own independent police service. An example of these costs is interdivisional transfers – when the RCMP transfers personnel from one PT to another.
- c) *Billable Costs in Division Administration* – some costs are incurred locally and while they are considered applicable under the cost base, they form part of divisional or regional administration rate that is included as Other Costs. These costs are shared based on the formula outlined in the Agreement. Examples include health costs and maternity leave.

2. *Other Costs* – these costs are not necessarily incurred locally, but are included in the cost base. In most cases, these costs are incurred by the RCMP at the divisional or regional level, but may also include costs associated to consolidated services (e.g., Shared Services Canada, National Accounting Operations) incurred by the RCMP nationally or by other federal government departments. These other costs include items such as employee benefit plans (the employer’s share of superannuation, Canada Pension Plan and Employment Insurance), shared administration costs (referred to as divisional or regional administration), and RCMP Program costs (Recruiting, Cadet Training Program at Depot and the Police Dog Services Training Centre).

**Cost-Share Ratios:** Depending on the contract type and population of the jurisdiction, the cost-share ratio varies.

Contract Type	PTM’s Share	Canada’s Share
Provincial / Territorial	70%	30%
Municipal: Population 5,000 – 14,999	70%	30%
Municipal: Population 15,000 or more	90%	10%

## INTERPRETATION

### OPERATING AND MAINTENANCE COSTS – 11.2 (a)

The cost of providing and maintaining the Service each Fiscal Year includes operating and maintenance costs such as Salaries and wages, transportation and telecommunication, information, professional services, rentals, repairs, utilities and supplies and miscellaneous operational expenses described in the RCMP Chart of Accounts. The Chart of Accounts is updated annually prior to the beginning of a new Fiscal Year but in-year changes can be made if required.

**Administration related to operating and maintenance costs:** In accordance with Article 18, the CO will provide a current version of the Chart of Accounts annually to the PT Minister.

Any changes to the Chart of Accounts and their impact on any RCMP Standard Tables are brought to the attention of CMC.

### EQUIPMENT – 11.2 (b) AND 11.2 (l)

There are two categories of Equipment defined under Article 1: Type A and Type B.

Equipment-Type A refers to one-time or extraordinary acquisitions such as specialized motor vehicles, ships and other water craft, aircraft of any kind, identification systems, telecommunication and other communication systems, including radio towers and related assets affixed to real property.

Equipment-Type B refers to annual or recurring acquisitions such as regular police cruisers, radio and computer equipment, security and investigational equipment and technology or licensing fees. Articles 14 and 15 should be consulted for further information on Equipment.

All Equipment costs are direct costs included in the cost base, unless the cost is \$150,000 or more and the PT Minister has requested that the cost be amortized in accordance with Article 11. The option to amortize this Equipment may assist some PTs who may find it difficult to pay for large capital expenditures in one year.

A PT may choose to amortize Equipment if all these criteria are met:

- the item is classified as Equipment-Type A;
- the cost of the item is \$150,000 or more;
- the amortization period is not longer than the estimated life of the Equipment; and
- the PT Minister requests it be amortized.

There may be circumstances where individual items under \$150,000 are eligible for amortization. This would only occur when smaller items are being grouped and considered part of a much larger project, such as the replacement of a provincial radio system where individual radios could be considered as part of the larger radio replacement project and subject to amortization.

#### PENSION CONTRIBUTIONS – 11.2 (c-e)

Costs associated with Superannuation and Canada Pension Plan for both Members and public service employees (PSEs) are included in the cost base (as Other Costs) and are cost-shared under the Agreement.

**Superannuation:** For contract policing billing purposes, the employer's contribution rate for Members' superannuation is based on the Pension Panel's recommendation. See the Pension Panel section of the Companion Document for more information on how pension contributions for Members are determined.

Contract parties also cost-share the employer's contribution to the federal PSE's pension. The rate is determined annually by RCMP National Headquarters based on actuarial reports produced by the Office of the Superintendent of Financial Institutions (OSFI) of Canada.

**Canada Pension Plan:** Contract parties also cost-share the employer's contributions made to the Canada Pension Plan for all employees (including Members and Support Staff, including those individuals performing guard duties for lock-ups under the Service).

#### EMPLOYMENT INSURANCE – 11.2 (f)

The costs associated with Employment Insurance (EI) are included in the cost base as Other Costs. EI premiums are based on, and deducted from, an employee's maximum insurable earnings. Insurable earnings include salary, wages, allowances and other remuneration paid to an employee. Both employees and employers must pay EI premiums. Each year, the Canada Revenue Agency determines the maximum insurable earnings amount and the EI rate. The RCMP then completes a calculation that converts the rate (based on calendar year) into a Fiscal Year rate.

The calculation for Member EI recovery rate is reduced due to the current sick leave benefits available to them. The current unlimited sick leave policy has an impact on the short-term disability plan available to Members and thus reduces the employer share of EI.

#### DIVISIONAL AND REGIONAL ADMINISTRATION – 11.2 (g)

**General Background:** Administration in this context refers to the common support services provided to multiple business lines of the RCMP (federal, provincial, territorial, municipal and First Nations). These support services may include financial services, planning, client services, human resources, informatics and management services. Administration costs include personnel and O&M, including employer paid benefit plans (pensions and employment insurance) for administration employees.

The divisional and regional administration allocation methodology is used to share costs among all business lines in a Division or Region, such as health services costs for all employees including non-divisional administration staff. The costs of Members on maternity leave and other special leaves are included as well. The allocation of administration costs ensures an equitable sharing of all RCMP administrative costs between the various business lines of the RCMP.

#### RCMP PROGRAMS2– 11.2 (h-i)

**Recruiting, Cadet Training at Depot and the Police Dog Service Training Centre:** Under the 1992 Agreement, a flat rate of \$3,500 was applicable to Members and temporary civilian employees (TCEs). The flat rate was established for ease of administration, but did not adjust relative to the fluctuation of actual costs.

For the period beginning April 1, 2012 and ending March 31, 2015, the charge for Recruiting, the Cadet Training Program at Depot (Regina, Saskatchewan) and the Police Dog Service Training Centre (PDSTC) (Innisfail, Alberta) will be based on the FTE Utilization of Members in the contract jurisdiction multiplied by \$3,500.

Starting April 1, 2015, and for the remainder of the term of the Agreements, the costs for these three programs will be determined by way of a rolling three-year average based on actual costs expended on each program in the previous three Fiscal Years.

Since Recruiting and the Cadet Training Program at Depot are National Programs these costs will be distributed across all federal, provincial, territorial, First Nations, municipal and airport business lines in Canada. While the PDSTC is also a National Program, its costs are shared based on the FTE Utilization of all police dog service teams in the RCMP.

Pursuant to Article 21, the RCMP will deliver Multi-Year Financial Plans to CMC every September 15. CMC will indicate its support (or not) for those plans by December 15. Article 21 of the Agreement and Companion Document should be consulted for further information about the National Programs Multi-Year Financial Plans.

#### Administration related to National Programs

**Recruiting – 11.2 (h), (i(i))**

Beginning April 1, 2015, the charge for Recruiting will be determined by dividing the average of all expenditures for recruiting in the previous three Fiscal Years by the average FTE Utilization of all Members in the RCMP for the previous three Fiscal Years multiplied by the current FTE Utilization of Members in the Service.

The charge for Recruiting includes divisional, regional and national recruitment related costs such as: Salaries and travel of recruiters, office supplies and equipment, and advertising and marketing. It also includes: the processing of applicants; applicant travel; career presentations; written examinations; physical, medical and psychological testing; interviews; polygraph tests; field investigations; and security clearances.

The charge for Recruiting does not include the major capital investments required to construct, Renovate or acquire buildings to accommodate the program delivery personnel.

**Cadet Training Program at Depot – 11.2 (h), (i(ii))**

Beginning April 1, 2015, the charge for the Cadet Training Program at Depot will be determined by dividing the average of all expenditures for cadet training for the previous three Fiscal Years, minus the average of any revenues received for training other police services or other agencies in the previous three Fiscal Years, by the average FTE Utilization of all Members in the RCMP for the previous three Fiscal Years, multiplied by the current FTE Utilization of Members in the Service.

The cost of the Cadet Training Program includes things such as: the cadet allowance; clothing and operational equipment; travel to Depot; trainer relocation to Depot; and relocation of the cadet to their first posting. It also includes Salaries, relocation expenses, office supplies and equipment for training support and Depot administration. Facilities' operating and maintenance costs for equipment, vehicles, professional and contract services, utilities and minor capital are billable costs.

The cost of the Cadet Training Program at Depot does not include the major capital expenditures required to construct, Renovate or acquire buildings, or the operating and maintenance expenses for buildings at Depot not used for cadet training (e.g., RCMP Heritage Centre).

**Police Dog Service Training Centre – 11.2 (h), (i(iii))**

Beginning April 1, 2015, the charge for the PDSTC will be determined by dividing the average of all expenditures for the PDSTC for the previous three Fiscal Years, minus the average of any revenues received for the sale of dogs or dog training provided to other agencies for the

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previous three Fiscal Years, by the average FTE Utilization of all police dog teams in the RCMP for the previous three Fiscal Years multiplied by the current FTE Utilization of police dog teams in the Service.

The cost for the PDSTC includes things such as kennel operations, equipment and professional services for dog breeding (i.e., veterinary services). It also includes training operations, Salaries and travel for trainers in the Dog Team Training Program as well as those costs related to re-certifications. Administration costs such as Salaries, O&M, relocation to the PDSTC, office supplies and equipment for the PDSTC, as well as facilities' O&M costs including maintenance of equipment, vehicles, utilities, minor capital and contractual services are billable costs.

The cost of the PDSTC does not include the major capital expenditures required to construct, Renovate or acquire buildings.

#### RECORDS MANAGEMENT SYSTEM (PRIME/PROS) – 11.2 (j)

The PTs are responsible for the Service's share of costs for information and operational records management systems (O/RMS).

#### POINT OF ENTRY SECURITY – 11.2 (k)

The Corps of Commissionaires have a contract with the federal government to provide points of entry (POE) security at federal government buildings including divisional/regional headquarters. The costs associated with the Corps of Commissionaires providing these services are allocated to contract jurisdictions relative to their share of the total occupancy of the building. The cost includes all of the costs for supplying the service (salary, benefits and uniforms, etc.).

#### COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP (CPC) – 11.2 (m)

The CPC is an independent agency that ensures that public complaints made about the conduct of Members are examined fairly and impartially. The CPC is not part of the RCMP. The CPC reports findings and makes recommendations to the RCMP Commissioner regarding public complaints made against the RCMP.

The CPC provides civilian oversight to the entire RCMP. Consequently, the cost is distributed based on the FTE Utilization of Members in all business lines across Canada.

**Administration related to the CPC:** The charge for the CPC to a specific business line is calculated by dividing the cost to Canada to maintain and provide the CPC by the total FTE Utilization of all Members and multiplying the product by the total FTE Utilization of Members in the Service. All figures are derived from the current Fiscal Year.

The cost of the CPC is published every year in the CPC's annual report to Parliament.



**LEGAL ADVISORY SERVICES – 11.2 (n):** Legal costs have historically been excluded from the cost base. However, as part of the 2012 Agreements, a defined amount towards the costs of legal advisory services in direct support of the Service has been added to the cost base.

**ENHANCED REPORTING AND ACCOUNTABILITY – 11.2 (o):** Charges for an enhanced reporting and accountability capacity have been introduced to the 2012 Agreements because of the Agreement's emphasis on the RCMP's increased accountability to the contract parties and the general public.

A base amount of \$1.5 million is prorated to all contract policing jurisdictions for the development and implementation of enhanced reporting and accountability, for a minimum of three years.

Each year, the RCMP will provide annual statements to CMC on the number, location, activities and position of the staff assigned to provide and maintain enhanced reporting and accountability. The contract parties will work together to avoid a duplication of existing capacity within the Service and to explore ways in which to better utilize the existing capacity to provide improved administration of the Agreement.

The resources dedicated to increased capacity may only be increased by mutual agreement between the contract parties. If an increase is agreed to, the contract parties will revise the base amount in writing.

#### **COSTS EXCLUDED FROM THE COST BASE – 11.3 AND 11.4**

The following items are not cost-shared by the contract parties. The costs are excluded from the Agreement (Canada pays 100%):

- interdivisional transfers of personnel or equipment, other than trainers who are relocated to Depot (this cost is captured as part of the Cadet Training Program at Depot rate);
- the cost of Equipment–Type A which is \$150,000 or more and has been amortized subject to paragraph 11.2(1) at the request of the PT Minister;
- the cost of any civil action, compensation claim, *ex gratia* payment or claim for associated legal fees; and
- the cost incurred by Canada in respect of providing point of entry security for federal buildings other than divisional or regional headquarters.

In addition, costs related to Members on special leaves such as sick leave or suspension for more than 30 days, parental leave or pension retirement leave are not directly billable to the Service. However, these costs are allocated to divisional administration and will be charged to the contract jurisdictions through the divisional administration rate.

#### DEDUCTIONS – 11.5

The RCMP will deduct 70% of the following credits, refunds or reimbursements from the amount owed for the provision of contract policing in the contract jurisdictions:

- any refunds or reimbursements obtained by Canada with respect to any expenses that were paid by the PT;
- the revenue received by Canada from leased accommodations and Living Quarters deductions from Members utilized by Canada to provide and maintain the Service;
- any amount received by Canada from a Municipality in respect of accommodations also paid for by the PT; and
- any amount received by Canada from the sale, transfer out of the Service or other disposition of any item of Equipment that cost less than \$150,000 and was purchased by Canada for use in the Service.

#### COSTS PAID AT 100% BY CANADA – 11.6

Canada is responsible for paying 100% of all costs incurred in respect of the External Review Committee and the Staff Relations Representative Program, or their respective successors.

#### COSTS PAID AT 100% BY PROVINCES AND TERRITORIES – 11.7

The PTs are responsible for 100% of the following costs:

- hospitalization, medical examination or treatment, including mental health examination or treatment, for any person in the custody of the RCMP except if such costs have been incurred in the obtaining of evidence;
- conveyance by a third party that is obtained by a Member of the Service for a disabled, injured, ill or deceased person if the cost of the service is not paid by or on behalf of the person or their estate; and
- all incremental costs incurred when, at the request of the PT, the scope and duration of a search and rescue operation is extended beyond that which the CO considers to be appropriate in the circumstances and the CO has so advised the PT Minister.

**Witness Fees for the Provinces:** The **provinces only** are responsible for 100% of the cost of witness fees, transportation, maintenance and escort costs for persons (except for Members and Support Staff) required as witnesses in criminal and civil proceedings and proceedings under provincial laws.

**INDEMNITY – 11.8**

The PT government is indemnified and is not held liable to settle any claim or action against a Member of the PT Police Service. This is in keeping with the principle that the Commissioner is responsible for the internal management of the RCMP.

**PENSION PANEL – 11.9**

Pension Contribution and Accounts are defined under Article 1. Pension contributions are included in the cost base.

The Pension Panel (the Panel) makes recommendations regarding the rate of employer's contributions billable by the RCMP to contract jurisdictions every three years (or as otherwise determined by the Panel) based on a review of the Accounts for the three Fiscal Years preceding the review date.

**Article 12\*: Accommodations Program- AB, NS, SK Version**

Under the 2012 Police Service Agreements, there are two different accommodations models and therefore there are two versions of the Companion Document Article 12. This version is for Alberta, Nova Scotia and Saskatchewan. The other version, which precedes this section of the Companion Document, is for British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nunavut, Prince Edward Island, and Yukon.

**PURPOSE:** Article 12 describes the processes for sharing the costs of federally-owned accommodations used to support the PT Police Service. The purpose of the Article is to outline how these accommodations will be planned, budgeted, managed, reconciled and reported over the course of the Agreement with specific attention to the resulting Accommodation Program Charge (APC) and to the setting of five-year plans and budgets. The Article also sets out a high level process for operating and maintenance (O&M) plans for both federally-owned and federally-leased buildings.

**BACKGROUND:** As a result of the mutual desire of all parties to ensure the sustainability of federally-owned accommodations used by the Service and to enhance the management, the accommodations provisions under the 2012 Agreements are significantly different than previous Agreements.

This new article, considered to be transformational when compared to the last agreement, was negotiated and agreed upon as a result of a common desire to enhance the management of capital associated with contract policing accommodations. Specifically, it was developed to increase focus on such principles as sustainability, affordability and flexibility. This Article de

facto replaces the rent-based model whereby \$107.64 per m<sup>2</sup> was charged for contract policing accommodations for which the RCMP did not pay rent.

This new article also introduces the concept and application of an APC which is based on five-year plans and budgets for Major Capital, Minor Capital and Living Quarters. The purpose of the APC is to normalize the required budgets over a five-year period in an effort to promote long-term real property planning and minimize budgetary ebbs and flows for federal and PT governments. Further, this Article introduces greater clarity on budgets dedicated to new construction, major renovations and on-going life-cycle investments. When compared to the last agreement, it provides for the construction, major renovation and life-cycle requirements needs of living quarters while introducing a specific budget for life-cycle (minor capital) costs.

Last but not least, this Article introduces the means by which federal and PT governments will achieve a jointly-planned and flexible accommodations program, cost-shared at 70-30 with a high emphasis on consultation.

#### Article 13\*: Removal of Buildings and Living Quarters and Transfer of Buildings, Living Quarters and Land

**PURPOSE:** The purpose of this Article is to outline the process for calculating the Fair Market Value of federally-owned Buildings and Living Quarters that are removed from the Service and/or acquired by the PT Police Service.

**BACKGROUND:** Under the 1992 Agreements, the PTs paid a flat rental rate per square metre for the Service to occupy space in federally-owned buildings. Canada was responsible for all acquisition, construction and renovation costs over \$30,000 per project (PTs paid for repairs of up to \$30,000 per project) for federally-owned buildings and living quarters. These Agreements did not have any provision regarding sharing the proceeds from the disposition of buildings or living quarters following their removal by Canada from the use of the Service. These Agreements also did not have any provisions for the acquisition by the PTs of federally-owned buildings or living quarters.

The 2012 Agreements are based on the parties sharing the actual costs of federally-owned accommodations. PTs are responsible for a proportionate share of the cost of acquisition, construction and Renovation for federally-owned Buildings and Living Quarters used to support the Service. The Agreements recognize the financial contributions of the PTs through the sharing of proceeds from the disposal of Buildings or Living Quarters by Canada following removal from the use of the Service. The Agreements also set forth the process by which PTs can acquire federally-owned Buildings and Living Quarters which are no longer required by Canada.

### Article 15\*: Transfer of Ownership of Equipment

**PURPOSE:** Article 15 sets out the process for managing the transfer of any Equipment purchased by Canada for the PT Service if the Agreement expires or is terminated.

**BACKGROUND:** This Article is similar to the provisions that existed under the 1992 Agreement, except:

- an adjustment was made to the minimum amount that can be amortized (increased from \$100,000 to \$150,000);
- the addition of the requirement for the PT to provide notice of their interest in taking over ownership of specific Equipment (as well as timelines); and
- the addition of the requirement that the transfer of Equipment be completed within six months of the termination or expiry date (unless the contract parties agree otherwise).

The Companion Document section on Article 14 may be consulted for additional information on the terms and conditions that apply to Equipment.

Unless an extension or renewal has been negotiated by the contract parties, the Agreements expire on March 31, 2032. However, in accordance with Article 3, Canada or the PT may terminate the Agreement on March 31 of any year, provided the required notification is given.

**INTERPRETATION:** The following terms are defined under Article 1: Equipment, Equipment-Type A, Equipment-Type B, and Fair Market Value.

Article 15 provides the mechanism to recognize the equity a PT may have accrued towards the purchase of any item of Equipment upon the termination or expiry of the Agreement. If Canada no longer requires any Equipment they purchased for the Service, then the PT has the option to acquire it at the current Fair Market Value, less their paid share, excluding interest.

This Article covers all Equipment purchased by Canada for the Service.

### Article 16: Jails and Lock-ups

**PURPOSE:** Article 16 acknowledges responsibilities for jails and police lock-ups and sets out provisions regarding changes to the number and size of lock-ups.

**BACKGROUND:** Most Detachments in the Service are equipped with jails or police lock-ups for the purpose of housing persons lawfully detained by police in the execution of their duties. The lock-up cells are intended to be used as temporary holding cells, as opposed to correctional facilities.

**INTERPRETATION:** This Article acknowledges that Canada has no responsibility to maintain jails and lock-ups for persons committed to custody for less than two years. Persons committed to

custody for less than two years are normally a PT responsibility and serve time in a PT correctional facility. In practice, there are times when these persons are held in the police lock-up and this practice will continue unless otherwise agreed by the parties.

The number, capacity and location of jails and lock-ups in existence on April 1, 2012, will not be reduced without prior consultation with the PT Minister.

#### ADMINISTRATION

**CONSULTATION WITH PROVINCIAL OR TERRITORIAL MINISTER:** Under circumstances which may require the closure of a lock-up (for health, safety or other reasons), or a reduction in a lock-up's size or location, the RCMP must consult with the PT Minister as soon as possible, as any changes may affect policing or other parts of the justice system. Working together, the RCMP and the PT should mutually agree on a way forward.

**FINANCIAL RESPONSIBILITY:** Lock-ups are part of the Detachment building and are cost-shared accordingly.

**RESPONSIBILITY FOR GUARD DUTIES:** Responsibility for providing guards and/or matrons depends on who owns or leases the Detachment building. If the Detachment building is owned or leased by the federal government, the Corps of Commissionaires and/or guards provide guard duties. If the Detachment building is owned or leased by a Municipality, employees of the Municipality provide guard duties. Either way, municipalities are responsible for 100% of the costs for guards and matrons for their Municipal Police Service.

#### Article 18\*: Financial Planning and Reporting

**PURPOSE:** Article 18 establishes a collaborative process for the CO and PT Minister to engage in multi-year, long-term financial planning and reporting for the Service and divisional/regional administration. This process ensures the contract parties discuss future resource requirements, increases financial accountability and transparency, while respecting the budgetary processes of both the federal and PT governments. It also provides the contract parties with information so they can jointly identify opportunities for cost containment and strengthened financial efficiency, where appropriate.

**BACKGROUND:** The 2012 Agreements provide a formal multi-year financial plan, establishing enhanced consultation between the CO and the PT Minister. Under the 1992 Agreements, financial planning was limited to one year.

Ensuring that the federal share of contract policing funds is available each year depends, in part, on accurate financial and resource forecasting by all contract policing jurisdictions. The RCMP, as a federal government entity, undertakes a comprehensive planning process for its

annual Contract Policing Incremental Funding Treasury Board submission (submitted as part of Canada's Annual Reference Level Update, or ARLU). As part of this process, the RCMP analyzes planned growth, attrition rates, restructuring initiatives, transfers, etc., over all business lines in order to forecast the total number of additional personnel and incremental funding required for contract policing. Each Fall, the RCMP is required to provide detailed information in the federal Treasury Board submission to substantiate the requests of the contract partners for planned incremental contract policing growth for the next fiscal year.

The information provided by the PTs under Article 18 is critical for the preparation of the federal Treasury Board submission. As PT budget processes and timelines do not align with the federal ones, the approved PT budgets are not available when the federal Treasury Board submission is made. For this reason, it is the projected annual budgets and resource forecasts (together forming the "approval in principle" budget and personnel figures) which inform the development of the federal Treasury Board submission.

Enhanced consultation and collaboration between the CO and the PT Minister on financial matters and the planning and reporting processes outlined under this Article ensure that the budget processes of federal and PT governments are respected and that all contract parties have the information they require to effectively manage the finances of the Service and divisional and/or regional administration.

#### INTERPRETATION

**CONSULTATION PHASE:** The CO and PT Minister will exchange information in order for the RCMP to prepare the projected multi-year financial plan (the Plan). The CO and PT Minister will determine the format and schedule for this exchange of information.

The information exchanged between the CO and PT Minister will include, at a minimum, the following:

- number of positions required for the Service;
- number of positions required for divisional and/or regional administration to support the Service;
- budgetary considerations affecting the Service and divisional and/or regional administration;
- proposed multi-year infrastructure and equipment plans;
- any significant deviation between the budget for the previous Fiscal Year and expenditures for the current Fiscal Year; and
- any other information agreed to by the CO and PT Minister.

**THE MULTI-YEAR FINANCIAL PLAN (THE PLAN):** The PT Minister will determine whether the Plan covers three, four or five Fiscal Years. The Plan period begins on April 1 of the next Fiscal Year. The Plan will be updated annually for the current and following Fiscal Years, and is therefore a “rolling” financial plan. At the onset of each fiscal year, Divisions and PTs will engage in the divisional planning process as outlined in the multi-year financial plan timeline (see timeline at the back of Article 18 CoDo pg. 210). Following discussion and collaboration, the CO will provide the PT Minister with the Plan on or before June 1 each year.

Following consultation and collaboration on the development of the Plan and upon receipt of the Plan from the CO, the PT Minister will review the information and/or proposals described in the Plan.

Increases to resources proposed in the plan will be supported by a business case which will provide sufficient information for the jurisdiction to make the necessary decisions and satisfy their funding requests. If required by the PT, the template found at the end of Article 18, CoDo pg. 208-209 could be used, keeping in mind that some PTs may require more information and others may require less. The level of information required will be confirmed between the Division and the PT representative.

**BUDGET:** The PT Minister will provide the projected annual budget for the Service and divisional and/or regional administration for the next Fiscal Year. If available, the projected budgets for the remaining years of the Plan will also be provided. The PT Minister will provide this information in writing to the CO by June 15. This letter is commonly referred to as the “approval in principle” letter.

Throughout the year, as the information becomes available, the PT Minister will provide the CO with updates on the projected annual budget for the next Fiscal Year. At the conclusion of the PT budget process, the PT Minister will provide the CO with a written letter confirming the approved annual budget for the Service for the next Fiscal Year. This letter will also include any known changes to the projected annual budgets for the remainder of the Fiscal Years in the Plan (i.e., years two, three, etc).

If the RCMP requests increases to the approved budget, the CO will obtain approval from the PT Minister where possible prior to enacting such changes.

**FINANCIAL REPORTING:** The CO will provide financial reports to the PT Minister at mutually agreed times throughout the year. These reports will have a standardized format and will contain the following information:

- details of the year-to-date expenditures and forecasted expenditures for the remainder of the current Fiscal Year;



- explanations for any significant variances from the annual budget approved by the PT Minister; and
- proposed changes or updates to the Service's multi-year infrastructure and equipment plans.

The CO will provide the PT Minister with the following information in a standardized format by June 30 each year:

- accurate, detailed accounting of all actual expenditures for the Service; and
- explanations for any significant variances from the annual budget approved by the PT Minister.

Each Fiscal Year, the CO will also provide the PT Minister with a copy of the current Chart of Accounts. With reasonable notice, the CO will also provide any additional information that relates to financial implications on the Service.

**EQUIPMENT PURCHASING APPROVAL:** Equipment-Type A costing over \$150,000 requires the PT Minister's approval prior to its purchase. See Articles 11, 14, 15 and 18 for more information on Equipment-Type A. In practice, the RCMP will present a business case to the PT Minister seeking approval for Equipment-Type A purchases over \$150,000. A business case will provide sufficient information for the jurisdiction to make the necessary decisions and satisfy their funding requests. If required by the PT, the template found at the end of Article 18, CoDo pg. 208-209 could be used, keeping in mind that some PTs may require more information and others may require less. The level of information required will be confirmed between the Division and the PT representative.

**STRENGTHENING FINANCIAL EFFICIENCY AND ADMINISTRATION:** In addition to the other requirements of this Article, the contract parties will work together to strengthen the financial efficiency and administration of the Agreement. This may include developing and implementing ongoing initiatives to contain costs and improve long-term financial planning, with the goal of achieving greater predictability, efficiency and transparency when budgeting for future policing costs.

#### Article 19: Directed Reviews

**PURPOSE:** The purpose of Article 19 is to give PTs the ability to request in-depth reviews of a program or service in order to increase understanding, facilitate decision-making and improve accountability. The Article contains a provision that allows the contract parties to request that a matter be included in RCMP audit, evaluation, review plans, etc., and also describes the process for initiating and paying for Directed Reviews of the PT Police Service or activities undertaken in support of the Service.

**BACKGROUND:** In the 2012 Agreements, provisions on Directed Reviews (19 and 21.8) were included to strengthen accountability for financial management, and program and service delivery. These mechanisms are to help ensure that PT concerns about contract policing issues will be examined.

Article 19 refers to Directed Reviews relating to the PT Police Service, while subarticle 21.8 refers to Directed Reviews relating to RCMP Programs.

The mechanisms included under Article 19 and subarticle 21.8 are designed to minimize duplication and to utilize existing processes, if appropriate and desirable. As such, references in the Agreement to “departmental audit plan” are interpreted in the broadest sense; the term does not refer to a specific plan or report. “Departmental audit plan” includes any RCMP or federal government process related to audits, evaluations, reviews, etc.

A broad interpretation ensures that the ability to review RCMP Programs will be available to the PTs over the life of the Agreement, regardless of how the structure or processes of the RCMP and/or federal government may change in that time period, and regardless of whether the name and/or scope of specific plans change.

Federal legislation and policy requires federal departments to have an internal capacity to conduct both audits and evaluations. The RCMP Chief Audit and Evaluation Executive is responsible for: preparing multi-year audit and evaluation plans; updating these plans annually; conducting the reviews; and preparing an annual report for the Comptroller General of Canada.

The RCMP plans, known as the Risk Based Audit Plan (RBAP) and the Departmental Evaluation Plan (DEP), identify projects to be conducted over a three- and five-year period respectively. The plans are refreshed annually. Final decisions on the selection of projects for both the RBAP and DEP rest with the Commissioner.

Divisions engage in various processes that relate to Directed Reviews of the Service or activities undertaken in support of the Service. Some of these reviews are planned in advance and operate within an annual cycle, while others take place on an ad hoc basis in response to a specific incident or event.

#### INTERPRETATION

The Article contains distinct provisions for reviews that are nationally coordinated (19.1) and those that are locally coordinated (19.2).

**NATIONALLY COORDINATED:** Paragraph 19.1(a) provides CMC with a formal mechanism for proposing that an activity undertaken in support of one or more Service(s) be included in one of

the nationally coordinated review plans (e.g., RBAP, DEP or similar successor). For this to occur, CMC will make this request in writing to the RCMP.

In addition, each year the RCMP will provide CMC with a description of matters relating to any PT Police Service included in any of the nationally coordinated plans, including the current RBAP and DEP. This reporting requirement ensures contract jurisdictions are aware of planned reviews, thereby creating the opportunity for them to have input and minimizing the possibility of unknowingly duplicating a review. There is nothing in the Agreement to prevent an issue being reviewed simultaneously or subsequently under different review mechanisms; in certain circumstances, contract parties may determine this is the best means of obtaining the information required.

**LOCALLY COORDINATED:** Subarticle 19.2 describes the mechanism for the CO to consult with the PT when locally coordinated review plans are being developed and provides for the PT to have matters relating to the Service reviewed by the Division, or an Independent Reviewer.

A Directed Review is a thorough analysis that examines whether services and/or activities are relevant, effective, efficient, accountable and/or operating in compliance with applicable standards. A Directed Review can be conducted on any matter that is related to the Service or the delivery of policing services in the contract jurisdiction. It would be conducted at the Division level, by either the RCMP or an Independent Reviewer (defined in 19.2(e)).

The CO will consult with the PT Minister when the Division is developing review plans. To reduce duplication and fit within existing processes where appropriate and desirable, the RCMP will share existing plans and give the PT the opportunity to contribute to those plans.

The RCMP (or an Independent Reviewer if the PT so chooses) will conduct reviews requested by the PT unless it is not reasonably possible.

The subject matter, scope, timing and any other requirements of any review requested by the PT will be mutually agreed upon by the CO and PT Minister. Similarly, the extent of involvement of PT officials will be mutually agreed by the CO and the PT Minister.

At the PT Minister's request, a mutually agreed upon, independent third-party will be appointed to conduct the review. If the PT Minister does not specifically request that an Independent Reviewer be engaged, then RCMP staff will conduct the review.

Independent Reviewers are subject to the same RCMP internal protocols, procedures and practices with respect to the protection of information and security requirements as the RCMP itself. Independent Reviewers will be given access to the necessary information while ensuring that applicable laws and federal policies are not compromised.

If an Independent Reviewer is appointed at the request of the PT Minister, the PT will pay 100% of the costs of the Directed Review. The Independent Reviewer may be hired by the RCMP or by the PT.

All reports prepared as a result of a PT request under this Article will be provided to both the PT Minister and the CO as soon as completed.

#### Article 20\*: Bilateral Reviews

**PURPOSE:** Article 20 provides a review mechanism by which the parties may examine emerging issues or resolve issues as they arise, in relation to the specific implementation of the Agreement in a province or territory. It can also constitute a bilateral means to raise a concern, examine the issue and reach resolution, before and instead of using the formal Dispute provisions under Article 23.

**BACKGROUND:** Although the Agreements were negotiated collectively, each of the 11 contract jurisdictions has a bilateral Agreement entered into between Canada and the PT. Bilateral reviews were introduced in the 2012 Agreements to provide a more formal mechanism for addressing issues of concern to one province or territory in relation to the application or implementation of the Agreement in a specific province or territory. Bilateral reviews differ from Directed Reviews conducted under Articles 19 or 21 where the performance of a service delivered by the RCMP is the focus of the review.

**INTERPRETATION:** Public Safety Canada and a PT may engage in a bilateral review to address issues related to the application or implementation of the Agreements in a specific province or territory. The parties should consider conducting a bilateral review to resolve an issue before initiating a Dispute under Article 23, particularly in situations where fact-finding and research could be the key to untangling a disagreement.

Either the Federal or PT Minister may initiate the bilateral review process. The initiating party will notify the other party in writing, with full details of the issue it wishes to review. The party notified of the matter will reply in writing as soon as possible. The notified party may agree to the proposal to have the review or reply with a counter proposal, including written details.

Bilateral reviews may occur at any time during the term of the Agreement. The frequency, scope and subject matters to be reviewed are at the discretion of the two parties. Neither the PT nor Canada can propose that the cost-share arrangement (outlined in Articles 11 and 12) be the subject of a bilateral review unless the parties explicitly agree otherwise.

The outcome of a bilateral review could potentially be a change to the Agreement itself, or a change in policy or practice. Any changes would be assessed to determine their applicability to other PTs. Any amendments to the Agreement resulting from a bilateral review will not come

into effect until federal and PT ministerial approvals are obtained and agreement between the two parties is recorded in writing in accordance with Article 25.

#### Article 21\*: Contract Management Committee

**PURPOSE:** Article 21 establishes the principal terms for CMC to fulfill its governance role in relation to the Agreements. The Article stipulates CMC's structure and basic operative work, its mandate as well as the role of the various members of CMC: Public Safety Canada, the PTs, the RCMP and the Municipalities (as Associate Members). It also provides a mechanism for CMC to review RCMP Programs, either through consultation on nationally coordinated review plans or by conducting Directed Reviews.

**BACKGROUND:** CMC replaces the Contract Advisory Committee that was responsible under the 1992 Agreement for the implementation and operation of that Agreement. The change in terminology (management instead of advisory) reflects the strengthened governance and accountability of the contract parties. The contract parties committed to working together and to consult and collaborate with each other regarding substantive decisions affecting the quality and cost of the policing services.

CMC adopted Terms of Reference to further establish how CMC organizes itself, how meetings are conducted, as well as describing the support CMC receives through standing committees, working groups and the Secretariat.

Subarticle 21.8 contains new provisions for PTs to be consulted (through CMC) when nationally coordinated review plans are being developed for RCMP Programs, and provides a mechanism for CMC to request that a Directed Review of a RCMP Program be conducted. See the Background section of Article 19 in this document for more information on the addition of Directed Reviews to the 2012 Agreements as well as information on federal government review mechanisms.

#### Article 22\*: CMC Five Year Reviews

**PURPOSE:** Article 22 provides Canada and the PTs with a review mechanism to analyze the Agreements' financial and other significant provisions every five years. The Five-Year Review is the mechanism built into the Agreements to ensure they meet the evolving needs of the contract parties in order to remain current over the 20-year term.

**BACKGROUND:** The scope of Five-Year Reviews has been expanded in the 2012 Agreements to consider all substantive issues rather than simply cost items (as was the case under the 1992 Agreement). The 2012 Agreements eliminated most of the fixed rates in the 1992 Agreements in favour of recovery of actual costs via pre-determined formulae to ensure financial elements remain current over the twenty-year term of the Agreements. These formulae, as well as the

costs incurred for a given program or service, may be reviewed at the Five-Year Review. In addition, contract parties can now use the Five-Year Reviews to analyze existing or emerging program areas that could be improved or managed more efficiently.

**INTERPRETATION:** Every five years, a review of financial and other substantive issues related to the Agreements will be conducted. For a matter to be included in the Five-Year Review (the Review) it must involve more than one PT (otherwise, the bilateral review process may be used).

The Reviews will occur in the Fiscal Years 2016-2017, 2021-2022 and 2026-2027. Each Review will be finished by April 1 of 2017, 2022 and 2027 respectively.

Canada and any province or territory may propose matters for inclusion in the Review. All issues must be referred, with full written details, to CMC between 12 and 18 months before the date on which the Reviews are to be completed, unless the parties agree otherwise. CMC will determine which issues will be included in the Review by April 1 of the year the Review takes place (i.e., 2016, 2021 and 2026), and no other issues will be included after that date unless the parties agree otherwise.

The costs incurred by Canada as determined in accordance with Article 11 and Article 12 may only be reviewed during a Five-Year Review. This includes items that are included or excluded from the cost base (i.e., what comprises the basket of goods). Neither Canada nor a PT can propose that the cost-share arrangement (as outlined in subarticles 11.1 and 12.1) be the subject of a Five-Year Review unless Canada and the PTs explicitly agree otherwise.

The results of the Review and any recommendations made by CMC will be provided to the Federal and PT Deputy Ministers for their review and consideration as soon as possible after the completion of the Review.

Any amendments resulting from the Review will not come into effect until Federal and PT Ministerial approvals are obtained and agreement is recorded in writing in accordance with Article 25. Since each Agreement is a bilateral agreement between Canada and a PT, the possibility exists that not all PTs will adopt all (or any) of any amendments proposed as a result of a Five-Year Review.

#### Appendix A\*: Application of the Municipal Police Service Agreement

The Municipal Police Service Agreement (MPSA) is a flow through of the Provincial Police Service Agreement (PPSA), in that it mirrors the terms and operating procedures of the PPSA. PTs were responsible for negotiating the 2012 PPSA, and through consultation with Municipalities, took a lead role in negotiating the MPSA, to maintain the consistency of provincial, territorial, and municipal RCMP contract policing services.

This Appendix does not apply to the territories or Newfoundland and Labrador, which do not have municipal agreements, or to British Columbia which will have its own Municipal Companion Document due to the different contractual relationship British Columbia has with its Municipalities.

Policing is recognized, constitutionally, as a PT responsibility, delegated to Municipalities by way of provincial legislation. Orders in Council of provincial governments are required to authorize Municipalities to enter into RCMP MPSAs with Canada.

The Companion Document is the interpretation guide to the PPSA, and by extension, the MPSA. The agreements are, by and large, interchangeable with respect to interpretation and application.

The purpose of this Appendix is to provide a crosswalk between the interpretation and application of the PPSA and the MPSA.

#### MPSA ARTICLE 1: INTERPRETATION

Most terms defined in Article 1 of the MPSA have the same definitions as in the PPSA, with the exception of the specific terms “CEO”, “Furnished”, “Member in Charge”, “Parties”, “Provincial Police Service”, “Provincial Police Service Agreement”, and “Support Staff”, which have definitions unique to the MPSA.

#### MPSA ARTICLE 2: PURPOSE AND SCOPE

Clauses under MPSA Article 2 are interchangeable with Article 2 of the PPSA, with the exception of the following clauses that are MPSA specific:

##### PARAGRAPH 2.1.C - ANNEX “A”

The MPSA is silent on the issue of maintaining a listing of Members and Support Staff assigned to the Municipal Police Service, referred to as Annex “A” within the PPSA. The process provided under PPSA paragraph 2.1.c.1 provides a guideline for application to the MPSA, whereby the Municipality, Canada, and RCMP maintain an a listing of all Members and support staff assigned to the Municipal Police Service.

##### PARAGRAPH 2.2.C - MUNICIPAL BY-LAWS

Municipal by-laws are included as duties of the Municipal Police Service, in conjunction with the other demands for enforcement services within the Municipality, by the RCMP Municipal Police Service. Enforcement of municipal by-laws by the Municipal Police Service is generally limited to those by-laws which are law enforcement related. For example, municipal speed by-laws,

noise by-laws as it relates to unruly parties would be enforced; Barking dog by-laws or development permit inspections would not be enforced by RCMP.

This provision should be cross referenced to MPSA Articles 6.1 and 7.1, whereby the Municipal Police Service acts under the direction of the CEO/Mayor, and implements the objectives, priorities and goals as determined by the CEO/Mayor. In addition, many Municipalities opt to employ community peace officers or by-law enforcement officers to work in conjunction with the RCMP Municipal Police Service to provide effective law enforcement.

#### SUBARTICLES 2.4 TO 2.6 - SUPPORT STAFF

Municipalities are responsible for providing municipal support staff at 100% cost.

#### MPSA ARTICLE 4: EXCLUSIONS AND INCLUSIONS

This Article pertains to exclusions or inclusions of duties or functions of the Municipal Police Service, whereas PPSA Article 4 also addresses inclusions and exclusions of geographic areas.

Of note, when a Municipality that has previously received RCMP Provincial Police Services establishes an RCMP Municipal Police Service, a notice of geographic exclusion is not required from the PT, but is inherent, since the MPSA automatically excludes the municipality's geographic area from the PPSA.

#### MPSA ARTICLE 5: INCREASE OR REDUCTION IN THE MUNICIPAL POLICE SERVICE

All clauses under MPSA Article 5 are interchangeable with Article 5 of the PPSA. The PPSA Article also includes the process for an increase or reduction in divisional and regional administration positions.

#### SUBARTICLE 5.5. – NO REPLACEMENT OF MEMBERS

Where vacancies arise due to Members attending a training course related to the Municipal Police Service, on annual leave, or when ill except where the illness results in a Member's absence for a period of more than 30 consecutive days, Members will not be replaced.

#### Cross reference MPSA Paragraphs 8.1.e and f

Where municipalities experience sick leave vacancies beyond 30 consecutive days, the RCMP will report on all vacancies, and positions staffed, surplus to establishment. The Municipality may also discuss options with the RCMP to staff these positions, surplus to establishment, to maintain adequate service delivery levels.



As of the time of writing of this document, the RCMP is in the process of modernizing health services, which includes enhancements to sick leave management.

#### Subarticle 7.3 - Staffing of Detachment Commander

Of note is the requirement for the CO to consult and engage the CEO/Mayor in the staffing of the Detachment Commander position.

#### MPSA ARTICLE 9: EMERGENCIES AND EVENTS

The CO or the PT Minister hold the responsibility to invoke an Emergency in the province. Generally, the RCMP resources located within a province are redeployed first, to respond to an Emergency within the province. If additional resources are required, the PT Minister will make the request to the CO to temporarily increase the strength of the PT Police Service to respond to the Emergency. If the Emergency occurs within a Municipal Police Service jurisdiction, the province is responsible for invoking the Emergency, pursuant to the PPSA, and will work with the Municipality to respond to the Emergency.

Municipalities will be consulted prior to the redeployment of up to 10% of their membership to respond to an Emergency in provincial or federal jurisdiction, a Special Event (in a provincial jurisdiction) or a federal Major Event (e.g., Olympics, G-8 or G-20 meeting). Withdrawal or redeployment of members from the Municipal Police Service will not extend beyond 30 days, without further consultation between the CO, the PT Minister, and the CEO/Mayor. The Municipality will not be charged for Salary and incremental costs of the Members and/or equipment redeployed to respond to an Emergency, provincial Special Event or federal Major Event.

Municipalities, in conjunction with Detachment RCMP, are responsible for the planning and policing of Special Events held in their jurisdictions.

#### MPSA ARTICLE 10: MUNICIPAL POPULATIONS

All clauses under MPSA Article 10 are interchangeable with Article 10 of the PPSA. There is a new provision in the 2012 PPSA. If the PT Minister requests, and at no additional cost to Canada, the PT Police Service may be utilized to police a Municipality with a population of 5,000 or more. Under this provision, the PT would pay the 100% municipal cost of accommodations, Support Staff, and overtime, and determine degree of cost recovery, if any, with the Municipality.

This option is not applicable to Alberta or Saskatchewan, as it is not consistent with their Police Acts and provincial policing policies.

#### MPSA ARTICLE 11: BASIS OF CALCULATION OF PAYMENT

Clauses under MPSA Article 11 are interchangeable with Article 11 of the PPSA, with the exception of the following items, which are MPSA specific.

- Subarticles 11.4 and 11.5 itemize cost calculations for Municipalities with population 5,000 to 14,999, and with populations 15,000 and over, respectively.
- Municipal Under [population 15,000] Non Pooled Costs – The majority of costs for all Municipalities within a Division with a population under 15,000 are pooled together and divided over the total FTE Utilization of Members in the respective Municipal Police Services. This allows the smaller Municipalities to share RCMP policing costs by paying an average per FTE cost based on all collective expenditures.
- The Agreements broadly specifies which costs are payable by the municipality at the cost-share (70/30) and which ones are payable at 100%. A matrix called Municipal Under (population 15,000) Non Pooled Costs provides more detailed information about which specific MPSA costs are charged at 70% and which are charged at 100%. The matrix is prepared by RCMP and approved by the Finance and Cost Containment Standing Committee. Items charged at 100% under the 2012 MPSA include member overtime, administrative support staff, and providing and maintaining accommodations, including furniture and fixtures.
- Revised MPSA 2012 100% cost items include:
  - Guards and Matrons (includes Corps of Commissionaires contracts for guarding prisoners) - Under the 1992 MPSA, costs for guarding prisoners were included in the per capita rate. Under the 2012 MPSA, these costs are billed at 100% to the Municipalities. The rationale for the cost adjustment is that Municipalities who provide municipal accommodations, including cellblocks, are responsible for 100% of the costs of guarding prisoners. The same costing model is being applied to MPSAs operating out of federally-owned accommodations.
  - Payment in Lieu of Taxes (PILT) - PILT became billable under the 2012 MPSA, where the Municipal Police Service operates out of a federally-owned building.

#### MPSA ARTICLE 12: ACCOMMODATIONS

##### SUBARTICLE 12.1

Municipalities with a population of 5,000 or more are responsible for providing a Municipal Police Service, and for providing and maintaining accommodations for their Municipal Police Service, at no cost to Canada. Whether providing their own accommodations or occupying federal government Detachment facilities, Municipalities with MPSAs are responsible for 100% of the costs of providing and maintaining these accommodations, including furnished office

space, cellblock facilities, and garage space. The Municipality is also required to pay 100% for operating and maintenance costs.

These costs are calculated based on the proportion of the facility that is occupied by the Municipal Police Service (MPSA subarticle 12.4.a.).

#### SUBARTICLES 12.2 AND 12.3 – ACCOMMODATIONS STANDARDS

Accommodations Charge - Under the 1992 MPSA, Municipalities with Municipal Police Services operating out of federally-owned accommodations were billed an indirect accommodations charge of \$107.64 per square metre. Under the 2012 MPSA, Municipalities in federally-owned buildings will pay an annual per square meter rental rate which will be based on the actual costs incurred as part of the accommodations program of works in that province. This cost has been excluded from the per capita rate and is billed at 100% by location to Municipalities, based on the proportion of accommodations occupied by the Municipal Police Unit.

Under the 1992 MPSA, for federally-owned buildings, the costs for major and minor capital over \$30,000 were the responsibility of Canada. This was known as the \$30K rule. Under the 2012 PPSA and MPSA, the \$30K rule has been eliminated and all costs for major and minor capital are included in the accommodations program of works and thus billable to PTs and Municipalities under the Accommodations Program Charge. The amount charged to Municipalities is at 100% by location, based on the proportion of accommodations occupied by the Municipal Unit.

*\*\*Note PPSA Article 13 – Removal of Buildings and Living Quarters and Transfer of Buildings, Living Quarters, and Land – is not applicable to Municipalities.*

#### MPSA ARTICLE 15: JAILS AND LOCK-UPS

All clauses under MPSA Article 15 are interchangeable with Article 16 of the PPSA.

Municipal costs associated with jails and lock ups are at 100% since it is a municipal responsibility, under provincial Police Acts, to provide accommodations, including cellblocks.

#### MPSA ARTICLE 18: OPERATIONAL EFFECTIVENESS ASSESSMENTS

This provision is new to the 2012 MPSA. This Article provides for a review mechanism for matters arising out of the service delivery of the Municipal Police Service. It is not intended to be used for a formal review of a substantive article of the MPSA. Such matters are to be referred to the PT and/or CMC. (See Articles 19, 20 and 21.)

Matters such as the use of the Municipal Police Service to conduct specific by-law enforcement, or determining effective resourcing of the Municipal Police Service are applicable examples for an operational effectiveness assessment. In practice, in addition to the Detachment Commander, the CO would also be engaged in these assessments, utilizing administrative units such as Client Services or the Criminal Operations Policy Centre to assist in undertaking the assessment and addressing the issue giving rise to the review.

#### MPSA ARTICLE 19: CONTRACT MANAGEMENT COMMITTEE

All clauses under MPSA Article 19 are interchangeable with Article 21 of the PPSA.

This Article also references the Five-Year Review process, which is interchangeable with Article 22 of the PPSA. While the Municipalities have no direct role in the Five-Year Review process, they will be engaged through CMC, and through consultation with their respective PT.

#### APPENDIX B\*: CONTRACT MANAGEMENT COMMITTEE TERMS OF REFERENCE ESTABLISHING AUTHORITY

In 2011 and 2012, Federal, Provincial and Territorial (FPT) Ministers responsible for Justice and Public Safety (except for Quebec and Ontario) approved the 2012-2032 Police Service Agreements (PSAs). The PSAs, effective April 1, 2012, address key issues, including the importance of building and maintaining strong collaborative relationships, as well as modernized governance, accountability, program sustainability and cost containment.

Article 21 of the PSAs outlines the role, structure and mandate of the Contract Management Committee (CMC), as a principal means through which governance of the PSAs would occur.

#### MANDATE

The objective of the CMC is to bring focus and strong collaboration to the management of the PSAs by actively engaging Canada and the provinces, territories and municipalities to ensure that contract policing remains current and responsive to evolving policing requirements and innovative approaches to policing within the terms of the contract. As a steering committee, CMC will be focused on monitoring progress and providing strategic advice on matters of interest and on the resolution of issues related to the PSAs and contract policing in order to guide the effective management of the PSAs.

The mandate of the CMC is to:

- support the delivery of professional, efficient and effective police services under the PSAs;
- implement the modernized governance relationship envisioned in the *Introduction* of the PSA, built on meaningful engagement and responsiveness to each other's needs; and

- function as an information sharing forum to foster timely consultation and collaboration on issues affecting the governance, cost and quality of police services or a RCMP program, prior to decisions being taken.

#### MEMBERSHIP

The CMC is comprised of FPT Assistant Deputy Ministers, or equivalent, responsible for policing and/or public safety. In total, there are 13 CMC members: one representative from each province and territory with which Canada has a PSA, one from Public Safety Canada and one from the RCMP.

The CMC is co-chaired by the federal Assistant Deputy Minister from Public Safety Canada (Law Enforcement and Policing Branch) and a provincial or territorial (PT) ADM responsible for policing and/or public safety, with the latter chosen by agreement among PT jurisdictions. The incumbency of the PT Co-chair will be rotated every three to five years, or as otherwise agreed by the PTs and communicated to the CMC as of April 1 each year.

The RCMP representative on the CMC is the Deputy Commissioner responsible for Contract Policing.

In addition to regular CMC members, one associate membership position is extended to each province where municipalities receive RCMP municipal policing under agreements with Canada. The Assistant Deputy Ministers responsible for policing and/or public safety in these jurisdictions may each designate one associate member who will represent all municipalities in the province.

MCC

Structure of Policing in Nova Scotia

MacKnight

## PPSA- Annex A 2019/2020 Fiscal Year

Article 5 of the Provincial Police Services Agreement (PPSA) indicates that Annex A is the document that records the authorized strength of the RCMP in its role as the provincial police service.

<b>"H" DIVISION ANNEX A - PROVINCIAL POLICE SERVICE AGREEMENT (PPSA)</b>				
<b>2019/20 FISCAL YEAR</b>				
	<b>Members</b>	<b>Support</b>	<b>TOTAL</b>	
<b>Total as of April 1, 2019</b>	<b>861.5</b>	<b>141.0</b>	<b>1002.5</b>	
<b>Addition / Deletion of Resources:</b>				<b>Amending Reference Document</b>
One Regular Member Constable administrative position in National Sex Offender Registry re-classified as PSE Liaison/Analyst.	-1.0	1.0	0.0	Approval from DOJ received July 16, 2019
Increase of one (1) PSE position due to conversion of CM position in CISNS.	-1.0	1.0	0.0	Change effective February 26, 2020.
Increase of one (1) PSE position due to conversion of CM position in the OCC.	-1.0	1.0	0.0	Change effective March 23, 2020.
Increase of two (2) PSE positions in the Human Trafficking Unit.	0.0	2.0	2.0	Approval from DOJ received via email March 24, 2020.
Decrease of fifteen (15) RM positions and two (2) PSE positions due to movement of positions under the Windsor West Hants MPSA contract.	-15.0	-2.0	-17.0	Amalgamation of new municipality effective April 1, 2020.
<i>Sub-total of Changes:</i>	<i>-18.0</i>	<i>3.0</i>	<i>-15.0</i>	
<b>Total as of April 1, 2020</b>	<b>843.5</b>	<b>144.0</b>	<b>987.5</b>	

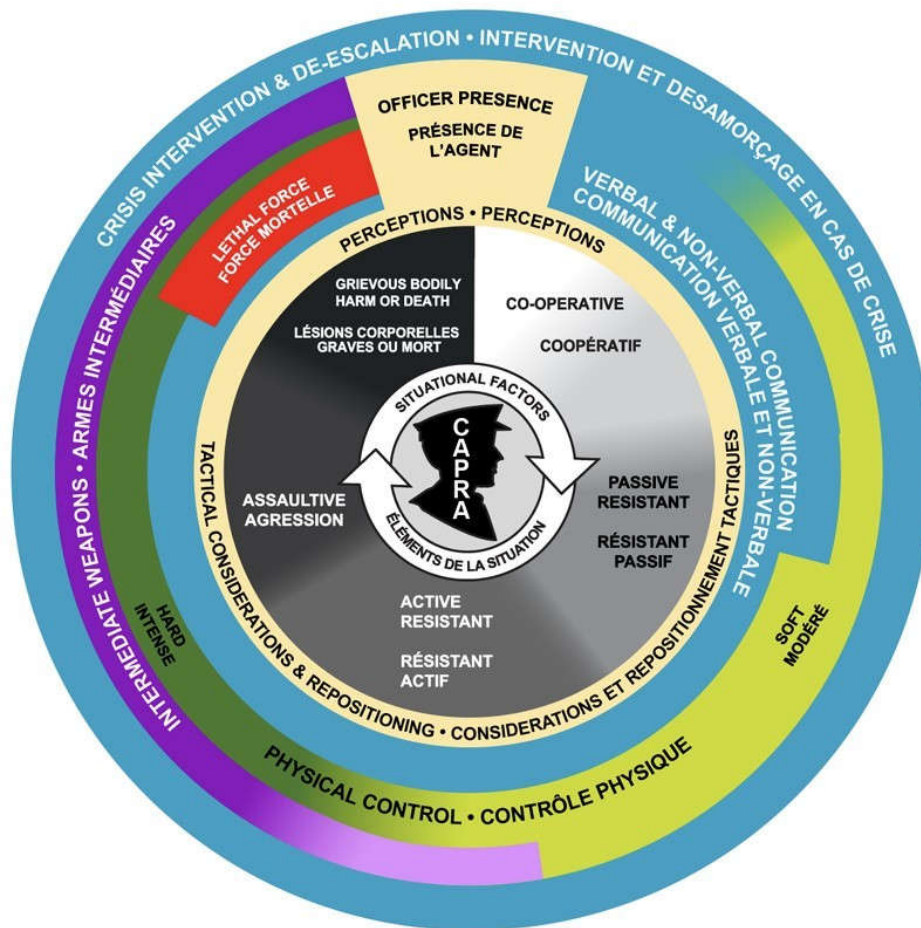
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<sup>216</sup> RCMP. (2020). H Division Multi-Year Financial Plan 2019/20 to 2021/22. Author. (GOC00000049\_0001).

## RCMP Policy

### Incident Management Intervention Model (IMIM)<sup>217</sup>

This model and its description constitute the RCMP's evaluation tool used by their officers to assess risk and response. It was referred to on page 82 of this report in the context of the discussion of multi-officer response to high-risk calls for service. Similar models are used by all police agencies.



<sup>217</sup> RCMP. Incident Management/Intervention Model, 2021-05-05. <https://www.rcmp-grc.gc.ca/en/incident-management-intervention-model-imim>. Online July 23, 2021.

### Incident Management Intervention Model<sup>218</sup>

The visual representation of the Incident Management Intervention Model is a concentric layered wheel that represents the rapidly evolving and dynamic nature of police work, as well as the continuous requirement on the police officer to evaluate the level of risk for the given situation.

At the centre is the police officer in the given situation, using the CAPRA (Clients, Acquire & Analyze, Partners, Response, and Assessment) problem solving model. The circle builds outwards helping the officer form a proper risk assessment.

The layers of the wheel from the center are:

1. **Situational Factors:** reflect that situational factors are continuously changing and affecting all of the events and actions of a given police intervention.
2. **Subject Behaviours:** subject behaviours progress, from the lowest level to the highest as follows;
  1. Cooperative
  2. Passive Resistant
  3. Active Resistant
  4. Assaultive
  5. Grievous Bodily Harm or Death
3. **Tactical Considerations & Repositioning:** is often available to a police officer in any given situation.
4. **Intervention Options:** intervention options blend from one to another as there are various levels of each, and their availability to be used can cross levels of "Subject Behaviour" given the totality of a situation. The intervention options depicted on the graphic are:
  1. Officer Presence: is the first police intervention, as an officer needs to be present to have impact on the given situation
  2. Communication: is always required, in different forms, throughout a police intervention.
  3. Physical Control: is broken down further into "Soft Physical Control" and "Hard Physical Control" depending on the subject behaviour.
  4. Intermediate Weapons: this intervention overlaps with "Physical Control". There are various levels and options available in this category.
  5. Lethal Force: this intervention overlaps with "Officer Presence," "Communication," "Physical Control Hard," and "Intermediate Weapons." "Lethal Force" aligns with when the subject behaviour is "Grievous Bodily Harm or Death."

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<sup>218</sup> Ibid.



5. **Crisis Intervention & De-escalation:** CID is the goal of all police interactions, and is a tool available to a member throughout an interaction, regardless of the seriousness or risk.

The IMIM is a visual aid that helps officers picture an event and explain why they used the intervention methods they did. It's also helpful when an officer needs to clearly explain their actions in court. The model is also a teaching aid used for training officers.

In April 2021, the RCMP updated the Incident Management Intervention Model (IMIM) annual re-certification training as well as the IMIM graphic to place more emphasis on communication and crisis intervention and de-escalation. Crisis Intervention and De-escalation now surrounds the graphic, emphasizing de-escalation as the preferred result of any interaction. Crisis Intervention and De-escalation provides police with tools that can often be used instead of physical intervention options.

The graphic reflects the rapidly evolving and dynamic nature of police work. Unlike a continuum or linear pathway, the model doesn't lead the officer through a stepped progression of intervention options. The officer instead selects an appropriate option to control the situation, based on:

**Tactical considerations**

- low light
- presence of backup
- availability of cover
- distance from the subject

**The officer's perceptions**

- the size of the person
- weapons nearby
- previous encounters with the person
- the person's emotional state

**Situational factors**

- weather
- time of day
- location
- number of people present compared to number of police officers present

**Subject behavior**

- cooperative
- active or passive resistant
- assaultive
- grievous bodily harm or death

This information forms what is known as the officer's individual risk assessment.

Police officers are also trained to continually monitor risk during an interaction with the public as things can change very quickly. Police officers must always be ready to shift tactics.

**Explaining the intervention**

Police officers must also clearly explain what happened before, during and after the incident. This process is called "legal articulation."  
An officer's intervention is measured against what a reasonable, trained, prudent police officer would do faced with a similar set of circumstances.

### RCMP Backup Policy

The RCMP policy regarding backup is relevant to the issue of multi-officer response to high-risk calls for service.

H Division Operational Manual<sup>219</sup>

#### 16.9. Request for Back -Up

1. Policy
2. General
3. Member
4. Supervisor
5. District Commander/Delegate

(For information regarding this policy, contact GroupWise address Hdiv\_CrinnOps\_Reviewers.)

#### 1. Policy

- 1.1. "H" Division will ensure the health and safety of its member by providing back-up.
- 1.2. Back-up refers to an urgent response by on-duty or off -duty RCMP members and/or operational peace/police officers from other accredited law enforcement agencies. Back-up may be required in support of members of the RCMP before, during or after an incident.
  - 1.2.1. Back-up cannot be provided by RCMP community constables, auxiliary constables or summer students.
  - 1.3. Back-up will be required when responding to high risk incidents involving, but not limited to, domestic disputes, the potential for violence, armed suspects, emotionally disturbed individuals, or suspects fleeing the scene of a crime.

#### 2. General

- 2.1. Every member will render assistance to a request for back-up without unreasonable delay. An off -duty member who volunteers to be and is identified as back-up must ensure that he or she remains available to provide timely assistance upon request.
- 2.2. The requirement for back-up will be based on a risk assessment in accordance with the principles of the Incident Management and Intervention Model noted in National Headquarters OM 17.1. and as found in the Investigator's Toolbox (Public and Police Safety -Tools -Risk Assessment).
- 2.3. Where a member has determined that back-up is required, but may be delayed due to the response time, the member will continuously assess risk, applying necessary intervention to ensure public and police safety in accordance with the principles of the IMIM. Where practicable, the member will provide continuous updates to OCC and other responding members.

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- 2.3.1. If there is an obvious or perceived danger requiring immediate intervention, the member must take appropriate action to prevent grievous bodily harm or death to himself/herself or another person.

<sup>219</sup> RCMP. H Division Operational Manual, 16.9 Request for Back-Up. Author. (GOC00000060\_0001).

### 3. Member

3.1. When dealing with an incident involving a heightened potential for violence, perform a risk assessment as outlined in 2.2.

3.2. If the assessment identifies high risk incidents, call for back-up.

3.3. Continually assess risk and apply the necessary intervention to ensure public and police safety in accordance with the principles of IMIM, e.g., establishing officer presence, verbal intervention, tactical repositioning.

3.4. Notify your supervisor of the ongoing situation if circumstances dictate.

### 4. Supervisor

4.1. Ensure that shift members and the OCC are advised of identified back-up personnel and their contact information.

4.2. When notified of situations where back-up is required, assess the situation, request additional resources as required and monitor as necessary.

### 5. District Commander/Delegate

5.1. As required, schedule members for back-up duty.

5.2. In consultation with your Health and Safety Committee, develop a back-up plan unit supplement that includes a risk assessment process.

5.3. Ensure all members under your command are familiar with their responsibilities for providing assistance if called for back-up.

5.4. Ensure that all members are familiar with national, divisional and unit supplement policies relating to health and safety and back-up.

5.5. When additional or specialized resources from outside the district are necessary to ensure public and police safety, request support as per policy.

Date Modified: 2007-11-01

National Home > RCMP Manuals > Operational Manual > OM - ch. 16.9. Backup<sup>220</sup>

OM - ch. 16.9. Backup

Directive Amended: 2016-04-15

For information regarding this policy, contact Operational Policy and Compliance, National Criminal Operations, Contract and Indigenous Policing.

#### 1. General

#### 2. Definition

#### 3. Roles and Responsibilities

#### 4. Unit Backup Plan

#### 1. General

1. 1. To maximize public and police safety, resources must be in place to provide readily available backup and, where appropriate, multiple member responses.

1. 2. Appropriate response for backup and resource requirements will be determined by a unit risk assessment as outlined in sec. 3.4. See Backup - Unit Plan, Form 6305.

<sup>220</sup> RCMP. Operational Manual- ch. 16.9 Backup. Author. (GOC0000029\_0001).

1. 3. The unit backup plan, as outlined in sec. 4., is intended primarily for first responder units. NOTE: Units which do not provide first responder service may, at the discretion of the CO and based on the unit risk assessment, be exempt from developing a unit backup plan.

1. 4. This chapter must be read with an understanding of Part II, Canada Labour Code, the duties it places on employers and employees, and ch. 17.1. 1. 5. The following occurrences require a multiple member response:

1. 5. 1. calls of violence, or where violence is anticipated;

1. 5. 2. a domestic dispute;

1. 5. 3. an occurrence involving the use, display or threatened use of a weapon;

1. 5. 4. an occurrence involving a subject who poses a threat to himself/herself or others;

1. 5. 5. radio communication deficient locations where there is potential risk to the police or public (see sec. 2.3.); or

1. 5. 6. any occurrence or situation where members believe, based on their risk assessment, that they require a multiple member response.

1. 6. The multiple member response strategy does not preclude members from taking action before the arrival of assistance based on his/her risk assessment and the Incident Management Intervention Model (IMIM), e.g. imminent risk of grievous bodily harm or death presented during a domestic dispute.

## 2. Definitions

2. 1. Backup means an urgent, unplanned response to an incident in support of a member by one or more of the following:

2. 1. 1. other operational members, or

2. 1. 2. operational peace officers from other provincially accredited or recognized police services.

NOTE: Band Constables, Auxiliary Constables, or summer students cannot provide backup. Backup should not be confused with assistance, which may be provided by anyone, in an emergency situation, as governed by Sec. 25, CC, or the general assistance required in a non-emergency situation, e.g. directing traffic at a scene.

2. 1. 3. RCMP Community Constables may be used as backup based on the needs of the communities and a completed risk assessment.

2. 2. Multiple member response means a planned response by more than one member to an incident or situation. See sec. 2.1.1. and sec. 2.1.2. 2. 3. Radio communication deficient locations mean places where two-way radio communication between portable radios, portable radios and police motor vehicles, and portable radios and the detachment base station/OCC is not possible due to ongoing and consistent radio interference or signal weakness at that location.

## 3. Roles and Responsibilities

### 3. 1. Member

3. 1. 1. When responding to an incident, you must assess risk and formulate a response strategy in accordance with ch. 17.1. NOTE: Risk assessment is a continuous process and must evolve as situations change.

3. 1. 2. At any stage of an occurrence or situation, you may request backup based on your risk assessment.

3. 1. 3. When travelling to an area with known radio communication deficiencies, follow your divisional/unit Backup Plan.

3. 1. 4. Where you have determined that backup or a multiple member response is required, continuously assess risk and apply the necessary intervention to ensure public and police safety, e.g. tactical repositioning, establishing officer presence, verbal intervention.

3. 1. 5. Where practicable, provide continuous updates to the OCC and other responding members, and request they relay critical information to other responding members.

3. 1. 6. Treat all calls for backup as a priority.

### 3.2. Supervisor

3. 2. 1. Treat all calls for backup as a priority.

3. 2. 2. Continuously evaluate the skill of members under your supervision in the area of proper IMIM risk assessment.

3. 2. 2. 1. Where appropriate, provide guidance and recommend IMIM training.

3. 2. 3. Ensure the unit backup plan is followed. See sec. 4. 3. 2. 4. Ensure radio communication deficient locations are identified and known to members.

### 3. 3. Dispatcher

3. 3. 1. Treat all calls for backup as a priority.

3. 3. 2. Dispatch multiple members when required as indicated in sec. 1.5. and sec. 3.1.4. 3. 3. 3. Ensure that you are familiar with, and have ready access to, each unit backup plan within your area of responsibility. See sec. 4. 3. 3. 4. Be familiar with radio communication deficient locations.

### 3. 4. Commander

3. 4. 1. In consultation with your local Health and Safety Committee or Safety Representative, conduct a unit risk assessment/backup plan (see Form 6305) by analyzing the following criteria:

3. 4. 1. 1. risks specific to the situational factors in your detachment area, e.g. high demand periods, high risk response requirements, severity of criminal activity, communication, geography, number of members available;

3. 4. 1. 2. the potential frequency of the risk occurring;

3. 4. 1. 3. the potential consequence of not mitigating the risks;

3. 4. 1. 4. the degree of risk which is acceptable given the situational factors;

3. 4. 1. 5. whether additional or alternate measures must be implemented to mitigate the risk, e.g. altered service delivery, relief members, satellite phone, other equipment;

3. 4. 1. 6. the remoteness of the location and/or restricted access;

3. 4. 1. 7. proximity to backup outside your unit, e.g. neighbouring detachments; and

3. 4. 1. 8. radio communication deficient locations.

3. 4. 2. Develop a unit backup plan as outlined in sec. 4., based on the unit risk assessment and submit it through channels in order to receive the CO's approval. Place a copy on the unit supplements.

- 3. 4. 3. Ensure members under your command understand their responsibilities in relation to the unit backup plan and that radio communication deficient locations are identified.
- 3. 4. 4. Ensure all employees under your command are aware of national, division and unit policy regarding backup and multiple member response.
- 3. 4. 5. Ensure your OCC has an updated version of your unit backup plan and any radio communication deficient location.
- 3. 4. 6. At minimum, annually review the unit backup plan or whenever your risk assessment identifies a need for a revision of the unit backup plan.

#### 4. Unit Backup Plan

##### 4. 1. The unit backup plan will:

- 4. 1. 1. reflect the requirements of the unit risk assessment, and
- 4. 1. 2. provide for readily available backup for any member required to respond to calls for service by ensuring that:
  - 4. 1. 2. 1. radio communication deficient locations are identified;
  - 4. 1. 2. 2. a minimum of two members are available to respond to calls at all times where there is potential risk to the police or public;
  - 4. 1. 2. 3. if the risk assessment requires it, shifts of two or more members are established;
  - 4. 1. 2. 4. at least two members are on call whenever the service requirements justify;
  - 4. 1. 2. 5. as indicated in sec. 1.5., multiple member response is provided where required;
  - 4. 1. 2. 6. members on call are compensated and have all necessary equipment and transportation to respond immediately to a call for backup, e.g. overnight custody of police transport; and
  - 4. 1. 2. 7. supervision is readily available for consultation, e.g. radio room NCO, on shift/on call duty NCO, neighbouring detachment/district.
- 4. 2. The CO must ensure that every unit has an approved unit backup plan.

#### References

- Section 217.1, Criminal Code
- Workers Working Alone at a Work Place Under the Control of the Employer, HRSDC Guideline (No.: 905-1-IPG-059, 1996-03-01)

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**BACKUP - UNIT PLAN**

PROTECTED B once completed

Detachment/Unit	Division	Collator Code	Date
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**INSTRUCTIONS**

**PART A - CONSTANT SITUATIONAL FACTORS** **PAGE 2**

- Complete the Constant Situational Factors.
- Cite the data source when applicable.
- Use the Comment/Description column to describe the operational environment of the situational factor.
- Add as many situational factors as needed.

**PART B - VARIABLE SITUATIONAL FACTORS** **PAGE 4**

- Complete the Variable Situational Factors.
- Cite the data source when applicable.
- Use the Comment/Description column to describe the operational environment of the situational factor.
- Add as many situational factors as needed.

**PART C - RISK IDENTIFICATION WORKSHEET** **PAGE 5**

- Complete the Risk Description first
- Some risk(s) have been pre-identified. If they are applicable to your detachment, amend the impact statement as appropriate.
- Add risks as needed.

**Impact** - means the effect of an event on the organization's objectives.

When assessing the impact of a risk, at a minimum, you should consider the potential effect on human and financial resources as well as the reputation of the organization. Other criteria that may be useful to consider include the effect on operational capability, legal ramifications, and environmental impact.

Estimation	Description	Indicators - Threats	Indicators - Opportunities
High	Significant impact	Consequence(s) would be difficult/costly to repair, if repairable. Serious loss of partner/stakeholder/public trust.	Opportunity represents a key component in the achievement of the objective or priority. Important strengthening of partner/stakeholder/public trust.
Medium	Moderate impact	Consequence(s) would require some effort/investment to repair. Some loss of partner/stakeholder/public trust.	Opportunity would make some contribution to the achievement of the objective or priority. Some strengthening of partner/stakeholder/public trust.
Low	Very little impact	Consequence(s) would require minimal effort/expense to repair, if any. Minor setback in building partner/stakeholder/public trust, if any.	Opportunity would have a minimal effect in the achievement of the objective or priority, if any. Minor strengthening of partner/stakeholder/public trust, if any.

**Likelihood** - means the potential or probability for the occurrence of an event.

When assessing the likelihood of a risk, you must decide on a time frame. Short-term plans or objectives may only require the consideration of the next 12-24 months, or even less. Similarly, long-term plans may require the assessment of risks over a much longer period. You must clearly indicate the time frame under consideration when completing the likelihood assessment.

Estimation	Description	Indicators - Threats	Indicators - Opportunities
High	Probable - likely to occur (> 75%)	Potential of event occurring several times within X months. Has occurred recently.	Clear opportunity which can be achieved within X months with reasonable certainty.
Medium	Possible - may occur (10% - 75%)	Could occur at least once within X months. There is a history of occurrence.	Opportunity which may be achievable within X months.
Low	Remote - not likely to occur (< 10%)	Unlikely to occur. Event has not occurred.	Opportunity for which the likelihood of success is low.

**Risk Response/Backup Plan**

- Risk Indicators are an early warning that risk is starting to materialize and the response strategy should be evaluated to determine if it is effective.
- List the risks you cannot tolerate, describe your planned response to the risk and develop one or two key risk indicators.

**Rating**

- Fill in impact & likelihood columns with Low/Med/High
- Rating column is auto-filled once impact & likelihood is filled
- If rating column is over 3, risk response category becomes mandatory.

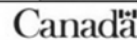
RISK RATING				
I M P A C T	High	6	8	9
	Medium	3	5	7
	Low	1	2	4
LIKELIHOOD				
	Low	Medium	High	

**PART D - RISK RESPONSE/BACKUP PLAN SUMMARY FOR ELEVATED RISKS** **PAGE 7**

- Risks that cannot be mitigated in section C must be clearly identified and forwarded to your supervisor for review and approval. This could include additional resources, equipment, schedule changes.
- If mitigation responses identified require an increase in human resources (Full Time Equivalent regular member positions). Consult with your Advisory NCO.

**PART E - APPROVALS** **PAGE 7**

- Approval signature from the Detachment Commander, the Advisory NCO, the Officer District/Line and the Commanding Officer.



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**BACKUP - UNIT PLAN**

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Detachment/Unit		Division	Collator Code	Date
PART A - CONSTANT SITUATIONAL FACTORS		COMMENT/DESCRIPTION (If not applicable, indicate N/A)		
A1	Population of detachment area (includes all areas served) (If seasonal, describe change in population)			
A2	Establishment (RM)			
A3	No. of posts under command			
A4	Distance by road between most distant communities (consider road condition i.e.boat access, ATV, snowmachine)			
A5	Emergency response time between most distant communities (minutes)			
A6	Emergency response time between closest communities (minutes)			
A7	Emergency response time from neighbouring detachment to your detachment (minutes) (If seasonal, describe change in population)			
A8	Average hours per day that no member is on duty			
A9	Average hours per day that only one member is on duty			
A10	Hours on-call per member (previous year)			
A11	List communities where a two-member response is mandatory			
A12	Describe the average years of experience relative to the detachment. To obtain this figure, use this formula: $\frac{\text{Total number of months worked by all RMs at this detachment}}{\text{Total number of RMs at this detachment}}$ Note: You must divide the result by 12 to find the average in YEARS.			

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Detachment/Unit	Division	Collator Code	Date
<b>PART A - CONSTANT SITUATIONAL FACTOR (Cont'd)</b>		<b>COMMENT/DESCRIPTION</b>	
A13			
A14			
A15			
A16			
A17			
A18			
A19			
A20			
A21			
A22			
A23			
A24			
A25			

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Detachment/Unit		Division	Collator Code	Date
PART B - VARIABLE SITUATIONAL FACTORS		COMMENT/DESCRIPTION (if not applicable, indicate N/A)		
B1	Capability to provide backup (consider annual leave, court, training, medical leave, etc.). Estimate average % of "roadable" resources per established resources over the previous year.			
B2	Number of call-outs for backup (previous year)			
B3	Total cost of on-call compensation (previous year)			
B4	Number of prisoners (previous year) (Estimate the average time out of service per prisoner)			
B5	Radio communications coverage. (Describe the overall coverage in your detachment area. List areas where poor/no coverage.)			
B6	Radio communications reliability. (Describe factors that affect reliability, i.e. weather; poorly operating equipment.)			
B7	Mobile data/cellular phone coverage. (Describe the overall coverage in your detachment area. List areas where poor/no coverage.)			
B8				
B9				
B10				
B11				
B12				

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Detachment/Unit	Division	Collator Code	Date
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**PART C - RISK IDENTIFICATION WORKSHEET**

RISK ID	RISK IDENTIFICATION	RISK DESCRIPTION (Only if applicable)		RISK RESPONSE
R01	Risk that radio communication (includes mobile data, satellite, cell or other technology) will fail or not be available		IMPACT	
			LIKELIHOOD	
			RATING	
R02	Risk that backup will not be able to be contacted		IMPACT	
			LIKELIHOOD	
			RATING	
R03	Risk associated with excessive hours worked		IMPACT	
			LIKELIHOOD	
			RATING	
R04	Risk associated with excessive hours on-call		IMPACT	
			LIKELIHOOD	
			RATING	
R05	Risk that tools and equipment required for providing appropriate backup are available, reliable, secure and appropriate		IMPACT	
			LIKELIHOOD	
			RATING	
R06	Risk that the geographic area prevents an appropriate response to a call for backup		IMPACT	
			LIKELIHOOD	
			RATING	
R07	Risk that there are insufficient RMs to provide appropriate backup		IMPACT	
			LIKELIHOOD	
			RATING	
R08	Risk that an RM working alone will require emergency backup		IMPACT	
			LIKELIHOOD	
			RATING	

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Detachment/Unit	Division	Collator Code	Date
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**PART C - RISK IDENTIFICATION WORKSHEET (Cont'd)**

RISK ID	RISK IDENTIFICATION	RISK DESCRIPTION (Only if applicable)		RISK RESPONSE
R09	Risk that an on-duty RM will not be able to tactically withdraw from a situation while awaiting backup		IMPACT	
			LIKELIHOOD	
			RATING	
R10	Risk that an on-duty RM will require immediate backup during day-shift (0800-1600)		IMPACT	
			LIKELIHOOD	
			RATING	
R11	Risk that an on-duty RM fails to assess risk and a response strategy in accordance with the IMIM		IMPACT	
			LIKELIHOOD	
			RATING	
R12	Risk that the unit will not be able to comply with the backup policy requirements		IMPACT	
			LIKELIHOOD	
			RATING	
R13	Risk that a certain community's characteristics make the need for backup likely (consider distance to the community served from the detachment relative to the community's characteristics)		IMPACT	
			LIKELIHOOD	
			RATING	
R14	Risk that the detachment budget is insufficient to fund the policy requirements of the backup policy		IMPACT	
			LIKELIHOOD	
			RATING	
R15	Risk that members will not volunteer to be on-call		IMPACT	
			LIKELIHOOD	
			RATING	

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Detachment/Unit	Division	Collator Code	Date
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**PART D - RISK RESPONSE/BACKUP PLAN SUMMARY FOR ELEVATED RISKS**

**PART E - APPROVALS**

Detachment/Unit Commander Name	Signature	Date
District Advisory NCO Name	Signature	Date
District/Line Officer Name	Signature	Date
Division Commanding Officer Name (or Delegate)	Signature	Date

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## NS DOJ Policing Standards

The following is a sample of the Nova Scotia Policing Standards, and the Police Governance Standards.

### **Chapter 22<sup>221</sup>**

#### **PATROL**

*Standards in this chapter relate to the organization, administration, and operations of the patrol component of a police department.*

*The word patrol is used herein in its broadest sense. It is considered to be a primary law enforcement function and embraces much more than the act of patrolling. It is defined as a generalized function in which officers engage in a wide variety of activities.*

*The standards emphasize administrative considerations such as the organization, assignments, scheduling, and effective use of patrol resources, as well as actual operational practice.*

#### **22.1 Organization and Administration**

**22.1.1** *A written directive establishes the functions of the patrol component.*

*Comments: A clear definition of function enables officers to know what actions are in concert with department policy and thus facilitates the delivery of services to the community. It is suggested, however, that the responsibilities be described for at least the major job tasks in the patrol force, which may include: (1) preventive patrol; (2) crime prevention activities; (3) called-for services; (4) investigation of crimes; (5) traffic control; (6) maintenance of public order; (7) provision of emergency services; (8) development of relationships between citizens and the department; and (9) reporting of information to appropriate organizational components. (M M M)<sup>222</sup>*

**22.1.2** *A written directive establishes procedures for communication, coordination, and cooperation between patrol and other department components.*

*Comments: The patrol component should encourage and support the exchange of information with specialized and support components for the purpose of coordinating performance. (M M M)*

<sup>221</sup> Nova Scotia. Policing Standards. [https://novascotia.ca/just/Policing\\_Services/\\_standards/Patrol.pdf](https://novascotia.ca/just/Policing_Services/_standards/Patrol.pdf). Online 19 Aug 21.

<sup>222</sup> While this notation is present in the standard, it is not defined.

22.1.3 Law enforcement response to emergencies is available 24 hours a day everyday of the week within the department's service area.

*Comments: The Intent of this standard is to provide the community with basic law enforcement services. Members of the public should be able to contact a police department at any time and receive immediate response to emergency situations. (M M M)*

22.1.4 In those departments maintaining 24-hour coverage, procedures for shift change provide for continuous patrol coverage.

*Comments: To provide patrol coverage at all times, shift changes should be staggered. (M M M)*

22.1.5 If the department has any special-purpose vehicles, aircraft, or boats, a written directive governs their operation and includes the following provisions:

- a statement of the objectives of their operation or usage;
- instructions, conditions, and limitations of usage;
- authorization for use in various situations;
- qualifications and training for personnel assigned to operate the vehicle, aircraft or boat;
- designation of person or position responsible for the condition and maintenance of the vehicle, aircraft or boat;
- a listing of equipment, if any to be kept in or on the vehicle, aircraft or boat; and
- a listing of persons or positions authorized to operate the vehicle, aircraft or boat and its equipment.

*Comments: The Intent of this standard is to establish guidelines for the operation of all special-purpose vehicles, aircraft or boats utilized by the department. (M M M)*

22.1.6 A written directive designates the methods used for identifying officers during radio transmissions.

*Comments: The Intent of this standard is to encourage identification systems based on assignment numbers. (M M M)*

22.1.7 A written directive specifies the procedure for radio communication with interacting departments.

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*Comments: A uniform code facilitates communication, cooperation, and coordination among different departments operating within the same general area. (M M M)*

**22.1.8** *If the department uses motorcycles, horses or dogs, a written directive specifies the criteria for their deployment.*

*Comments: The purpose of this written standard is to ensure that motorcycles, horses, or dogs are deployed appropriately.*

**22.1.9** *If the department has a system for receiving specified crime and Incident report Information by telephone or through the mail, a written directive specifies the criteria for acceptance.*

*Comments: The Intent of this standard Is to Improve the use of patrol time. Some crime calls do not require the dispatch of a patrol officer and can be effectively handled by receiving Information In an alternative manner. (M M M)*

**22.1.10** *A written directive describes the circumstances that require the presence of a patrol supervisor at the scene for the purpose of assuming command.*

*Comments: Incidents of a serious nature often arise that require the presence of a supervisor who possesses the authority necessary to deal with the problem. (M M M)*

## **22.2 Operations**

**22.2.1** *A written directive establishes the categories of crimes and Incidents that should receive preliminary Investigation by patrol officers.*

*Comments: The single most Important determinant in solving a crime Is the information supplied by the victim or witnesses to the Immediately responding patrol officer. In general, patrol officers should conduct the preliminary investigation of most cases. In unusually serious or complex crimes, the preliminary investigation may be conducted by specialists. Investigation of certain other crimes may require the presence of Investigators in plain clothes during the initial investigation. The circumstances calling for early involvement of specialists should be clearly described by the department. (M M M)*

**22.2.2** *A written directive governs the conduct of follow-up Investigations by patrol officers.*

*Comments: The purpose of this standard is to increase the effectiveness of*



*patrol officers, to enhance their role, and to provide specialized investigators more time to concentrate on complex investigations. The directive should clearly specify which kinds of cases are referred to specialized Investigative components. (M M M)*

22.2.3 A written directive states that every uniformed officer engaged in a field assignment must have access to radio communications.

*Comments: The Intent of this standard is to ensure that on- duty uniformed officers have the means for radio communication. (M M M)*

22.2.4 A written directive establishes procedures for radio communications to and from patrol officers.

*Comments: Operations are more efficient and officer safety is enhanced when dispatchers and supervisors know the status of officers, their locations, the nature of cases. (M M M)*

22.2.5 A written directive governs pursuit of motor vehicles, to include:

- *evaluating the circumstances;*
- *Initiating officer's responsibilities;*
- *secondary unit's responsibilities;*
- *dispatchers responsibilities;*
- *supervisor's responsibilities';*
- *forcible stopping;*
- *when to terminate pursuit; and*
- *Inter- and Intra-jurisdictional pursuits.*

*Comments: The department must balance the necessity for pursuit or apprehension against the probability and severity of damage or injury that may result. When air units are available, they should be used to direct the movement of the initial pursuing units and any other ground units that may be involved. (M M M)*

22.2.6 A written directive establishes procedures for responding to routine, urgent, and emergency calls.

*Comments: The department should prioritize calls. These classifications should permit designation of the seriousness of the call. (M M M)*

22.2.7 Each vehicle used in routine or general patrol service must be equipped with at least the following equipment:

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- *red and blue emergency lights;*
- *a siren;*
- *a mobile radio transceiver; and*
- *emergency equipment.*

*Comments: As an emergency vehicle, a patrol car should be equipped with these accessories to increase its effectiveness. Vehicles used for covert purposes do not have to meet this standard. (M M M)*

*22.2.8 A written directive requires the use of occupant safety restraining devices in department vehicles.*

*Comments: The use of seat belts is governed by the Motor Vehicle Act. (M M M)*

*22.2.9 Bulletproof vests are made available by departments to officers for hazardous or specialized duty.*

*Comments: A directive may specify circumstances when the wearing of body armour is mandatory. (M M M)*

*22.2.10 A written directive establishes procedures for notifying next-of-kin of deceased, seriously injured, or seriously ill persons.*

*Comments: The procedures should ensure that notifications are carried out promptly and in a considerate manner. (M M M)*

*22.2.11 A written directive establishes procedures for notifying the following:*

- *medical examiner/coroner;*
- *street/highway department;*
- *public utilities; and*
- *news media.*

*Comments: The written directive should specify the circumstances requiring notification and establish procedures to ensure that such notifications are promptly carried out. (M M M)*

Police Governance Standards  
Province of Nova Scotia

**013.00 VIOLENT CRIME LINKAGE ANALYSIS SYSTEM (ViCLAS)<sup>223</sup>**

013.01 Approved: February 19, 2007

013.02 The police agency is to have a written policy and operational procedure that outlines the requirements and procedures for completing and submitting ViCLAS booklets as required by the ViCLAS Regional Coordinator.

013.03 Operational or administrative policy and procedure approved by the police agency is to include and demonstrate:

(a) the criteria for the submission of the ViCLAS booklet

(b) the role and responsibility of the investigating officer requirement to prepare and submit a ViCLAS booklet

(c) the role and responsibility of the police agency Supervisor and/or Case Manager in the validation and submission of the ViCLAS booklets

(d) inclusion of all solved or unsolved homicides

(e) inclusion of attempts that are of a sexual or predatory in nature, or suspected of being part of a series

(f) inclusion of missing persons, where the circumstances indicate a possibility of foul play

(g) inclusion of unidentified human bodies, where the manner of death is known or suspected to be a homicide

(h) inclusion of all non parental abductions and attempted abductions

013.04 The police agency is to provide ViCLAS training for investigating officers as required.

013.05 The police agency is to maintain a record of all ViCLAS submissions as required.

Department of Justice - Policing and Victim Services Division - Policing Strategy Section

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<sup>223</sup> Nova Scotia. (2007). Police Governance Standards.  
[https://novascotia.ca/just/Policing\\_Services/docs/ViCLAS\\_No13\\_07\\_Feb19.pdf](https://novascotia.ca/just/Policing_Services/docs/ViCLAS_No13_07_Feb19.pdf). Online 19 Aug 21.

## Press Release

The following press release provides context for the Additional Officer Program, which continues to provide funding for policing officer positions in Nova Scotia.

### Additional Officer Program Accelerated<sup>224</sup>

#### Justice

October 16, 2008 - 1:16 PM

Adding more police officers to keep Nova Scotia streets safe is making such a difference, the government will accelerate its additional officer program.

Justice Minister and Attorney General Cecil Clarke made the announcement today, Oct. 16, that 45 new officers, 25 more than originally planned, will be hired during the next year.

Collaborative policing has been effective in Nova Scotia in areas where RCMP and police agencies work together to target street crimes, drugs, and impaired drivers.

"People want to see more police officers on their streets and that's happening," said Mr. Clarke. "We know what's working well, so we are committing the resources to speed up the planning work to prevent crimes of concern to Nova Scotians."

So far, 150 provincially funded extra enforcement officers have been allocated to new programs that are proving successful. The additional officer program is part of the Crime Strategy, Time To Fight Crime Together, and its plan to have 250 new positions in Nova Scotia by 2011.

The positions are being funded in part by the federal government's \$11.2-million investment to increase enforcement. Planning for allocation of the positions has started. The positions will be filled beginning April 1, 2009.

Mr. Clarke said the announcement will represent \$4.9 million in the next provincial budget for targeted priorities including:

- new officers dedicated to street-crime units across Nova Scotia to address local crime issues
- expanding to Northern Nova Scotia the Integrated Impaired Driving Enforcement Unit that has had officers from the RCMP, Bridgewater and Kentville improve road safety in southwest Nova Scotia
- the province's two largest municipalities receiving the most resources in the latest allocation with four new positions in Halifax to combat the hot spots highlighted by the municipality and three new positions in Cape Breton Regional Municipality for its drug enforcement unit
- more officers across the province to invest in the safety of First Nations communities

<sup>224</sup> Nova Scotia. 2008. Additional Officer Program Accelerated. Author. <https://novascotia.ca/News/release/?id=20081016006>. Online 9 Sept 21.

## Police Agency Training Records Sample

These samples of training records outline the variety of courses police officers take after their basic training is completed and they are employed with a police agency.

### Amherst Police Department<sup>225</sup>

Training	Presented by/Details
ODARA Training (Ont. Domestic Assault Risk Assessment)	APD In house/Local Domestic Violence Coordinator
First Aid	Jim Williams/Canadian Red Cross
Animal Safety and Containment	Robert Metzler
Town of Amherst Safety Training	Town of Amherst (now online)
CPKN Courses – numerous	Canadian Police Knowledge Network
Standard Field Sobriety Test	RCMP/Impaired Driving Team
Drug Recognition Expert	RCMP and other contributing
Intro to Human Sources	RCMP instructors
Human Trafficking	NS Human Trafficking Unit
Restraint Chair Training	APD Instructors
Road to Mental Readiness	APD Instructors
Mental Health First Aid	NS Mental Health
Trauma Informed Interviewing	NS DOJ
Incident Command System Courses	EMO – 100, 200, 300, Public information officer, etc
Phased interviewing	NS RCMP Truth Verification Section
Intoxilyzer IC/IR Course (Blood alcohol test)	Atlantic Police Academy
African Canadian Experience	DOJ/RCMP
Investigators Course	Cape Breton Regional Police/Atlantic Police Academy
Surveillance Course	NS RCMP
Source Course	NS RCMP
Warrants Course	NS RCMP
Drug Investigative Techniques	Canadian Police College
Sexual Assault Investigators	NS DOJ
Carbine Armourers Course	Colt Canada
Sig Sauer 9mm Armourers	Sig Sauer
Child Sexual Assault Course	NS Community Service
Alcotest Roadside screeners	APD local trainer
Cybercrime Investigations	RCMP H Division Tech Crime
Supervision Level II	Atlantic Police Academy
SPAC – Senior Police Administration Course	Canadian Police College
Digital Tech Investigator	Canadian Police College
Elder Abuse	Nova Scotia Department of Seniors
Critical Incident Stress Management – Peer	Wendy Rafuse
Critical Incident Stress Management – Groups	Wendy Rafuse
Pure Version Statement Workshop	RCMP Truth Verification Section
Interview and interrogation	Atlantic Police Academy/Canadian Police College
Crisis Negotiator Course and Recert	Canadian Police College
Outlaw Motorcycle Gangs	CISNS
Auditing for Police Managers	NS DOJ
Counter-Terrorism Information Officer	H Div National Security Enforcement Section
FR-TAP Facilitator Course	H Div National Security Enforcement Section
Sotoxa Roadside Screening Device	H Div Impaired Driving Team

<sup>225</sup> Amherst PD. 2021. [APD Training](#). Author

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**Halifax Regional Police submission: Annual Block Training Overview<sup>226</sup>**

**FIREARMS**

Pistol

- Mandated by the Province of NS
- Annual qualification

Carbine (C8) Operator Certification

- Mandated by the Province of NS
- Annual re-qualification

Handgun retention

Handgun disarming

Firearm Training Simulator

**INTERMEDIATE WEAPONS**

Conducted Energy Weapon (CEW)

- Mandated by the Province of NS
- Bi-Annual qualification

Baton

- Mandated by the Province of NS
- Bi-Annual qualification

Oleoresin Capsicum (OC) Spray

- Mandated by the Province of NS
- Bi-Annual qualification

**USE OF FORCE/DE-ESCALATION**

National Use of Force Model

Tactical Communication: Verbal Judo

Nova Scotia Neck Restraint

Empty hand control tactics

Searching & Handcuffing

Edged weapons

Ground fighting

Firearm simulator

Judgmental Scenarios

Practical Use of Force scenarios

Rapid Deployment / Active Shooter

Multi-Assault Counter Terrorism Action Capabilities (MACTAC)

Subject Behaviour Officer Response (SBOR) – *NS Province form*

**BLOCK TRAINING**

Fair and Impartial Policing

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<sup>226</sup> HRP. 2020. Annual Block Training Overview. Author.

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Bias-free Policing  
 Workplace Rights / Human Rights  
 Diversity Awareness  
 Mi'kmaq Friendship Centre  
 Islamic Faith  
 Deaf Community  
 LGBTQ2S+  
 Dimensions in Diversity: *Stereotypes and Cultural Patterns*

**SUPPLEMENTARY**

Journey to CHANGE  
 Police Ethics and Accountability (CPKN)  
 Racially biased Policing (CPKN)

**INVESTIGATIVE**

Notes and File Preparation  
 Court Preparation, Testimony, Articulation and Professionalism  
 Search and Seizure  
 Statements  
 Arrest and Detention  
 Suspect Identification / Photo Line-ups  
 Informants / Debriefs  
 Warrant Tracking  
 Report Writing and Crown Briefs  
 Process for Summary Offence Tickets (SOT)  
 Impaired Driving Issues  
 Warrantless Search Authority  
 Canvassing

**GENERAL**

Canadian Police Information Centre (CPIC)  
 Alcohol Ignition Interlock Program  
 Ontario Domestic Assault Risk Assessment (ODARA)  
 Forensic Identification Section (FIS) – Crime Scene Protection, Evidentiary Issues  
 Chemical, Biological, Radiological, Nuclear (CBRN) First Responder Awareness  
 Strategic Technology Integration Unit (STIU)  
 First Aid and CPR (mandatory every 3 years)  
 HRP Firearms Crime Strategy  
 Police Ethics  
 Stop Stick  
 Outlaw Motorcycle Gangs  
 Serious Incident Response Team (SIRT)  
 SMEAC and Risk Assessment (*Situation, Mission, Execution, Administration and Logistics, and Communication*)  
 Violent Crime Linkage Analysis System (ViCLAS)  
 Social Media  
 Professional Standards  
 Trunked Mobile Radio Systems (TMR and TMR2)

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	<ul style="list-style-type: none"><li>Provincial Proceeds of Crime</li><li>Safe Schools</li><li>National Sex Offenders Registry</li><li>Drug Section Investigations</li><li>Restorative Justice</li><li>Community Justice Society</li><li>Forensic Identification Section Explosive Disposal Unit (FIS EDU)</li><li>Bill C-36 Impact. Prostitution Criminal Law Reform</li><li>Mental Health</li><li>Emotionally Disturbed Persons</li><li>Domestic Violence</li><li>Line of Duty Death</li><li>Employee / Family Assistance Program</li><li>Road to Mental Readiness (R2MR)</li><li>Fatigue Management</li><li>Strategic Resilience</li><li>Cybercrime</li><li>In-custody Death – <i>Autonomic Hyperarousal State</i> Recognition and Response</li><li>Traffic Stops</li><li>Articulation</li></ul>	



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**RCMP Training Record Samples**

General Duty Officer 1, Bible Hill Detachment<sup>227</sup>

End Date	Course	Course Title	Lang	School	Status	Status Date
2020-06-22	001190	L-ConsentLawCommonSexAssMyth			Completed	2020-06-22
2020-04-04	000697	E-Infectious Disease & Pandemic			Completed	2020-04-04
2019-11-20	000936	C-Alco-Sensor FST Operator			Completed	2019-11-20
2019-10-15	001133	C-40mmExtRangeImpactWeaponUser			Incomplete	2019-10-17
2019-07-19	000979	R-IMIM-Recertification			Completed	2019-07-19
2019-05-30	001205	L-Mandatory Alcohol Screening			Completed	2019-05-30
2019-05-01	000684	C-IMIM-Scenario Based Training			Completed	2019-05-01
2019-04-29	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2019-04-29
2019-04-17	001158	L-ICITS Lesson 100 Online			Completed	2019-04-17
2019-01-18	000559	C- Advanced Disclosure			Completed	2019-01-18
2018-11-28	000720	C-Intro to Disclosure (Online)			Completed	2018-11-28
2018-12-05	000726	C-Intro Major Case Mngt-Online			Completed	2018-12-05
2018-09-21	001135	C-Harass Investigator's Course			Completed	2018-09-21
2018-09-14	000745	E-Standard First Aid/CPR			Completed	2018-09-14
2018-06-15	001100	L-Intro to the Cannabis Legis			Completed	2018-06-15
2018-07-26	000979	R-IMIM-Recertification			Completed	2018-07-26
2018-07-27	001160	L-SFST Review & Intro to DID			Completed	2018-07-27
2018-01-15	001073	C-CID National Online			Completed	2018-01-15
2017-05-17	001064	L-Interview Model For Suspects			Completed	2017-05-17
2017-04-21	000979	R-IMIM-Recertification			Completed	2017-04-21
2017-04-17	000962	C- Resolving Conflict Ectektiv			Completed	2017-04-17
2017-03-23	001045	C-IARD Outdoor Practical			Completed	2017-03-23
2017-03-22	001043	C-IARD SBT Indoor			Completed	2017-03-22
2017-03-20	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2017-03-20
2017-03-20	001146	C- Basic Trauma Equip Course			Completed	2017-03-20
2017-02-06	000956	W-Road to Mental Readiness Wkp			Completed	2017-02-06
2017-01-06	001110	C- Basic Trauma Equip Course			Completed	2017-01-06
2017-01-03	001046	W-Using The Hook Knife			Completed	2017-01-03
2017-01-03	001087	L-Holster Maintenance Video			Completed	2017-01-03
2017-01-06	001042	C-IARD Intro Outdoor Online			Completed	2017-01-06
2016-11-18	000203	S-Using Internet as Intel Tool			Completed	2016-11-18

<sup>227</sup> RCMP. Employee Training Profile Cst. (GOC00033555\_0001)

MCC		Structure of Policing in Nova Scotia			MacKnight	
End Date	Course	Course Title	Lang	School	Status	Status Date
2016-12-19	001041	C-IARD Introduction Online			Completed	2016-12-19
2016-10-05	001072	L-Naloxone Nasal Spray Admin			Completed	2016-10-05
2016-02-04	000745	E-Standard First Aid/CPR			Completed	2016-02-04
2016-01-29	000784	C-Terror PreIncident Indicator			Completed	2016-01-29
2016-01-28	000279	C-CEW-Recertification			Completed	2016-01-28
2016-01-21	000942	W-Intro Open Srce Research			Completed	2016-01-21
2015-10-01	CA2510	C-Media Relations Officer Crse			Completed	2015-10-01
2015-09-18	000270	C-Search Warrant Drafting			Completed	2015-09-18
2015-08-17	000966	E-Excited Delirium National			Completed	2015-08-17
2015-07-02	000994	W-Hard Body Armour Video			Completed	2015-07-02
2015-02-19	000989	W-Cybercrime Invest Workshop			Completed	2015-02-19
2015-01-05	000933	C-Youth Criminal Justice Act			Completed	2015-01-05
2015-01-05	001012	C-INTOX EC/IR II Recert Online			Completed	2015-01-05
2014-12-10	000279	C-CEW-Recertification			Completed	2014-12-10
2014-11-21	000958	C-Peer 2 Peer Investigators			Completed	2014-11-21
2014-11-14	000684	C-IMIM-Scenario Based Training			Completed	2014-11-14
2014-11-05	000941	C-Intro P2P Networks (Online)			Completed	2014-11-05
2014-07-22	000354	E-ICS 200 (Online)			Completed	2014-07-22
2014-07-22	000353	C-Incident Command Sys-ICS 100			Completed	2014-07-22
2014-07-30	000963	C-Workplace Violence Online			Completed	2014-07-30
2014-04-16	000684	C-IMIM-Scenario Based Training			Completed	2014-04-16
2014-04-14	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2014-04-14
2014-02-20	000833	C-Intro to Human Trafficking			Completed	2014-02-20
2014-02-06	000607	E-Recog. Emotionally Disturbed			Completed	2014-02-06
2014-01-31	000912	C-Respectful Workplace			Completed	2014-01-31
2014-01-22		Safe Schools Training Program		H Divison - S. Leach	Completed	2014-01-22
2014-01-16	000955	W-Unders/Resp 2 Mental illness			Completed	2014-01-16
2013-12-31	000883	C-Search/SeizureWithoutWarrant			Completed	2013-12-31
2013-12-31	001065	L-Search/SeizureWithoutWarrant			Completed	2013-12-31
2013-12-19	000527	C-IARD Recertification			Completed	2013-12-19
2013-12-18	000279	C-CEW-Recertification			Completed	2013-12-18
2013-12-18	000609	E-Aboriginal&First Natns Aware			Completed	2013-12-18
2013-03-22	000695	C-Youth Officer Training			Completed	2013-03-22
2013-01-16		Understand&Rec.Mental Illness		RCMP	Completed	2013-01-16
2013-01-15	000527	C-IARD Recertification			Completed	2013-01-15
2013-01-14	000279	C-CEW-Recertification			Completed	2013-01-14
2012-11-28	000745	E-Standard First Aid/CPR			Completed	2012-11-28
2012-11-28	000745	E-Standard First Aid/CPR			Completed	2012-11-28
2012-10-05	000752	W-CBRN Gas Mask-Quant Fit Test			Completed	2012-10-05
2012-10-05	000858	C-Individual System Qual			Completed	2012-10-05
2012-06-14	000683	C-IMIM-Classroom			Completed	2012-06-14
2012-06-05	CK3020	C-Laser Operators Training			Completed	2012-06-05
2012-05-03	000831	E-Domestic Violence Inves (NS)			Completed	2012-05-03
2012-03-12	000753	W-Police Access Tools Users			Completed	2012-03-12

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End Date	Course	Course Title	Lang	School	Status	Status Date
2012-02-23	000527	C-IARD Recertification			Completed	2012-02-23
2012-02-22	000279	C-Conducted Energy Weapon Rcrt			Completed	2012-02-22
2011-05-11	000684	C-IMIM-scenario Based Training			Completed	2011-05-11
2011-05-09	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2011-05-09
2011-04-12		Atl.Reg. Case MGMT			Completed	2011-04-12
2011-03-25	000695	C-Youth Officer Training			Completed	2011-03-25
2011-03-16	000527	C-IARD Recertification			Completed	2011-03-16
2011-03-06	000708	C-INTOX EC/TR II Conversion			Completed	2011-03-06
2011-02-01	000279	C-Conducted Energy Weapon Rcrt			Completed	2011-02-01
2011-01-31	000619	C-InterestBasedNegotiation-DL			Completed	2011-01-31
2010-11-30	000741	W-Srvc Dlvr Re-Engnr-Emp Orie			Completed	2010-11-30
2010-11-18	000683	C-IMIM-Classroom			Completed	2010-11-18
2010-10-14	000149	C-CBRN PC4 Gas Mask User			Completed	2010-10-14
2010-10-15	000154	C-CBRN PC4 Gas Mask Instructor			Completed	2010-10-15
2010-05-14		AWLE Workshop		RCMP	Completed	2010-05-17
2010-05-14		HDIV Supervisors W/S		Hdivision Training Section	Completed	2010-05-14
2010-05-14	000722	W-H DIV Supervisor Workshop			Completed	2010-05-14
2009-11-09	000279	C-Conducted Energy Weapon Rcrt			Completed	2009-11-09
2009-06-30	000618	C-IMIM-Introduction			Completed	2009-06-30
2009-05-22	D00550	E-Standard First Aid/CPR			Completed	2009-05-22
2009-05-19		Indev-W/S Women in Law Enforce			Completed	2009-05-19
2009-02-11	000693	E-ODARA			Completed	2009-02-11
2009-01-08	000509	C-IARD User			Completed	2009-01-08
2008-10-15	000279	C-Conducted Energy Weapon Rcrt			Completed	2008-10-15
2008-05-15	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2008-05-15
2008-05-14	000264	R-PC4 Gas Mask User Recertific			Completed	2008-05-14
2008-04-14		Indev-W/S Women in Law Enforce			Completed	2008-04-14
2008-02-20	000195	W-Trunk Mobile Radio Sys & Op			Completed	2008-02-20
2007-11-15	CM0015	C-Family Violence			Completed	2007-11-15
2007-10-25		Indev-Intestigative Interview.			Completed	2007-10-25
2007-07-25	CL0017	Datamaster Certification			Completed	2007-07-25
2006-07-13	000094	C-Managing Safely			Completed	2006-07-13
2006-06-23	000110	Child Sexual Abuse Invest			Completed	2006-06-23
2006-06-13	CM0015	C-Family Violence			Completed	2006-06-13
2006-06-09	000149	C-CBRN PC4 Gas Mask User			Completed	2006-06-09
2006-06-05	000178	C-CBRN Basic Level Pre-course			Completed	2006-06-05
2006-04-27	CM0015	C-Family Violence			Completed	2006-04-27
2005-10-28	000170	PROS for Supervisors			Completed	2005-10-28
2005-10-27	000168	PROS for End Users			Completed	2005-10-27
2005-09-09	000032	C-Standardized Field Sobriety			Completed	2005-09-09
2005-06-26	000160	C-Counterfeit Payment Card An			Completed	2005-06-26
2005-05-18	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2005-05-18
2005-04-13	D00503	E-CPR Refresher			Completed	2005-04-13

End Date	Course	Course Title	Lang	School	Status	Status Date
2005-04-13	D00509	E-First Aid Standard Level			Completed	2005-04-13
2005-04-05	000149	C-CBRN PC4 Gas Mask User			Completed	2005-04-05
2005-03-13	D00509	E-First Aid Standard Level			Completed	2005-03-13
2005-03-02	000028	C-Conducted Energy WeaponUser			Completed	2005-03-02
2005-01-28	000196	W-New Member Orientation			Completed	2005-01-28
2005-01-14	000177	C-INTRO TO HUMAN SOURCES			Completed	2005-01-14
2004-11-15	000126	Entrust Users			Completed	2004-11-15
2004-11-03	CL0034	AlcoTest (Operation)			Completed	2004-11-03
2004-10-29	000027	W-Harassment in the Workplace			Completed	2004-10-29
2003-08-25	000135	CAN LABOUR CODE PART II AWARE			Completed	2003-11-10
2003-06-23	000110	Child Sexual Abuse Invest			Completed	2003-06-23
2003-05-04	CF0010	Field Coaches' Course			Completed	2003-05-04
2002-09-12	CM0014	Violence in Relationships			Completed	2002-09-12
2001-02-09	D00525	First Responder			Completed	2001-02-09
2000-10-27	CB1527	C-Public Speaking Techniques			Completed	2000-10-27
2000-10-27	CL0206	Drug Abuse Resistance Edu			Completed	2000-10-27
2000-10-03	CK3020	Laser Speed Detection Course			Completed	2000-10-03
2000-07-20	CK1511	Emergency Vehicle Operation			Completed	2000-07-20
1998-07-24	CK2520	Bike Patrol Training Course			Completed	1998-07-24
1997-11-13	CL0022	Alcometer S-L2 Operator			Completed	1997-11-13
1998-04-05	CS1005	Field Coaching Course			Completed	1998-04-05
1997-07-10	CK3000	Radar Speedmeter Oper			Completed	1997-07-10
1997-07-08	CK0500	Advanced Driver Trng			Completed	1997-07-08

rtifications-----  
Expiration Date

Test Description	Test Date
Shotgun Qualification	2019-05-08
Semi-Automatic Pistol Course	2019-05-08
Rifle - Winchester Model 70	2007-05-09

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RCMP Training Records, General Duty Sgt. 1, Bible Hill Detachment<sup>228</sup>

End Date	Course	Course Title	Lang	School	Status	Status Date
2019-06-04	000745	E-Standard First Aid/CPR			Completed	2019-06-04
2019-02-12	000195	W-Trunk Mobile Radio Sys & Op			Completed	2019-02-12
2019-01-15		LGDTQ2+ Educational Workshop		H Division HQ - G. Enxuga	Completed	2019-01-15
2019-04-03	000979	R-IMIM-Recertification			Completed	2019-04-03
2019-01-07	001056	C-Intro to Human Sources			Completed	2019-01-07
2018-11-30	001074	R-CEW X26 Recert Online			Completed	2018-11-30
2018-10-19	000882	C-Carbine Operator Course			Completed	2018-10-19
2018-04-04	000979	R-IMIM-Recertification			Completed	2018-04-04
2018-03-23	000279	C-CEW-Recertification			Completed	2018-03-23
2018-03-22	001045	C-IARD Outdoor Practical			Completed	2018-03-22
2018-03-20	000684	C-IMIM-Scenario Based Training			Completed	2018-03-20
2018-03-21	001043	C-IARD SBT Indoor			Completed	2018-03-21
2018-03-19	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2018-03-19
2018-03-19	001146	C- Basic Trauma Equip Course			Completed	2018-03-19
2018-03-14	001041	C-IARD Introduction Online			Completed	2018-03-14
2018-03-14	001042	C-IARD Intro Outdoor Online			Completed	2018-03-14
2018-03-14	001110	L- BTEC (Online)			Completed	2018-03-14
2018-01-11	000688	W-Cultural Aware African N.S.			Completed	2018-01-11
2018-01-05	001073	C-CID National Online			Completed	2018-01-05
2017-08-29	000880	C-CS Carbine Pre-Course (OL)			Completed	2017-08-29
2017-07-12	001074	R-CEW X26 Recert Online			Completed	2017-07-12
2017-04-24	000979	R-IMIM-Recertification			Completed	2017-04-24
2017-04-13	001079	C-Conduct Authority (Online)			Completed	2017-04-13
2017-03-30	001056	C-Intro to Human Sources			Completed	2017-03-30
2017-03-09		Welcoming Immig. At All Levels		H Division HQ	Completed	2017-03-09
2017-03-07	001018	W-RMMP Managers/Superiors			Completed	2017-03-07
2017-01-11	001087	L-Holster Maintenance Video			Completed	2017-01-11
2016-11-23	001046	W-Using The Hook Knife			Completed	2016-11-23
2016-10-27	000896	W-ATL Corp Accountability Trng			Completed	2016-10-27
2016-10-27	000930	W-Corporate Accountability			Cancelled	2016-10-27
2016-10-07	000550	E-Standard First Aid/CPR		St. John Ambulance	Completed	2016-10-07

End Date	Course	Course Title	Lang	School	Status	Status Date
2016-09-14	001071	W-Introduction TEAM Financials			Completed	2016-09-14
2016-09-13	001072	L-Naloxone Nasal Spray Admin			Completed	2016-09-13
2016-07-22	000831	W-Domestic Violence Inves (NS)			Completed	2016-07-22
2016-07-21	000833	C-Intro to Human Trafficking			Completed	2016-07-21
2016-06-14	000899	CSPS-Performance Management			Completed	2016-06-14
2016-04-19	000979	R-IMIM-Recertification			Completed	2016-04-19
2016-03-31	000936	C-Alco-Sensor FST Operator			Completed	2016-03-31
2016-03-10	000032	C-Standardized Field Sobriety			Completed	2016-03-10
2016-02-24		H Div UCR Training			Completed	2016-02-24
2016-02-23	001107	C-Basic Pipeline Convoy			Completed	2016-02-23
2016-02-19	CK3015	C-Multi Mode Radar Operators			Completed	2016-02-19
2016-02-18	CK3020	C-Laser Operators Training			Completed	2016-02-18
2016-02-02	000279	C-CEW-Recertification			Completed	2016-02-02
2015-12-17	000753	W-Police Access Tools Users			Completed	2015-12-17
2015-12-04	000684	C-IMIM-Scenario Based Training			Completed	2015-12-04
2015-12-02	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2015-12-02
2015-11-25	CK3000	C-Conventional Radar Operator			Completed	2015-11-25
2015-11-03		Authority Delegation AssessMng		Canada School Public Service	Completed	2015-11-03
2015-11-03		C45IU - Auth.Del.Assess.Mgrs		Canada School Public Service	Completed	2015-11-03
2015-10-07	000784	C-Terror Preincident Indicator			Completed	2015-10-07
2015-08-13	000966	E-Excited Delirium National			Completed	2015-08-13
2015-07-02	000996	W-Hard Body Armour Video			Completed	2015-07-02
2015-04-20	000979	R-IMIM-Recertification			Completed	2015-04-20
2015-02-10	000527	C-IARD Recertification			Completed	2015-02-10
2015-02-11	001043	C-IARD SBT Indoor			Completed	2015-02-11
2015-02-09	000279	C-CEW-Recertification			Completed	2015-02-09
2015-01-07	000170	C-FROS for Supervisors			Completed	2015-01-07
2017-03-06	000485	R-MMP-Manager Develop Prgm			Completed	2017-03-06
2016-09-22	000962	C- Resolving Conflict Effectiv			Completed	2016-09-22
2015-01-30	000963	C-Workplace Violence Online			Completed	2015-01-30
2014-02-25	000745	E-Standard First Aid/CPR			Completed	2014-02-25
2014-02-06	000912	C-Respectful Workplace			Completed	2014-02-06
2014-01-24	000128	W-Aboriginal Perceptions Trng			Completed	2014-01-24
2013-10-04	BD0500	C-Career Development Advisors			Completed	2013-10-04
2013-05-07	000880	C-CS Carbine Pre-Course (OL)			Completed	2013-05-07
2013-04-18	000683	C-IMIM-Classroom			Completed	2013-04-18
2012-06-27	000684	C-IMIM-Scenario Based Training			Completed	2012-06-27
2012-06-25	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2012-06-25
2011-10-13	000279	C-Conducted Energy Weapon Rcrt			Completed	2011-10-13
2011-02-28	000683	C-IMIM-Classroom			Completed	2011-02-28
2011-02-14	000679	W-RDIMS			Completed	2011-02-14
2010-11-16	000550	E-Standard First Aid/CPR			Completed	2010-11-16
2010-11-02	000609	E-Aboriginal&First Natns Aware			Completed	2010-11-02
2010-10-04	000168	FROS for End Users			Completed	2010-10-04

<sup>228</sup> RCMP. Employee Training Profile Sgt. (GOC00033556\_0001)

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Structure of Policing in Nova Scotia

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End Date	Course	Course Title	Lang	School	Status	Status Date
2010-09-24	CF0010	C-Field Coaches' Course			Completed	2010-09-24
2010-09-24	000431	C-Coaching Skills Facilitator			Completed	2010-09-24
2010-06-25	BM3501	C-Basic Firearms Instructor			Completed	2010-06-25
2010-06-11	000433	C-Promotion Process Valid Ctte			Completed	2010-06-11
2010-06-30	000291	OL Training-DEV-Private-FR		Alliance Française	Completed	2010-06-30
2010-05-15		Indv-Strategic HR Mngt Police		Dalhousie University	Completed	2010-05-15
2009-06-30	000618	C-IMIM-Introduction			Completed	2009-06-30
2009-06-04	000224	C-Basic Evidence & Reports Trn			Completed	2009-06-04
2009-04-15	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2009-04-15
2009-12-18	000291	OL Training-DEV-Private-FR		Alliance Français	Completed	2009-12-18
2008-09-26	000563	W-ATIP Awareness			Completed	2008-09-26
2008-05-29	CF0010	C-Field Coaches' Course			Completed	2008-05-29
2008-05-05	D00550	E-Standard First Aid/CFR			Completed	2008-05-05
2008-03-30	000338	E-Incident Command Sys-ICS 300			Completed	2008-03-30
2008-03-30	000402	E-Incident Command Sys-ICS 200			Completed	2008-03-30
2008-02-26	000353	C-Incident Command Sys-ICS 200			Completed	2008-02-26
2007-10-07	000144	OGH Committees & Represent			Completed	2007-10-07
2007-04-18	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2007-04-18
2007-03-20	000509	C-IARD User			Completed	2007-03-20
2007-01-18	000588	E-Basic Emergency Management		Emergency Mgmt. Office NS	Completed	2007-01-18
2006-04-12	000114	E-Quarantine Act			Completed	2006-04-12
2005-09-26	D00503	E-CFR Refresher			Completed	2005-09-26
2005-09-27	000509	E-First Aid Standard Level			Completed	2005-09-27
2005-09-21	000129	C-Baton/Carotid Contrl/OCSpray			Completed	2005-09-21
2005-09-21	000149	C-CBRN PC4 Gas Mask User			Completed	2005-09-21
2005-09-20	000135	O-CAN LABOUR CODE PART II AWAR			Completed	2005-10-01
2005-09-19	000178	C-CBRN BASIC LEVEL PRE-COURSE			Completed	2005-09-19
2005-05-18	000281	W-Performance Management Wksp			Completed	2005-05-18
2005-05-17	000195	W-Trunk Mobile Radio Sys & Op			Completed	2005-05-17
2005-03-11	000250	C-Police Supervisors Course			Completed	2005-03-11
2005-02-28	000246	E-JEIM Trainers Course			Completed	2005-02-28
2005-02-07	000094	C-Managing Safely			Completed	2005-02-07
2004-09-28	000142	ROADS Users			Completed	2004-09-28
2004-09-22	BM1071	C-CIIDS/Supervisor Course			Completed	2004-09-22
2004-04-16	000126	Entrust Users			Completed	2004-04-16
2003-11-24	000243	W-Together for Life-Prevention			Completed	2003-11-24
2003-10-08	000028	Conducted Energy Weapon User			Completed	2003-10-08
2003-04-17	D00517	Reid Techn Intwrg & Inters		Moncton, NB (Basic & Advanced)	Completed	2003-04-17
2003-02-24	000027	Harassment in the Workplace			Completed	2003-02-24
2002-09-27	CL4604	Public & Pol Officer Safety			Completed	2002-09-27
2001-03-27	DL1000	Operation PipeLine Trng DEA			Completed	2001-03-27
2001-02-02	CM0007	Investigators			Completed	2001-01-22
2000-09-25	CL4610	SARP User Course			Completed	2000-09-25
2000-09-25	000013	Carotid Control ReCert			Completed	2000-09-25
End Date	Course	Course Title	Lang	School	Status	Status Date
2000-09-25	000014	Oleoresin Capsicum ReCert			Completed	2000-09-25
1997-04-24	CL0023	Alcometer S-L2 Calibrator			Completed	1997-04-24
1996-04-24	CF0010	Leadership/Field Coaching Cr			Completed	1996-04-24
1996-03-29	CL7005	All-Terrain Vehicle-Operator			Completed	1996-03-29
1996-03-07	CL4602	SARP/Extend.Baton User's Crs			Completed	1996-03-07
1996-03-06	CL4610	SARP User Course			Completed	1996-03-06
1994-09-30	CL0000	Evidentiary Breathtest Tech			Completed	1994-09-30
1994-09-04	CL1510	OC Spray Trng			Completed	1994-09-04
1993-08-13	CL0010	Alert Operators			Completed	1993-08-13
1993-05-25	D00509	First Aid Standard Level StJ			Completed	1993-05-25
1992-11-05	CK3000	Radar Speedmeter Oper			Completed	1992-11-05
1992-08-18	CS1000	Recruit Field Trng			Completed	1992-08-18
1991-12-05	CN5010	PIRS Terminal Users			Completed	1991-12-05
1991-10-11	CO0500	First Aid Refresher(Std.Lvl)			Completed	1991-10-11
1991-08-23	CO0501	CPR (Basic Rescuer)			Completed	1991-08-23
1992-01-20	BS0500	Basic Recruit Trng			Completed	1992-01-20
1991-06-27	BJ0339	Coltp "BBB" English			Completed	1991-06-27

Expiration Date

Test Description	Test Date
Shotgun Qualification	2019-05-15
Semi-Automatic Pistol Course	2019-05-15
C8 Colt Carbine	2018-10-19
Rifle - Winchester Model 70	2010-06-25

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Structure of Policing in Nova Scotia

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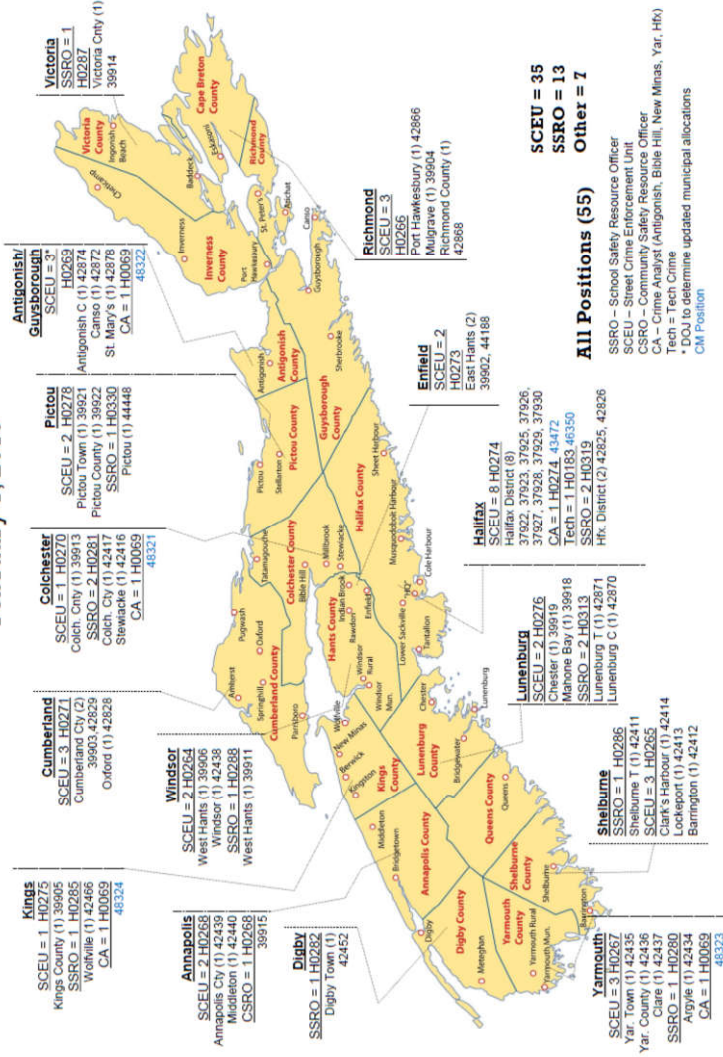
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Structure of Policing in Nova Scotia

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RCM

**H Division – Additional Officer Program / Safer Communities Positions**  
**February 1, 2019**



**All Positions (55)**  
SSRO – School Safety Resource Officer  
SCEU – Street Crime Enforcement Unit  
SSRO – School Safety Resource Officer  
CA – Crime Analyst (Antigonish, Bible Hill, New Minas, Yar. Hfx.)  
Tech – Tech Crime  
\* DOJ to determine updated municipal allocations  
CM Position

P H Division Additional Officer Program Map<sup>229</sup>

## Appendix B- Hyperlinked Documents

1. *Police Act*, S.N.S. 2004, c. 31
2. Canada. Ministry of Justice. *Constitution Act 1867*.
3. Nova Scotia Provincial Police Service Agreement, April 1, 2012. (GOC00000051\_0001)
4. Contract Management Committee. 2012 RCMP Provincial and Territorial Police Service Agreements Companion Document, 2014. Version 1.1, September 2017. Author.
5. RCMP. National Mandatory and Operational Training Matrix. (2021-04-27). Author.
6. Halifax Regional Police. Annual Block Training Overview, 2020. Author.
7. RCMP. (2020). H Division Multi-Year Financial Plan 2019/20 to 2021/22. Author. (GOC00000049\_0001).
8. RCMP. (2021). General Duty Police Resourcing Model (GDPRM) Background. Author. (GOC00046070\_0001).
9. RCMP. (2021). General Duty Police Resourcing Model (GDPRM) General Overview. Author. (GOC00046071\_0001).
10. RCMP. (2020). Summary of H Division Resources- January 2020. Author. (GOC00000154\_0001)

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<sup>229</sup> RCMP. 2019. H Division Additional Officer Program/Safer Communities Positions, February 2019. Author.







# **Part C: Scans of Prior Recommendations**

## **Canada: Environmental Scan of Prior Recommendations**





**MASS CASUALTY  
COMMISSION**  
**COMMISSION  
DES PERTES MASSIVES**

**Environmental Scan of Prior  
Recommendations**

**Prepared by: Research & Policy Team  
August 2022**

## Environmental Scan of Prior Recommendations

PRIVILEGED & CONFIDENTIAL

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## 1. INTRODUCTION

This document brings together recommendations from previous reviews in Canada relating to the matters identified in the mandate of the Mass Casualty Commission. The scope of this scan includes reports of commissions of inquiry, reports of government standing committees, law reform commissions, government-commissioned evaluations and reviews, reports of the Civilian Review and Complaints Commission for the RCMP, and coroner's inquiries. Reports from public interest groups or think tanks are not included here, nor are reviews which do not contain recommendations.

The reviews are grouped according to the research structure developed by the Research & Policy team of the Mass Casualty Commission. Within each group, the reviews are listed in chronological order. Until the Commission completes its fact-finding process, the relevance of the recommendations has been determined on the basis of Foundational Documents and the Commission team's review of the information presently available to the Commission; the fact-finding process may yet contradict or refine this present understanding. Some recommendations have been included because although they do not address an issue directly relevant to the Commission's mandate, they address an analogous issue.

For each review, there is a brief summary of the background and mandate of the review, along with a list of the issues on which recommendations were made. The recommendations that are relevant to the Commission's mandate are set out. Edits to the original text of the recommendations have been made in a few cases, where necessary for clarity and conciseness. In some instances, information on the implementation of recommendations is included.

Each review is summarized once. However, many reviews relate to more than one matter within the Commission's mandate.

All citations are to the page of the report being summarized, except where otherwise indicated.

## 2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

### 2.1. Nova Scotia

The Order in Council directs the Mass Casualty Commission to examine “the responses of police, including the Royal Canadian Mounted Police (RCMP) and municipal police forces” ((a)(ii)) and “police operations, including operational tactics, response, decision-making and supervision” ((b)(iv)). This section focuses on reviews involving policing in Nova Scotia. Reference should also be made to the reports described in section 6 of this scan relating to gender-based and intimate partner violence policies in Nova Scotia.

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#### 2.1.1. Royal Commission on the Donald Marshall Jr. Prosecution (1989)<sup>1</sup>

In 1971, Donald Marshall Jr., a 17-year-old Mi'kmaq<sup>2</sup> youth, and Sandy Seale, a 17-year-old Black youth, were walking through a park in Sydney, Nova Scotia when they met two men, Roy Ebsary and Jimmy MacNeil. Mr. Ebsary stabbed Mr. Seale and cut Mr. Marshall's arm. Seale later died. Mr. Ebsary had a reputation for violence and had a conviction on a weapons charge involving a knife. The Commissioners described the police conduct during the investigation as “entirely inadequate, incompetent and unprofessional.”<sup>3</sup> Due to their racist views of Indigenous people and opinions that Mr. Marshall was a troublemaker, police quickly decided, without evidence, that Mr. Marshall had stabbed Mr. Seale in the course of an argument. The investigators pressured teen witnesses into incriminating Mr. Marshall. The Crown prosecutor failed to disclose the witnesses' prior inconsistent statements. Mr. Marshall's defence lawyer failed to provide adequate representation, and the trial judge made legal errors (which were not raised before the Court of Appeal or identified by that court).

Ten days after Mr. Marshall was convicted of murder, Mr. MacNeil told police he had seen Mr. Ebsary stab Seale. The RCMP investigated Mr. MacNeil's statement at the request of the Sydney police and Attorney General, but their investigation was “incompetent and incomplete.”<sup>4</sup> The RCMP dismissed Mr. MacNeil's statement without interviewing him. His statement was not disclosed to Mr. Marshall's lawyer or to the Crown counsel handling his appeal, nor was a later report from Mr. Ebsary's daughter that she had seen him washing blood from his knife on the night of the murder. The wrongful conviction began to come to official attention only in 1981, after Mr. Marshall learned that Mr. Ebsary had admitted to killing Mr. Seale. The RCMP officers assigned to reinvestigate the case determined that Mr. Seale had been killed by Mr. Ebsary's knife. However, they pressured Mr. Marshall into saying, wrongly, that he and Mr. Seale had been attempting to rob Mr. Ebsary when the stabbing took place.

The federal Justice Minister referred the case to the Nova Scotia Court of Appeal and Mr. Marshall was released on bail in 1982, after spending 11 years in prison. The following year, the Nova Scotia Court of Appeal quashed Mr. Marshall's conviction and entered a verdict of acquittal. However, the Court of Appeal blamed Mr. Marshall for the conviction, stating that the murder took place in the course of an attempted robbery by Mr. Marshall, that Mr. Marshall had lied about the

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<sup>1</sup> Both the seven-volume report of the Royal Commission and the Digest of Findings and Recommendations are available at <https://archives.novascotia.ca/marshall/report/>.

<sup>2</sup> Micmac is the spelling offered in the Marshall Report. The correct singular reference is Mi'kmaq.

<sup>3</sup> “Digest of Findings and Recommendations,” pp. 2–3.

<sup>4</sup> “Digest of Findings and Recommendations,” p. 4.

## 2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

robbery, and that his untruthfulness contributed to his conviction. Mr. Ebsary was eventually convicted of manslaughter.

The Royal Commission was appointed in 1986 and held 93 days of hearings. It concluded that “the criminal justice system failed Donald Mr. Marshall, Jr. at virtually every turn from his arrest and conviction in 1971 up to—and even beyond—his acquittal by the Supreme Court of Nova Scotia (Appeal Division) in 1983.”<sup>5</sup> The Commission found that the Court of Appeal made a “serious and fundamental error,” unsupported by any available evidence, when it concluded that Mr. Marshall was to blame for his conviction.<sup>6</sup>

The Commission also found that racism played a significant role in Mr. Marshall’s conviction, and made numerous recommendations to address anti-Indigenous and anti-Black racism in Nova Scotia’s criminal justice system and broader society. In order to determine how Mr. Marshall’s treatment differed from the treatment of other suspects, the Commission looked into RCMP investigations of two members of the Nova Scotia government and identified significant political interference in those investigations. This led the Commission to recommend the creation of the office of Director of Public Prosecutions, limiting the Attorney General’s ability to intervene in a prosecution.

The Commission made numerous findings regarding the conduct of the police during the investigation of Mr. Seale’s death and in the years following Mr. Marshall’s conviction. It concluded that in addition to racism, the investigation was affected by inadequate training and structural deficiencies. It found that many of the inadequacies of the initial investigation could be attributed at least in part to poor training and promotions that were based on seniority and “informal considerations” rather than merit.<sup>7</sup> It also noted that the RCMP re-investigation was in part responsible for bringing Mr. Marshall’s wrongful conviction to light.

The Commissioners noted the profoundly important role played by police agencies in Nova Scotia:

In a democratic, multicultural society committed to individual rights and civil liberties, and organized on the premise of equality of opportunity, the police have a profound and taxing responsibility to balance individual rights with society’s need for security.

Nova Scotians expect much of their police forces. Recent research, as well as work done for other Royal Commissions, indicates the public wants its police forces to exercise a wide mandate, to respond—and quickly—to calls for service, to solve crimes and be tough on criminals. At the same time—and equally important—Nova Scotians expect these functions to be carried out in an ethical way, with respect for the rights of the innocent, the accused and the victims. The police must be sensitive to racial, social and ethnic diversity, even-handed, principled and competent. If they fail to meet any of those expectations, of course, the criminal justice system may be brought into disrepute among the people it serves.<sup>8</sup>

The Report set out the significant improvements to policing that had been made in the 18 years between Mr. Marshall’s conviction and the Report’s publication in 1989, including recruitment, training, promotion, management, and oversight. However, it found that some deficiencies continued. For example, little training was provided to officers upon promotion. Further, the Commission concluded that training budgets continued to be inadequate and “in-service training

<sup>5</sup> “Report of the Royal Commission,” Volume 1, Part 1, p. 15.

<sup>6</sup> “Report of the Royal Commission,” Volume 1, Part 1, p. 118.

<sup>7</sup> “Report of the Royal Commission,” Volume 1, Part 2, p. 263.

<sup>8</sup> “Report of the Royal Commission,” Volume 1, Part 2, pp. 249–50.

## 2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

and regular programs of upgrading and certification are still woefully undeveloped.”<sup>9</sup> The Commission noted that despite significant improvements in investigation training for municipal police, more needed to be done to ensure a more uniform quality of investigative work across the province. This was particularly true in cases involving “juveniles and other persons deserving particular assistance.”<sup>10</sup>

The Commission expressed serious concern over the failure of other police officers or managers to question improprieties in the investigation. It noted that periodic review of investigations was standard practice in RCMP investigations and recommended it be implemented in municipal investigations. It also noted the need for improvements in the delivery of police services, despite limited resources:

Given the rising costs of police services, the growing demand for a wider range of quality police services and the stagnant tax base in many Nova Scotian municipalities, municipal police departments and their governing authorities must work to develop modes of cooperation to overcome their limited resources. We believe that the Province, through the Department of the Solicitor General, must carry through on announced intentions to examine the delivery of police services in Nova Scotia.<sup>11</sup>

It suggested that the province consider regionalizing policing to obtain a more effective and efficient policing service. Noting that several smaller municipalities had recently made decisions on whether to contract RCMP services or continue with local independent forces, mainly on the basis of cost, the Commissioners stated:

This is understandable, but affordability cannot be the only criterion in determining the kind of police force a municipality should have. We believe the Province has an obligation not only to establish minimum standards for policing, but also to provide municipalities with the resources to meet the implied financial obligations that go with such standards.<sup>12</sup>

The Commissioners also noted that the focus of municipal forces on responding quickly to local concerns can sideline the development of long-term plans and evaluating and auditing their performance. Municipal police departments should engage in more deliberative planning and monitor the successes and failures of those plans following implementation.<sup>13</sup>

It also outlined the differences in responsibility for the RCMP versus municipal forces, noting:

The RCMP is officially responsible to the Provincial Government under the Police Act and the Provincial Policing Agreement. In the municipal policing agreement the RCMP retains a significant degree of control, while at the same time the Police Act entrusts the municipality with the responsibility for the maintenance of law and order. Leaving aside the difficulties that could arise in a discussion of the legal status of policing agreements made under the Police Act, it is apparent that on a day-to-day basis, the RCMP has traditionally operated relatively autonomously in its relations with governing authorities in Nova Scotia.<sup>14</sup>

<sup>9</sup> “Report of the Royal Commission,” Volume 1, Part 2, p. 264.

<sup>10</sup> “Report of the Royal Commission,” Volume 1, Part 2, pp. 266–67.

<sup>11</sup> “Report of the Royal Commission,” Volume 1, Part 2, p. 268

<sup>12</sup> “Report of the Royal Commission,” Volume 1, Part 2, p. 269.

<sup>13</sup> “Report of the Royal Commission,” Volume 1, Part 2, p. 270.

<sup>14</sup> “Report of the Royal Commission,” Volume 1, Part 2, p. 252.

## 2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

The Commissioners considered options for changing the structure of policing to provide more centralized control over policing. They concluded that there was no need for any radical change to the structure of policing in Nova Scotia (such as centralizing control over police forces). However, they concluded that more should be done to provide leadership and direction on policing policy, particularly through the Police Commission. The Report went on to address the governance of RCMP detachments in the province:

One special concern in the overall municipal and provincial policing partnership concerns the relationship of both levels of government to RCMP policing in the province. Lack of accountability of the RCMP to provincial and municipal authorities has led elsewhere to calls for a provincial police force. Both municipal authorities and the Province must become more forceful about defining the relationship. At our peer review workshop to discuss the police research (see Volume 2, Appendix I), RCMP officials from Ottawa invited such input: "Let the Province develop a plan and we'll respond." The Province should take up that challenge.<sup>15</sup>

The Commissioners also considered the role of the Police Review Board, which was created to determine public complaints about police officers and review issues relating to the discipline of police officers. The Commissioners said:

The 1985 amendments to the Police Act created a new Police Review Board to hear and determine public complaints and review matters of internal discipline against police officers. These amendments largely followed the recommendations of Judge Nathan Green in his 1981 report on the Police Act. Whether or not this new Board will be effective will depend on the ability of its members to be and be seen to be independent of both Government and the police community. This independence should be fostered by a clear separation between the Board and the Nova Scotia Police Commission. We understand that the Chairman of the Police Commission is to be the Registrar of the Board, the investigative branch of the Commission will conduct investigations for the Board, and the budget of the Board will be part of that Commission. While we have commented earlier on the desirability of the independence of the Commission itself, we believe that linking the Police Review Board to the Police Commission in the manner proposed will lessen the confidence of the public and the police in the Board. When dealing with individual complaints and the rights of individual police officers, it is essential that the adjudicative body not be perceived as being aligned with one side or the other. Even though the Police Commission may itself be independent, it is inevitable that it will be viewed as being management or police oriented, and hence neither a private complainant nor a disciplined officer may feel that he or she has been treated impartially. We believe that in its essential aspects the Police Review Board should be separate from and independent of the Nova Scotia Police Commission.<sup>16</sup>

The Commission also warned against the potential for personal interference by elected politicians in the governance of the police, noting the dominance of elected politicians on municipal bodies governing police.<sup>17</sup>

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<sup>15</sup> "Report of the Royal Commission," Volume 1, Part 2, p. 256.

<sup>16</sup> "Report of the Royal Commission," Volume 1, Part 2, p. 258.

<sup>17</sup> "Report of the Royal Commission," Volume 1, Part 2, p. 259.



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**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- (Recommendation 15) We recommend that training for all police officers, both at the intake level and as continuing education, include content on police/minority concerns and sensitivity to visible minority issues.
- (Recommendation 28) We recommend that the RCMP and municipal police forces, where applicable, take immediate steps to recruit and hire Native constables.
- (Recommendation 47) We recommend that the Police Commission conduct regular assessments of the operations of each municipal police department in accordance with the provisions of the Police Act.
- (Recommendation 48) We recommend that the Solicitor General require the RCMP to provide information concerning RCMP operations in the province to the Police Commission on an ongoing basis so the Commission can develop and plan rational policing policy and an adequate police information system in the province.
- (Recommendation 49) We recommend that the Police Commission develop and maintain close liaison with officials in the Department of Municipal Affairs and the Executive of the Union of Nova Scotia Municipalities with a view to developing a more rational basis for provincial financial assistance for municipal policing services.
- (Recommendation 50) We recommend that the Police Commission not be absorbed into the mainline structure of the Solicitor General's Department to keep it relatively independent of political considerations and to better reflect the municipal-provincial partnership that characterizes the Nova Scotia organization of policing services.
- (Recommendation 51) We recommend the establishment within the Solicitor General's Department of an Executive Director (Policing) to reflect its increasing role in policing in the province.
- (Recommendation 52) We recommend that a regular annual meeting be held by the Police Commission with the chairs of all Nova Scotia boards of police commissioners. The purpose would be to provide a forum for information exchange, program development, and possible collaboration among municipal police departments in various matters from equipment to crime prevention.
- (Recommendation 53) We recommend that the Chairman of the Nova Scotia Police Commission not act as the Registrar of the Police Review Board and that the Nova Scotia Police Commission not provide investigative services to the Police Review Board.
- (Recommendation 58) We recommend that the Nova Scotia Police Commission take a strong leadership role in police/visible minority relations by providing useful materials to departments (comparable in quality to those now made available to its officers by the RCMP), arranging imaginative in-service training in conjunction with the Atlantic Police Academy or similar bodies, and assisting departments in the setting up of race relations liaison officers or committees.
- (Recommendation 59) We recommend that, together with the Nova Scotia Police Commission, municipal police departments and local boards of police commissioners develop imaginative outreach programs and liaison roles in order to provide visible minorities with greater access to and more positive interaction with the police.
- (Recommendation 60) We recommend that municipal police departments adopt as an objective the eradication in police departments of racial slurs and stereotyping and, in pursuit

## 2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

of this objective, promulgate official policies and guidelines on stereotyping similar to those currently employed by the RCMP (RCMP Administration Manual 111.9) or the Metropolitan Toronto Police Force (standing order number 24).

- (Recommendation 61) We recommend that special attention be given to more intensive training for cadets whose first assignment will be in areas of high visible minority concentration. In addition, detachments and municipal police departments located in areas of high visible minority concentration should allocate proportionally more of their resources to multicultural and race relations training. The Police Commission should monitor detachment and municipal police department performance in this area.
- (Recommendation 62) We recommend that education and sensitivity training with respect to visible minorities be more pronounced in the cadet training curriculum and should be a component of regular in-service training.
- (Recommendation 63) We recommend that the Atlantic Police Academy be encouraged to continue to develop in-service programs and imaginative experimental initiatives for police/visible minority interaction.
- (Recommendation 68) We recommend that the Solicitor General's Task Force on Municipal Police Training, as well as the data collected as part of the Police Study for this Report, be used to establish an ongoing system for monitoring levels of training in the province. The system should be maintained by the Police Commission or equivalent body and should incorporate clear definitions of the types of training appropriate for the needs of particular members, departments and detachments.
- (Recommendation 69) We recommend that periodic assessment of municipal police department officers be carried out as in Nova Scotia's recently announced "force continuum program," which deals with the use of firearms and mace. Common standards should be developed for certification in these areas and consideration should be given to the inclusion of physical fitness and basic response/preliminary investigation imperatives.
- (Recommendation 70) We recommend that all constables be required to have basic investigative skills such as would be required to secure the crime scene and carry out proper preliminary recording and investigation.
- (Recommendation 71) We recommend that municipal police departments cooperate with the Police Commission to produce a uniform set of guidelines for investigative work.
- (Recommendation 72) We recommend that the Police Commission undertake a systematic evaluation of the investigative capacities available in all municipal police departments in the province. This evaluation should be coordinated with periodic reviews of the municipal police departments.
- (Recommendation 76) We recommend that it be standard practice in all police departments for superiors to review, with investigators, the progress of investigations of all serious offences.
- (Recommendation 77) We recommend that a joint task force be established by the Solicitor General and the Minister of Municipal Affairs, with representation from the other relevant bodies, to examine the organization and delivery of policing services within the province and in particular to consider and review the desirability and feasibility of some regionalization of existing municipal policing services in the province and to make recommendations to the Government on these matters. Such a review should also examine other less comprehensive collaborative arrangements which might beneficially be established or further developed

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between existing municipal police forces and the RCMP to improve the quality and efficacy of the delivery of policing services in the province.

- (Recommendation 78) We recommend that all municipal police departments be able to deliver police services according to a set of minimum standards for policing in Nova Scotia. This set of standards should be developed by the Police Commission with appropriate input from both provincial (Solicitor General) and municipal (local police commissions) governing authorities. Recognizing that the primary responsibility for delivery of police services is with the municipalities and that it may be beyond the financial capability of some to upgrade their municipal police department according to these minimum standards, the Province must ensure that the municipal police departments have the resources to meet the prescribed standards.
- (Recommendation 81) We recommend that municipal police departments be encouraged to develop a code of ethics as positive guidelines for behavior. For purposes of continuity and consistency and for minimum standardization, such codes should be developed in consultation with the Atlantic Police Academy and the Police Commission.

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### 2.1.2. Inquiry into Matters Relating to the Death of James Baily, Jr. (Nova Scotia Police Commission, 2005)<sup>18</sup>

James Bailey was a Cape Breton man who was known by his family to have substance use problems and to have experienced suicidal ideation. In May of 2000, he asked family members for assistance to get to a detox centre. However, there were no available beds. A family member called police and reported that Mr. Bailey was intoxicated and wanted to be picked up. Shortly thereafter, Mr. Bailey was arrested on the street under the Liquor Control Act for public intoxication and placed in custody. The officer who arrested him found a bottle of pills in Mr. Bailey's pocket. Mr. Bailey was placed in the recovery position on the cell bunk. The custodian in the police station did not physically check on him for more than two hours; she relied on the video monitor. Mr. Bailey died in his cell at some point during this period. The autopsy showed several narcotics and controlled pharmaceuticals in his system, two of which were at toxic levels.

The Nova Scotia Police Commission conducted a Commission of Inquiry in response to a complaint by Mr. Bailey's family. The Commission identified the limited budget of the Cape Breton Regional Police Service (CBRPS) as contributing to the lack of training around matters such as drug recognition and the effects of mixing drugs and alcohol. It also identified that training regarding proper procedures for monitoring people in cells was poor. The Commission identified several weaknesses in the Prescription Monitoring Association of Nova Scotia (PMANS), which oversees prescription processes of physicians with the goal of reducing the over-prescribing and trafficking of prescribed medications. The RCMP participates in this program, but local police do not, and the system requires manual entry of information, resulting in significant delays.

The Commission also noted there was no formal approach for Nova Scotia police to learn and disseminate information from other jurisdictions and agencies, such as alerts regarding the dangers inherent in mistaking intoxication by drugs for alcohol abuse.

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<sup>18</sup> "Report of the Commission of Inquiry into Matters Relating to the Death of James Guy Bailey, Jr." Nova Scotia Police Commission (September 2005), <https://novascotia.ca/just/publications/docs/JamesGuyBaileyInquiry09-1-05.pdf>.

## 2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- (Recommendation A-1) The CBRPS must find the ways and means of providing adequate continuing education to its officers and employees. [...]
- (Recommendation A-2) Police forces should develop a means of “flagging” their computer databases in regard to known substance abusers and persons with a history of suicide attempts or mental illness. This information would only be gathered from police records and recorded officer experiences in order to comply with privacy requirements.
- (Recommendation B-7) The Operational Policy on the Care and Handling of Prisoners should be amended to direct the arresting officer to check for CPIC and in-house records to assist in determining if the prisoner has an arrest history, a history of mental illness, suicidal tendencies, a history of drug use, or other information relevant to the prisoner's well-being while in the lockup.
- Recommendation B-19) The possibility and means of receiving and disseminating information received from other jurisdictions should be explored. The possibility of this information transfer in conjunction with the Nova Scotia Police Commission should be explored.
- (Recommendation I-5) The CBRPS must insure that all officers are briefed on current and new policies and procedures. Duty sergeants, or other appropriate supervising officer, must be made responsible for ensuring that all policies and procedures are reviewed by each officer. This must be more than just handing the policy and procedure manuals to officers and requesting a signature. Performance reviews may be the most opportune time for ensuring familiarity with the policy and procedures among the officers.
- (Recommendation J-1) The PMANS needs to be brought into the 21st century and computerized. A network should be created that would allow physicians, pharmacists and emergency departments to access the database. Because this requires an allocation of human resources and financing, the how and the when should be left to the provincial government and other interested parties. However, this matter is reaching crisis proportions and must be considered a priority.
- (Recommendation J-2) The annual budget for the PMANS must be increased to a level that is realistic in light of the scale of the current problem. Budgeting for the maintenance of the computer network system mentioned above should be included in this increase.

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**2.1.3. Inquiry into Matters Relating to the Death of Dean Richard (Nova Scotia Police Commission, 2005)<sup>19</sup>**

This inquiry by the Police Commission<sup>20</sup> was ordered by the Minister of Justice following complaints by the parents of a young man killed in a car accident in 1996. The man, Dean Richard, had been thrown from a car and was on the ground when a police officer on patrol came upon the scene. The officer stopped his car and did not block the highway or switch his emergency lights on immediately. Another car driving along the highway passed the officer and hit Mr. Richard, who later died from his injuries. The family raised concerns about the quality of the

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<sup>19</sup> “Report of the Commission of Inquiry into Matters Relating to the Death of Dean Richard.” Nova Scotia Police Commission (July 2005).

<sup>20</sup> The Nova Scotia Police Commission was the precursor organization to the present Office of the Police Complaints Commissioner of Nova Scotia.

## 2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

investigation, the officer's failure to block the highway or switch his emergency lights on to alert oncoming traffic to the accident, and the quality of communication between the police and the family and between the Department of Police and Public Safety Services after the accident.

The Commissioner did not make any findings adverse to the police. He made recommendations regarding emergency lights in police cars, police communication with families, and the timelines governing complaints to the Police Commission.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 2) Each police department would consider assigning one contact person to deal with family when serious questions or concerns arise. This person should be trained in conflict management and have access to all pertinent information.
2. (Recommendation 3) Appropriate procedures and protocols be developed by Police and Public Safety Services to assist with their approach to members of the public in a consistent, timely manner.
3. (Recommendation 4) The person with Police and Public Safety Services assigned as the public contact person have training in conflict resolution and mediation.

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#### **2.1.4. Victoria Rose Paul Investigation (Nova Scotia Police Complaints Commission, 2012)<sup>21</sup>**

In August 2009, Victoria Paul, a Mi'kmaw woman, died of a stroke in Truro while in detention following her arrest for public intoxication. The stroke was not caused by trauma or intoxication. She was alert and able to communicate and walk when she arrived but showed clear signs of deterioration for several hours before she was medically assessed. Staff assumed she was still intoxicated, even ten hours after her arrest. They left her lying in her own urine for several hours.

The Chief of the Truro Police Service asked the Halifax Regional Police to conduct an operational review of the matter, which appeared to focus only on whether police conduct caused Ms. Paul's stroke. (This review took place before the Serious Incident Review Team became operational in Nova Scotia.) In 2011, Nova Scotia's Minister of Justice ordered the Police Complaints Commission to review Ms. Rose's detention and death, as well as the adequacy of the HRP's investigation. This review made the following findings:

1. Members of the Truro Police Force failed to appropriately monitor Ms. Paul's health and provide her with timely access to medical assistance and failed to treat her with respect and dignity.
2. Truro police had significant training in a number of relevant areas yet demonstrated complacency toward the care and custody of apparently intoxicated people.
3. The Halifax Regional Police investigation was very narrow in focus. Because the Chief of the Truro Police Service was related to the Deputy Chief in Halifax, Ms. Paul's community believed the HPS was not impartial.

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<sup>21</sup> "Victoria Rose Paul Investigation Report." Nova Scotia Police Complaints Commission (May 2012), [https://novascotia.ca/just/global\\_docs/Victoria\\_Rose\\_Paul\\_Investigation\\_Report\\_20120524.pdf](https://novascotia.ca/just/global_docs/Victoria_Rose_Paul_Investigation_Report_20120524.pdf).

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4. Provincial standards for lock-up facilities needed clarification and updating. The review noted that few of the recommendations from the Bailey inquiry (above), which raised very similar issues in 2005, had been implemented. However, a new provincial committee had been set up to revisit the provincial policing standards.

### Recommendations Relevant to the Mandate of the Mass Casualty Commission

- (Recommendation 3) Truro Police Service to provide officers and custodians adequate on-site training in order for these employees to sufficiently carry out their duties. This training should include at a minimum proper training on the policies and provincial standards of the care and custody of prisoners, how to interact with challenging or intoxicated individuals, conflict resolution, suicide intervention, use of force, how to conduct quality checks on persons in custody, and how to determine whether medical assistance is required.
- (Recommendation 7) Truro Police Service provide all officers, civilian staff, and custodians sensitivity and cultural awareness training.

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#### 2.1.5. Inquiry into the Death of Howard Hyde (Nova Scotia Provincial Court, 2010)<sup>22</sup>

Judge Anne Derrick of the Nova Scotia Provincial Court conducted this review of the death of a man with severe schizophrenia while in custody of the Halifax Regional Police Service. Mr. Hyde had been arrested after assaulting his common-law partner. He had been experiencing a recurrence of his schizophrenia, which caused paranoia, anxiety, agitation, and psychosis. Mr. Hyde's partner told the officers who arrested him that he was "schizophrenic" and had told 911 that he would respond violently to any intervention, had mental health issues, had not been taking his medication, and that he had been tasered in the past and was paranoid of police. Mr. Hyde was passive and cooperative during the arrest. Judge Derrick found that the arresting officers were professional and responsible but did not appreciate that Mr. Hyde was experiencing a serious mental health crisis and did not believe they had grounds to apprehend him under Nova Scotia's Involuntary Psychiatric Treatment Act. Judge Derrick concluded that the information his partner had given to 911 did in fact give grounds to do so. However, it was unclear whether that information was communicated to the arresting officers. The officers did not ask the Mobile Mental Health Crisis Team to attend.

After Mr. Hyde spent an hour in a holding cell, his arresting officer and two officers responsible for booking prisoners attempted to cut the laces in Mr. Hyde's shorts. Mr. Hyde had been unable to untie them. Mr. Hyde became terrified of the cutting device and struggled with the officers in an attempt to escape. The officers did not have training on dealing with people with mental illness and had not been told of Mr. Hyde's illness. They did not call the Mobile Mental Health Crisis Team. After trying to restrain Mr. Hyde, they used a Conducted Energy Weapon (Taser) on him repeatedly.

Once the booking officers wrestled him to the floor, Mr. Hyde lost consciousness and stopped breathing. He was revived and taken to hospital. Seven hours later, he had stabilized and was discharged back into police custody. The ER physicians were of the view that he urgently needed a psychiatric assessment and treatment; however, they erroneously believed the court would

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<sup>22</sup> "In the Matter of a Fatality Inquiry Regarding the Death of Howard Hyde: Report Pursuant to the *Fatality Investigations Act*." Nova Scotia Provincial Court (November 2010), [https://www.courts.ns.ca/provincial\\_court/NSPC\\_documents/NSPC\\_Hyde\\_Inquiry\\_Report.pdf](https://www.courts.ns.ca/provincial_court/NSPC_documents/NSPC_Hyde_Inquiry_Report.pdf).

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send him for a clinical psychiatric assessment (rather than a forensic psychiatric assessment) and he would then obtain the care he required. The officers who transported him from the hospital to court did not make any entries in the police database that he had received an injection of schizophrenia medication, that he needed to be seen by a mental health professional, or that he could alternate between being lucid and incoherent. Mr. Hyde appeared in court but was remanded to the Central Nova Scotia Correctional Facility overnight as it was too late in the day to arrange bail and his release. He paced all night and did not sleep. The next morning, when leaving his cell to go to court, he became fearful and tried to escape. He struggled with the correctional officers. These officers did not know of his mental health history or of his behaviour overnight and had no training in mental health issues or crisis intervention techniques. He was taken to a cell and again struggled with the officers vigorously while prone on the floor of the cell for two and a half minutes. He stopped breathing, with no pulse. He was transported to hospital and pronounced dead.

Judge Derrick concluded that the officers who were involved in Mr. Hyde's arrest would have benefitted from training in dealing with people with mental illness, in the role and function of the Mobile Mental Health Crisis Team, and in their powers under the Involuntary Psychiatric Treatment Act, as well as clearer policy guidance on what can trigger those powers.

With respect to the officers' use of a Taser during the incident in the booking area, Judge Derrick found that although the Tasing was done according to policy, it was ill-advised and only aggravated the situation.

Judge Derrick concluded that the officers' use of force on the morning of Mr. Hyde's death was reasonable and proportionate. She also concluded that he died as the result of physiological changes in his body brought on by the intense struggle with the officers, and that this was accidental.

Judge Derrick concluded that the officers who interacted with Mr. Hyde would have benefitted from training in dealing with people with mental illness, the MMHCT, and crisis intervention techniques. She noted that since his death, significant changes had been made to training, legislation, and policies to ensure that frontline responders in Nova Scotia are able to respond appropriately to people with mental illnesses.

Judge Derrick also noted that although Mr. Hyde was living in Halifax at the time of his arrest, he had previously lived in rural Nova Scotia and had to rely on in-hospital treatment due to the absence of community mental health supports or services. She recommended that the province examine how mental health services for persons in conflict with the law could be enhanced outside of Halifax, and made numerous other recommendations to improve the mental health system in Nova Scotia.

In 2011, the Nova Scotia government released a plan for improving its response to people with mental illness in the criminal justice system.<sup>23</sup> It published an update on progress toward that plan in 2012.<sup>24</sup>

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<sup>23</sup>"Building Bridges: Improving Care in Custody for People Living with Mental Illness", available at [https://novascotia.ca/just/hyde\\_inquiry.asp](https://novascotia.ca/just/hyde_inquiry.asp)

<sup>24</sup> [https://novascotia.ca/just/global\\_docs/Hyde\\_Report\\_Response.pdf](https://novascotia.ca/just/global_docs/Hyde_Report_Response.pdf)

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**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- a) The Province should develop a provincial mental health strategy that ensures coordination of care, integration of services and supports, and monitors quality and outcomes in relation to mental health generally and mental health in the context of the criminal justice system. The Strategy should be informed by “best practices” and the Convention on the Rights of Persons with Disabilities.
- b) The Province should create a position in government of Director of Mental Health Strategy whose mandate will be to oversee and be accountable for the Province’s mental health strategy. The position would also involve responsibility for monitoring the treatment of persons with mental illness by the various components of the justice system and oversight of mental health training for Department of Justice employees.
- c) The Director of Mental Health Strategy should have recent, relevant experience in mental health policy generally and mental health policy in the context of criminal justice.
- d) The Province should establish an inter-departmental (Justice and Health) Committee, to address mental health issues in the criminal justice system. The Committee should report to the Deputy Ministers for Health and Justice.
- e) The Director of Mental Health in Criminal Justice should chair the Justice and Health Committee. Membership on the Committee should not be limited to representatives from the Departments of Justice and Health and should include representation from the Capital District Health and a senior member of the Halifax Regional Police Service. The Department of Community Services should also be invited to participate. The Committee should also include a representative from each of the Schizophrenia Society of Nova Scotia and the Canadian Mental Health Association, to be selected by those organizations.
- f) The Director of Mental Health Strategy and the Justice and Health Committee should carefully review the content of the Consensus Project<sup>25</sup> to identify what might be valuable in improving the Nova Scotia criminal justice system’s response to persons with mental illness.
- g) Through a collaboration of departmental representatives, (Department of Health, Department of Justice), Capital District Health, health professionals, police representatives, mental health “consumer” representatives and other appropriate participants, issues relating to service modalities and service delivery, access to services and suitability of services and supports should be assessed.
- h) The Province through its funding of mental health services, should support community-based mental health programmes and services and alternative treatment modalities to pharmacological and involuntary hospitalization models.
- i) The Province should significantly increase funding for mental health services. This increase in funding should not be achieved through a reallocation of existing health care funding.
- j) Increased funding for mental health services should be directed to: enhancing support for improved community-based mental health services, increased training for front-line police officers, sheriffs and correctional officers, supports for family physicians providing mental health services to patients, increasing and improving community awareness about and understanding of mental illness, in the general public and particular groups such as police

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<sup>25</sup> This is a 2002 report of the Council of State Governments Justice Centre, an American non-profit organization focused on public safety. The Criminal Justice/Mental Health Consensus Project focused on improving the criminal justice system’s interactions with people with mental illness. <https://csgjusticecenter.org/publications/the-consensus-project-report/>



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officers, teachers, family physicians and members of the justice system, and campaigns to eliminate the stigmatization of persons living with mental illness.

- k) The proportion of the mental health budget directed to the provision of treatment and support in community settings should be increased.
- l) The Department of Health should explore alternate means of delivering mental health care and treatment in order to provide greater access to mental health services. Greater use could be made of nurse practitioners specializing in psychiatric issues, in community-based, mental health clinics. Individual psychiatrists could provide consultation services for family medicine practice groups.
- m) The Department of Health, Mental Health Services Branch should recognize the value of Peer Support and through appropriate policy development, working in conjunction with existing Peer Support programs being delivered by CMHA, Self Help Connection and Healthy Minds Cooperative, proceed with broader implementation of more fully funded Peer Support Programs with paid Peer Support Workers.
- n) The Province should examine how mental health services for persons in conflict with the law can be enhanced outside of the Halifax Regional Municipality.
- o) Halifax Regional Police and health authorities (CDHA and IWK) should continue and expand their collaborative work, including better and more comprehensive education in the law enforcement community regarding the mandate and ability of the Mental Health Mobile Crisis Team to provide advice and conduct mobile visits at any stage of the justice system process. This should include exploration of additional models for police and mental health collaboration when responding and providing service to persons with mental illness.
- p) The MMHCT [Mobile Mental Health Crisis Team] and its supporting agencies should promote greater awareness among emergency department physicians and nursing staff, family physicians, justice system officials, family members, friends, community-based organizations and other social supports of people with a mental illness about the Team's ability to provide advice, including about community supports and resources, and to conduct mobile visits and assessments at any stage of the person's illness.
- q) The Mobile Mental Health Crisis Team should ensure it has protocols in place that direct follow-up of a contact with the Team in all cases to ensure that the person who has been the subject of the call is receiving appropriate services. A detailed record should be made of a follow-up or a case debriefing.
- r) In recognition of the role police officers play as mental health first responders, the Province should fund a police access line so that information about mental health services available through the health care system and in the community is readily available to all patrol and Booking officers in particular. The inventory of services could be compiled through a collaboration of the Departments of Justice, Health, and Community Services and the Capital District Health Authority, the Mobile Mental Health Crisis Team, and the Schizophrenia Society and the Canadian Mental Health Association. The inventory of services should identify the nature of the service and appropriate contact information and be updated regularly so that the information being relied on by police officers coming into contact with persons with a mental illness is accurate and current.
- s) The [Justice and Health] Committee referred to in Recommendation #4 should monitor the work of the Mental Health Commission of Canada to identify "best practices" for developing a provincial anti-stigma campaign. The Province should support local community initiatives and

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programmes that promote an anti-stigma, inclusive message or engage in a positive stigma-reduction activities.

- t) The Province, Health Authorities, policing services and members of the health care and justice communities should immediately adopt respectful language that is appropriate in identifying persons with a mental illness: persons with a mental illness, persons living with a mental illness.
- u) The Province should be addressing in the context of its proposed *Personal Health Information Act* (Bill 64) and the development of its electronic health record system – SHARe (Secure Health Access Record), the issues of confidentiality and privacy rights, consent, disclosure and stigma as they specifically relate to the health care records and needs of mental health service users and persons in custody, and consulting with the affected constituencies and mental health service providers.
- v) All persons in the justice system who have contact with persons with mental illness should receive training that includes: current information about community resources and supports for persons with mental illness; basic human rights principles; empathy; anti-stigma awareness; communication and listening skills.
- w) Training should assist in the identification and care of persons who may be experiencing a psychiatric emergency. This would include topics such as identification of mental health issues, determination of whether a medical referral is needed, and development of skills for communicating with persons with mental illness.
- x) All training of persons in the justice and health care systems with respect to mental health issues should involve or continue to involve persons with lived experience with mental illness, including, where relevant and feasible, lived experience with mental illness and the criminal justice system.
- y) The Halifax Regional Police should adopt the objective of providing Crisis Intervention Training to all patrol officers as well as all booking officers and all officers who provide use of force training in the Department.
- z) The Halifax Regional Police Service should continue training members to be part of the Mobile Mental Health Crisis Team.
- aa) The Halifax Regional Police should enhance the Canadian Police Knowledge Network online training “Recognizing Emotionally Disturbed Persons”, which is currently offered as a “baseline” training program, with skills development through role-playing and in-classroom instruction and trainer/learner interaction.
- bb) The Department of Justice should integrate Crisis Intervention concepts and skills-instruction into the joint, use of force training program being developed in the Department.
- cc) The Department of Justice should enhance the Canadian Police Knowledge Network online training “Recognizing Emotionally Disturbed Persons”, which is currently offered as a “baseline” training program in mental health issues, with skills development through role-playing and in-classroom instruction and trainer/learner interaction.
- dd) The Minister of Justice should undertake an annual review of the implementation of the Recommendations of this Inquiry, which review to be completed by the anniversary date of the filing of the Inquiry’s Report, and made public no later than two months from that date, including by posting the review on the Department of Justice website.
- ee) The implementation of these Recommendations should be informed by and consistent with the principles of the Convention on the Rights of Persons with Disabilities.

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ff) The Province should post this Report on the Department of Justice website.

## 2.2. The Rest of Canada

This section summarizes reports focused on police culture outside of Nova Scotia. Reference should also be made to the reports summarized in Section 3, “Communications among and within Law Enforcement Agencies,” and Section 4, “Communications with Community.”

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### 2.2.1. Aboriginal Justice Inquiry of Manitoba (1991)<sup>26</sup>

This inquiry was established in 1988 following public concern about the response of the Manitoba justice system to the deaths of two Aboriginal people, Helen Betty Osborne and J.J. Harper.

Ms. Osborne was killed in 1971 in The Pas. Although the identities of the four men who were present when she was killed were widely known in the community, the case was not brought to trial until sixteen years after her death, in 1987. Every Indigenous member of the jury was eliminated through peremptory challenges, two of the four men were charged, and only one was convicted of any crime.

J.J. Harper, who was the executive director of the Island Lake Tribal Council, died in 1988 following an encounter with a City of Winnipeg police officer. The police department conducted an internal investigation within a day, exonerating the officer involved. Members of the public demanded public inquiries in the wake of these deaths and the justice system’s responses.

The Commissioners were Alvin Hamilton, former Associate Chief Justice of the Manitoba Court of Queen’s Bench, and Murray Sinclair, then-Associate Chief Justice of the Manitoba Provincial Court. The mandate of the inquiry was to examine the relationship between Aboriginal people and the justice system and suggest mechanisms for improvements. It also specifically examined the Osborne and Harper cases. The inquiry held over 120 days of hearings and visited 36 Aboriginal communities across Manitoba, where members of the communities described their experiences with and feelings about the justice system. The inquiry also conducted research, commissioned research papers, held a symposium with tribal courts, and convened a conference with Indigenous Elders. The Final Report was issued in the autumn of 1991 and included 296 recommendations.

The Report began with the following statement:

The justice system has failed Manitoba’s Aboriginal people on a massive scale. It has been insensitive and inaccessible and has arrested and imprisoned Aboriginal people in grossly disproportionate numbers. Aboriginal people who are arrested are more likely than non-Aboriginal people to be denied bail, spend more time in pre-trial detention and spend less time with their lawyers, and, if convicted, are more likely to be incarcerated.

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<sup>26</sup> “Report of the Aboriginal Justice Inquiry of Manitoba.” Public Inquiry into the Administration of Justice and Aboriginal People (1991), available on the website of the Aboriginal Justice Implementation Commission at <http://www.ajic.mb.ca/volume.html>.

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It is not merely that the justice system has failed Aboriginal people; justice also has been denied to them. For more than a century the rights of Aboriginal people have been ignored and eroded. The result of this denial has been injustice of the most profound kind. Poverty and powerlessness have been the Canadian legacy to a people who once governed their own affairs in full self-sufficiency.<sup>27</sup>

### The Death of Helen Betty Osborne

Ms. Osborne, nineteen years old, was walking down a street in The Pas on the morning of November 13, 1971 when she was attacked by four men who forced her into their car and drove away. She was physically and sexually assaulted at two locations. She was viciously beaten and stabbed with a screwdriver, and then dragged into the bush. Her body was discovered the next morning. The police were sensitive when notifying Ms. Osborne's mother of her death and initially kept her apprised of the investigation, but the Commissioners noted that they did not offer her any counselling or support assistance. Police also failed to keep her informed as the years progressed.

In the immediate aftermath of Ms. Osborne's death, the RCMP questioned several of her friends, all of whom were Aboriginal. These interrogations were often brutal and insensitive. They brought one young woman they were questioning, Annaliese Dumas, out of town and threw her against the hood of a car when she became tongue-tied. They then took her to the morgue to show her Ms. Osborne's severely battered body, a traumatizing and unjustified action.<sup>28</sup> Police brought another Aboriginal youth, Cornelius Bighetty, in for questioning and showed him pictures of Ms. Osborne's body, causing him to faint. He was 17 years old, and his caregivers had not been informed of the interrogation, let alone asked permission for its conduct, as required by law.

Police made no progress until they received a letter six months later from an anonymous woman who had been told of the murder by one of the assailants. That letter identified three of the assailants, James Houghton, Lee Colgan, and Bernard Manger. An informant then identified Dwayne Johnston as the fourth assailant. The four men refused to speak to police, and the investigation stalled. In 1985, the RCMP put an ad in a local newspaper asking for public assistance to solve the murder. They then received reports that Mr. Colgan and Mr. Johnston had made several comments over the years about participating in the murder. Mr. Colgan and Mr. Johnston were both charged with first-degree murder in 1986. Mr. Colgan agreed to testify against Mr. Johnston in exchange for complete immunity.<sup>29</sup> On the basis of Mr. Colgan's evidence, Mr. Houghton was charged. Mr. Johnston was convicted of second-degree murder and sentenced to life imprisonment without eligibility for parole for ten years. Mr. Houghton was acquitted. No charges were ever laid against Mr. Colgan (due to the immunity agreement), or against Mr. Manger.

The Commissioners found that the RCMP detachments in The Pas made extensive and appropriate use of the resources and people that were made available to them. Over 50 officers in The Pas and around the country worked on the investigation in the first year alone. The Commissioners were critical of some aspects of the investigation, including poor-quality photography and improper treatment of footprints around Ms. Osborne's body. They also noted a

<sup>27</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume I, chapter 1.

<sup>28</sup> The Commissioners also pointed out that this showed disrespect for Ms. Osborne's body, which could be attributed to racism on the part of the investigators. "Report of the Aboriginal Justice Inquiry of Manitoba," volume I, chapter 9.

<sup>29</sup> The Commissioners found this to be a reasonable decision, given the dearth of evidence against Mr. Colgan and the other accused.

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significant error with respect to the search for the car that transported Ms. Osborne to the scene of her murder. A taxi driver had told the investigators that on the day of the murder, he had noticed a car on the highway near where Ms. Osborne's body was found, close to the likely time of the murder. He remembered four digits of the license plate number. The police issued a province-wide request of officers to check cars with similar plate numbers. Eventually, through diligent police work, the investigators discovered that the only car from The Pas with a license plate with the same four numbers was registered to Harold Colgan, the father of Lee Colgan. However, instead of seizing Mr. Colgan's car, they relied on a report from an officer from another detachment. This officer had reported that during a routine check around the time of the murder (and not in response to the province-wide request), he had looked in the back seat of the Colgan vehicle and seen nothing unusual. He said that he knew the person driving the car, Lee Colgan. There was no record of this check, and the officer who conducted the check did not appear to have known that a murder had occurred. The Commissioners stated:

It is difficult to understand why the rural detachment would refrain from what would be a normal follow-up on the excellent work they had done just because an officer from the town detachment seemed to "vouch for" the owner of the car. No effort was made to do what had been requested of other detachments—to determine the whereabouts of any vehicle with the numbers 5342 in the licence on the night of the murder. ...

It would be easy to conclude that the middle-class status of the Colgan family was a contributing factor to the RCMP's casual approach to checking their vehicle. Less "respectable" citizens surely could not expect such deferential treatment.<sup>30</sup>

Months later, after receiving the letter implicating Mr. Colgan, Mr. Houghton, and Mr. Manger, the RCMP did seize and search Mr. Colgan's car. They found a strand of hair, a blood stain that could not be identified, and a piece of a brassiere that matched a brassiere found by the side of the road. They did not find any fingerprints.

Police then learned from an informant of Mr. Johnston's involvement. They asked Mr. Colgan and Mr. Houghton's parents for permission to question them (which was not required, as both were over 18); permission was declined. The Commissioners concluded that although the police did not have grounds to lay a charge, they did have sufficient information at this time to arrest any or all of the four suspects and take them to the detachment for questioning. The Commissioners noted that the police took Aboriginal friends of Ms. Osborne's to the detachment for questioning and suggested the reluctance to question Mr. Houghton and Mr. Colgan "may have been prompted by the suspects' middle-class status."<sup>31</sup> The only member of the group of four suspects to be questioned in a manner similar to the Aboriginal friends of Ms. Osborne was Mr. Manger, whose mother was Aboriginal. A few months after receiving the anonymous letter implicating him, two officers took Mr. Manger out of town to the bush. They asked him what really happened. Mr. Manger feared they were going to beat him. He agreed to do a polygraph test, and the officers returned him to town. Before the polygraph could be administered two days later, Mr. Manger spoke to a lawyer, who withdrew Mr. Manger's consent to the polygraph and asked the police to stop harassing him.

<sup>30</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume II, chapter 4.

<sup>31</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume II, chapter 4.

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The Commissioners stated the following:

There is a striking contrast between the way the three non-Aboriginal suspects were dealt with and the manner in which the Aboriginal informants were treated. The parents of Houghton and Colgan were consulted before a formal interview was attempted. Their wishes that their sons not be interviewed were largely respected. Neither Colgan nor Houghton were taken into the bush to be questioned. But Manger and [Annaliese] Dumas both were, and both are Aboriginal. Dumas, it should be noted, is also a woman. While we have no sympathy for Manger, it is clear that the RCMP acted improperly towards him and Dumas. This apparent difference in treatment suggests that the RCMP tailored their treatment in accordance with the race, sex or class of the person with whom they were dealing.

This contrast lends further credence to the belief that Aboriginal people were not treated with the same respect as non-Aboriginal persons. In view of the deference shown to the Colgan family, the conclusion is inescapable that the inappropriate treatment of [Cornelius] Bighetty, Dumas and others occurred because they were Aboriginal and, therefore, in the eyes of these officers, less deserving of courtesy and respect.<sup>32</sup>

The Commissioners also commented on the failure of the higher levels of the RCMP at Divisional Headquarters to adequately supervise the members of the Pas detachment, who were less experienced.

The Commissioners also examined whether it was widespread knowledge in the community within a short time of Ms. Osborne's death that the four suspects were responsible. The concluded that some who were friends and family members of the perpetrators remained silent to protect them; others feared the perpetrators. There were also rumours in the broader community that the four men were responsible. The Commissioners noted that the silence of these community members suggested a poor relationship between the police and the community: "Either the police were not close enough to the community to hear the rumours, or the community members did not feel close enough to the police to discuss matters of this kind with them."<sup>33</sup> The Commissioners noted, however, that many people did come forward years later when the police requested public assistance with the investigation.

With respect to the general disinclination of people to report information about crime involving others, the Commissioners commented as follows:

Our society generally shows an indifference to the victims of crime. Unless there is a direct personal connection to victims, it is all too easy for us to disregard their plight. It is easier and safer not to become involved... Indifference to the victims of crime takes the form of detachment and passivity, a kind of personal insulation from the unpleasant realities of the world around.

Coupled with this is the attitude that crime is a matter for the police. This attitude serves to release individuals from taking personal responsibility even in situations where they have knowledge which might further the cause of justice. Many people in our society feel estranged from the police, making it all the more likely they will attempt to remain uninvolved.

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<sup>32</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume II, chapter 4.

<sup>33</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume II, chapter 5.

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All these attitudes seem to have been at play in The Pas during the investigation of the murder of Betty Osborne. Indifference to the victim and a wish to remain uninvolved were probably more powerful motivating factors than was racism.<sup>34</sup>

The Commissioners also addressed the murder itself, concluding that it was a racist and sexist act, and that Ms. Osborne would still have been alive if she had not been an Aboriginal woman. They concluded that Ms. Osborne's attackers believed that Aboriginal women were "objects with no human value beyond sexual gratification."<sup>35</sup> They noted that cruising for sex was common in the community at the time and that young Aboriginal women were usually the targets, but the RCMP did not consider this worth patrolling. The Commissioners expressed outrage that women, particularly Aboriginal women, were treated this way:

Violence against women has been thought for too long to be a private affair. Assaults on women have not been treated with the seriousness which they deserve. Betty Osborne was one of the victims of this despicable attitude towards women.<sup>36</sup>

The Commissioners also noted that many participants in the inquiry suggested that Ms. Osborne's murder would have been investigated differently if she had been white.

The Commissioners also made findings and recommendations about the jury pool composition and use of peremptory challenges, which allowed defence counsel to reject all six Aboriginal people who were called as potential jury members at the murder trial.

### **The Death of John Joseph Harper**

John Joseph Harper was a member of the Wasagamack Indian Band and executive director of the Island Lake Tribal Council. He was 37 years old and had a wife and children. In the early hours of March 9, 1988, Mr. Harper was killed by a bullet from a service revolver belonging to Constable Robert Cross of the Winnipeg Police Department. The following day, the Firearms Board of Enquiry of the Winnipeg Police Department concluded that Mr. Harper had assaulted Constable Cross, that there had been a struggle for Constable Cross' revolver, and that the revolver had discharged accidentally. An inquiry under the Manitoba Fatality Inquiries Act also concluded that the shooting was accidental and that Constable Cross' attempt to keep control of his gun was justified.

The Commissioners of the Aboriginal Justice Inquiry produced extensive findings about Mr. Harper's death and the resulting investigations. On the evening of March 8, 1988, Mr. Harper was socializing in the lounge of the Westbrook Hotel in Winnipeg. Test results at the time of death showed that he had high blood alcohol levels. He left the hotel to walk home at approximately 2:00 AM. Earlier that evening, a young Aboriginal man named Melvin Pruden had stolen a car from the Westbrook Hotel parking lot and gone joy riding with a friend, whose name is not stated in the Report. The car was reported stolen. At approximately 2:00 AM, at the same time that Mr. Harper was leaving the hotel, two Winnipeg Police Officers, Constable Cross and Constable Hodgins, were patrolling near the hotel. They saw the stolen car and began to chase it. Mr. Pruden and his friend abandoned the car and fled on foot. The officers followed them until they disappeared.

<sup>34</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume II, chapter 5.

<sup>35</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume II, chapter 5.

<sup>36</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume II, chapter 5.

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Constable Cross caught up with the young friend, and he and Constable Hodgins questioned him in the police car. Constable Hodgins told the Commissioners that she made notes of what the youth said on a scratch pad rather than in her notebook and subsequently lost the scratch pad notes. Constable Hodgins radioed that the other suspect was “Male, native, black jacket, blue jeans, approximately 22 years old.” She later said that this is what the youth told her and denied that this description came from her or from Constable Cross’ own observations of Mr. Pruden and the youth while they were in the stolen car. The youth told the Commissioners that he had not given the officers any description of Mr. Pruden and had said the man was between 17 and 19 years of age.

Eventually, other members of the Winnipeg police located Mr. Pruden and arrested him. The news of his arrest was broadcast immediately. There was no suggestion that they did not have the correct person in custody or that there was a third suspect at large.

At approximately 2:37 AM, after hearing that the suspect had been arrested, Constable Cross started walking toward the location of the arrest. On his way, he encountered Mr. Harper near a park. He approached Mr. Harper and asked him for identification. Constable Cross told the Commission that he asked Mr. Harper for identification because he wanted to be sure the police had arrested the right person. He said the youth had told him and Constable Hodgins that the driver of the stolen car was wearing a black leather jacket, and he could see that Mr. Harper’s jacket was black.

Constable Cross told the Commission that Mr. Harper said he did not have to tell Constable Cross anything. Constable Cross said he told Mr. Harper that he matched the description of a suspect he was looking for involving the theft of a car and asked again for identification. Mr. Harper again refused and started walking past Constable Cross. Constable Cross then placed his hand on Mr. Harper’s upper arm as he walked past and turned Mr. Harper around. Constable Cross said he did not have grounds to arrest Mr. Harper and was not trying to arrest him but wanted to stop him to explain in more detail why he wanted to see Mr. Harper’s identification. Mr. Harper turned to face him, and Constable Cross put his other hand on Mr. Harper’s wrist. Constable Cross said that Mr. Harper pushed him, causing him to fall. As he fell, Constable Cross grabbed Mr. Harper, pulling Mr. Harper down on top of him. They struggled, and Constable Cross felt a tug on his holster. He reached down to grab his revolver. The revolver came out of its holster, with both his and Mr. Harper’s hands on it. The gun went off and hit Mr. Harper in the chest.

Constable Cross stood up, fell back, and took a moment to regain his composure before radioing for his partner and an ambulance at 2:40 AM. The two officers who were first on the scene testified that Constable Cross said, “He went for my gun, and I shot him.” Another officer said that Constable Cross said, “I approached him, I asked him for I.D., and he hit me, knocked me down and went for my gun, it came out and he got shot.” His partner, Constable Hodgins, said he told her, “He jumped me, Kath. I was on my back on the ground. He went for my gun.” The youth, who was in the back seat of the cruiser, said that when Constables Cross and Hodgins got in, Constable Cross said, “I happen [sic] to reach for my gun... It happened so fast, I pulled the trigger.” The youth also said he heard an older officer at the scene tell Constable Cross to say the gun went off accidentally, and Constable Cross agreed that he would.

The Commissioners concluded that Mr. Harper did not fit the description of the man who had fled the stolen car. Constable Cross had no grounds to believe Mr. Harper was a suspect. The law requires and Winnipeg police policy and training confirm that if a person refuses to give their name and there are no grounds for arrest, an officer has no right to grab or otherwise try to stop the



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person from continuing on their way. Mr. Harper may well have been justified in using force to resist what may have amounted to an unjustified assault by Constable Cross.

Although it was impossible to determine exactly what led to the gun going off, Constable Cross' story changed repeatedly. Constable Cross acknowledged having his finger on the trigger and having pulled it. Mr. Harper never had any significant degree of control over the revolver. The Commissioners concluded:

Cross' first remark after the shooting—"He went for my gun and I shot him"—was not given sufficient consideration in the investigation that followed. Instead, the effort to protect Cross and to shift the blame to Harper took precedence. This effort precluded any objective determination of the facts. We believe that officers collaborated in preparing their notes, that at least one set of notes was rewritten completely, and that Cross was assisted over a lengthy period of time in preparing his written statement, all of which causes us great concern. We also are troubled that one officer would advise another to "say the gun went off accidentally." We have been left with the impression that an "official version" of what happened was developed. We are satisfied that version is inaccurate.

Unfortunately, we are not able to report on exactly what did happen at each stage of the confrontation. We can, however, conclude that it was Cross, through his unnecessary approach and inappropriate attempt to detain Harper, who set in motion the chain of events which resulted in Harper's death.<sup>37</sup>

The Commissioners also found that the officers did not follow proper procedure following the shooting and gave Constable Cross special treatment and consideration. Senior officers mishandled Constable Cross' revolver and other evidence, failed to fingerprint the revolver, allowed Constable Cross to speak with other officers, failed to make proper notes of their conversations at the scene, and failed to ensure the investigation was carried out properly. They did not properly question civilian or police witnesses to the shooting and accepted the written reports of officers instead of interviewing them. A Crime Division officer in the Winnipeg force, Sergeant Williams, was called in to interview Constable Cross. The Commissioners concluded that he and other officers assisted Constable Cross to carefully construct his statement so as to ensure he was not in any jeopardy. They also did not record the interview. The Commissioners concluded that the investigation was not a true investigation but rather was engineered to corroborate and reinforce Constable Cross' version of events. Supervising officers also failed to take responsibility for the investigation.<sup>38</sup> The Commission stated:

This was not an independent professional investigation. Those involved in all parts of this investigation were guided, at least to some extent, by the corporate, institutional goal of self-preservation which functioned to reach a conclusion that Cross, and therefore the department, had done no wrong.<sup>39</sup>

The Commission had subpoenaed the notebooks belonging to the officers involved in Mr. Harper's shooting and the subsequent investigation. The Winnipeg Police took the position that

<sup>37</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume III, chapter 4.

<sup>38</sup> Several officers involved in the investigation told the Commissioners that Acting Inspector Kenneth Dowson was ultimately responsible for the Crime Division's investigation of the shooting. However, Inspector Dowson took his life the morning he was scheduled to testify at the Inquiry. The Commissioners were still able to draw some conclusions about the supervision of the investigation, saying, "It may well be that Inspector Dowson was nominally in charge of the investigation, but lines of supervision and communication appear to have been so ineffective that no one actually took responsibility for determining all the facts of this case."

<sup>39</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume III, chapter 5.

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officers' notebooks were in the possession of individual officers and beyond their control, and the Police Association challenged the Inquiry's authority to subpoena those notebooks, along with other aspects of the Inquiry's authority. The Manitoba Court of Appeal required the police to provide photocopies of portions of the officers' notebooks "relating to the Harper matter."<sup>40</sup> In their Report, the Commissioners identified significant problems with the officers' use of their notebooks. One officer had completely rewritten his notebook to change information about the events, which he said he did because another officer identified "mistakes" in it. That officer also falsely stated under oath at the fatality inquiry that he had made those notes at the time of or shortly after the events. Other officers testified that they routinely spoke to their colleagues to obtain or clarify information before writing their notes and also checked radio communications records to identify the timing of events. The Commissioners noted that the Toronto Police Department had much more stringent rules regarding the content and process of recording notes, and notebooks remain the property of the department upon the officer's retirement.

There was a delay in informing Mr. Harper's family of his death, which the Commissioners attributed to problems finding his address. However, the Commissioners found the manner in which the notification was made to be disturbing. They concluded that the officer who told the family spent considerable time asking questions about Mr. Harper's alcohol consumption and behaviour when intoxicated.

The Firearms Board of Enquiry, which was made up only of members of the Winnipeg police, was convened to review the shooting six hours after it occurred. The following morning, it issued its report exonerating Constable Cross. It did so without having all relevant information. The Commissioners concluded that in this instance, the Firearms Board functioned only as a public relations exercise, to assist in corroborating Constable Cross' version of events.

The Winnipeg Chief of Police also made statements the day after the shooting and immediately after the Firearms Board of Enquiry report was issued. Both statements indicated that Mr. Harper had instigated the struggle and the gun had discharged in the course of the struggle. The Commissioners strongly criticized the Winnipeg Police Chief for making these statements, noting that the investigation was not complete and that these statements setting out the Chief's version of events effectively foreclosed the possibility of a proper investigation. "Only the most exceptional or reckless officer would have risked embarrassing the Chief by pursuing the case."<sup>41</sup> The Chief's conduct was "just the visible expression of an attitude which was prevalent in his department—an attitude that viewed the public image of the police department and the interests of one of its officers as more important than finding out the truth about the death of a citizen."<sup>42</sup>

The Report concluded that racism played a part in Mr. Harper's shooting. It also concluded that there was racism in the Winnipeg Police Force, noting evidence that officers had directed racial slurs at the Aboriginal men who stole the car and had made racist comments at the scene of the shooting, and that a racist joke was circulating in the department regarding Mr. Harper's shooting. The Chief had done little to address these incidents of racism and seemed untroubled by them.

In the conclusion of the Commissioner's comments on Mr. Harper's death and the events following his death, they stated:

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<sup>40</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume III, chapter 1.

<sup>41</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume I, chapter 6.

<sup>42</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume I, chapter 12.

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Society requires capable and professional police forces. We sometimes impose upon them responsibilities that are burdensome and expectations that border on the unrealistic. For those reasons, we must understand and accept that on occasion errors will be made and mistakes will happen. We do not demand perfection from our police forces. At the same time we are entitled to insist that they perform their obligations and duties in a professional and responsible manner.<sup>43</sup>

### Findings about the Manitoba Justice System

After reviewing the deaths of Helen Osborne and J.J. Harper and the subsequent investigations, the Commissioners of the Aboriginal Justice Inquiry examined the overall experiences of Indigenous people in Manitoba's justice system. They found that although Indigenous people constitute 12% of the population in Manitoba, they constitute over half of the people in correctional institutions, which the Commissioners described as shocking. They concluded that this overrepresentation of Indigenous people in the jails and at every other point in the justice system is caused by systemic discrimination in the justice system, overt racism, and stereotyping by justice officials, as well as social inequality, poverty, and cultural oppression. These factors are in turn the legacy of colonialism and effects of the long history of efforts by Canadian government institutions to eradicate Indigenous peoples as distinct societies.

The Commissioners focused a chapter of their report on the experiences of Aboriginal women and children. They stressed the very high rates of spousal abuse and other forms of gender-based violence in Aboriginal communities in Manitoba. They also noted statistics demonstrating that most women endure between 11 and 39 episodes of abuse before seeking help, and will then seek help from a shelter rather than from police. Few reported cases ever lead to trial, and rarely lead to a jail term. Aboriginal women were discouraged from seeking help from the police because they heard from others of the lack of sensitivity and understanding police had demonstrated about abuse. At times, women who called police ended up themselves being removed from the home, leaving their children behind. The Commissioners stated:

[I]t is clear that women in abusive situations, particularly in isolated communities in northern Manitoba, do not feel confident in turning to the justice system. We were told that many abused Aboriginal women did not feel safe enough even to bring their personal stories before the Inquiry.<sup>44</sup>

Women in rural communities often waited for a day for police to respond, only to have the abuser driven down the road and released. There are no safe houses for women and children to escape to. "They may be forced to spend the night in the bush, or be forced to leave the reserve entirely." The Report noted that chiefs and council members, who are mostly male, often support male abusers, effectively chasing the women from their communities. The Commissioners strongly criticized the "unconscionable" failure of Aboriginal government leaders to deal with the problem of domestic abuse. They stressed that chiefs and councilors must take on the protection of women and children as a pressing responsibility, particularly on reserves. They also recommended the creation of more appropriate programs for abusers, more transition houses, and more initiatives within the justice system.

The Report also noted the importance of comprehensive responses to domestic violence. The Commissioners recommended the creation of abuse teams made up of officers and social

<sup>43</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume I, chapter 12.

<sup>44</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume I, chapter 13.

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workers trained in family violence response. The teams should respond to all domestic disturbance calls and make a report about the nature of any conflict and any issues that should be anticipated or considered in any subsequent attendance. The teams could also connect families to peacemakers or other support groups in the community. The abuse teams should monitor the progress of families. The Commissioners noted, "It is our belief that preventive policing by an abuse team may be able to catch volatile situations and deal with them before the violence escalates."<sup>45</sup>

The Commissioners also noted the contrast in services provided to Aboriginal women compared to non-Aboriginal women. There were no Aboriginal shelters in the province, except for one in Winnipeg, no Aboriginal safe houses, and no Aboriginal second-stage housing. There were no shelters in reserve communities, requiring women to leave their communities. The Commissioners also noted that the typical police practice of encouraging the women to leave while the men stay in the home is wrong. Although short-term crisis intervention is often necessary, and in some cases, jail is appropriate, the Commissioners also learned that abused women wanted Aboriginally-designed and directed programs, which would emphasize healing within the family and would not exclude the abuser from the treatment process. The Commissioners noted that if an offender is likely to return to the community and family after serving a sentence, it is important to cure the problem of violence. This would include adequate, culturally-based programming for alcohol abuse (a common factor in intimate partner violence in Aboriginal communities), and a recognition of the sources of despair that lead to alcohol abuse.

Abuse of children, including sexual abuse, was shockingly common in Aboriginal communities. The Commissioners acknowledged the role of colonization, they noted that is not an excuse for the way Aboriginal women and children were treated. They described child abuse as the single greatest threat to the future of Indigenous people.

Police-Indigenous relations were the subject of significant scrutiny in the Report. The RCMP provided policing services in most of the rural and Aboriginal communities in the province. Winnipeg, Brandon, and eight smaller municipalities had their own police forces. There were some Indigenous communities that had local, Indigenous-controlled police forces, but the majority of Indigenous communities were policed by predominantly white RCMP or municipal police forces.

The Commissioners identified significant problems with over-policing (harassment, charging and detention of Indigenous people by police in situations where white people would not face the same response) and under-policing (a lack of police presence in Indigenous communities except to make arrests, a focus on crime investigation rather than prevention, failure to enforce laws which protect Indigenous communities, and slow response times when police are called). RCMP members took advantage of Indigenous people, for example, by threatening to hold them in custody until they give statements. At the same time, they refused to investigate injuries and deaths of Indigenous people, or investigated them with less vigour.

The Commissioners identified the history of the RCMP in Manitoba as a significant cause of the suspicion and hostility Indigenous people felt toward police in communities across the province. The RCMP's predecessor, the North-West Mounted Police (NWMP), was created to control the Indigenous population in the western and northern parts of Canada as they entered Confederation. This force was the main instrument for carrying out the repressive government policies of the time. They moved Indigenous people to reserves, ensured they stayed there,

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<sup>45</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume I, chapter 13.

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administered treaties, and assisted Indian agents to enforce government policies regarding Indigenous people. They captured and returned children who ran away from residential schools and apprehended Indigenous people who left their reserves without a pass. There were some positives: Indigenous people were apparently grateful that the NWMP suppressed the whisky trade and prevented massacres by settlers against members of their communities.

Although the NWMP did not cause the North-West Rebellion of 1885 and warned the government of the need to address the increasing unrest, the NWMP was required to join military forces to suppress the rebellion. They arrested the rebels, a number of whom were hanged in the Mounted Police stockade. Authorities, including members of the Mounted Police, looted and burned the homes of Indigenous people, confiscated property, withheld annuities from bands who had participated in the rebellion, and virtually wiped out the Métis as a distinct political group. The Commissioners found that memories of this treatment lingered in many communities and affected Indigenous peoples' perceptions of other police forces. While members of the dominant culture recognized police forces as entities established to protect them and maintain their social structure, Indigenous people considered the police to be a foreign presence that did not operate on their behalf.

The Report did note that there were some communities in Manitoba where Indigenous people had very positive relationships with police officers. These tended to be in areas where the officers had become involved with the community after staying for a considerable length of time. As well, although there were significant problems with cross-cultural understanding and with the recruitment of Indigenous people to the RCMP, the RCMP had made efforts to improve Indigenous recruitment and had required significantly more cross-cultural training than other forces. The Commissioners expressed concern that financial pressures might lead more municipalities in Manitoba to abandon RCMP contracts and develop more local forces, which under Manitoba law had no standards or requirements for training at all. Forces in Winnipeg and Brandon had also struggled to recruit Indigenous members, although Brandon's force had established an innovative cross-cultural exchange program with the Dakota Ojibway Tribal Council Police Force.

### **Findings about Police Governance**

The Report identified significant problems with the governance of police in Manitoba. The Manitoba Police Commission was responsible by law for evaluating police forces, advising municipal forces, recommending training standards, and making recommendations on communications, equipment, and other matters. However, the Police Commission had only two staff and could not carry out its legislated responsibilities. The authority to appoint officers was fragmented over several pieces of legislation. Unlike other provinces, there were no provincial standards for training, qualifications, or equipment, and no provincial training facility.

Complaints about municipal forces were handled by the Law Enforcement Review Agency (LERA). The Inquiry Commissioners identified significant concerns with the LERA, including undue influence by police chiefs in resolving complaints about and determining penalties for their officers, lack of transparency, and delay in resolutions. There was also an unfair burden placed on complainants, who were required to prove misconduct beyond a reasonable doubt, without counsel, while officers had counsel.

Complaints about RCMP officers were handled by the RCMP Public Complaints Commission (PCC), which was established following two separate public inquiries into the RCMP. The PCC was made up of members from each jurisdiction in Canada that used the RCMP for provincial

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policing. All these members were chosen by the federal government. No current RCMP members could be appointed to the Commission. The Inquiry Commissioners were highly critical of the PCC. Among the subjects of its criticism was the process whereby any complaint to the PCC was first investigated by the detachment itself, often by the very officer complained of. The onus was then on the complainant to pursue the matter to the PCC. The PCC could then determine that the RCMP investigation was satisfactory and do nothing; ask the RCMP to investigate further; or conduct its own investigation and/or institute a hearing. Officers could be compelled to testify. The PCC then sent a report with findings and recommendations to the parties, minister, and RCMP Commissioner. There was no requirement for the RCMP to follow these recommendations. There was no appeal, and there was no requirement for a hearing. The Inquiry Commissioners noted that the PCC was physically remote from Manitoba, particularly for Aboriginal communities, and drew the following conclusions regarding its process:

The system is not independent, because the RCMP have such an overwhelming influence over the entire process, including power to dismiss the complaint, control the conduct of the investigation and power to disregard the findings of the commission.

We find the process to not be in the public interest. Rather, it appears to be a process designed to protect the RCMP and to leave all its decisions to its own officers, at one level or another.<sup>46</sup>

The Inquiry Report reviewed a number of alternate approaches to addressing public complaints against members of police forces. It noted that in Ontario, prior to legislative reforms in the 1990s, outside police forces had sometimes been called in to investigate police conduct issues. The Commissioners stated:

This was found to be an inadequate solution. It is true that the appearance of independence is enhanced when an outside police force is asked to investigate particular situations, but the appearance of independence is still compromised when police investigate police, especially when police forces must work so closely together on a day-to-day basis to provide good policing.<sup>47</sup>

The Commissioners recommended that the RCMP institute a process similar to the Ontario Office of the Public Complaints Commissioner, which was designed to be fair and independent, with full powers to impose penalties, including dismissals.

The Report's other recommendations on policing focus on the adoption of Aboriginal community-based policing, with regional Aboriginal police forces reporting to Aboriginal communities; the creation of Aboriginal police commissions to support those forces; improvements to employment equity programs, particularly for the Winnipeg and Brandon police forces, in order to ensure that Aboriginal people are substantially represented among the members of the forces; cross-cultural training, particularly to orient new staff to Aboriginal communities; significant work on police standards and procedures in Manitoba; and an effective public complaints body to address policing-related complaints.

### Implementation of Recommendations

The Report included a chapter on the implementation of its recommendations. Numerous participants in the inquiry process had expressed fear that the resulting report and

<sup>46</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume I, chapter 16.

<sup>47</sup> "Report of the Aboriginal Justice Inquiry of Manitoba," volume I, chapter 16.

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recommendations would “placed on a shelf to gather dust” and never be acted on. The Commissioners acknowledged that the extent to which their recommendations would be implemented would depend on their persuasiveness, the degree of support in Aboriginal and non-Aboriginal communities, the willingness and capacity of both the Manitoba and federal governments to make the recommended changes, “and their overall responsibility to govern in a manner that takes into account the interests of all members of society.”<sup>48</sup> The Commissioners set out guidance for the implementation of their recommendations and also recommended the establishment of an implementation commission. This Aboriginal Justice Commission, as the Commissioners referred to it, would have a board of equal numbers of Aboriginal and governmental representatives, along with an independent person agreeable to all parties as chair. It would be independent of government, with the responsibility of monitoring the implementation of the recommendations and reporting publicly on that progress. It could also facilitate negotiations between governments and Aboriginal people, and assist in resolving disagreements. This Commission could also monitor the results of any recommendations that were implemented, such as affirmative action programs.

Eight years after the release of the Report, the Aboriginal Justice Implementation Commission was created to develop a plan to implement the recommendations within the jurisdiction of the provincial government. It issued its Final Report in 2001 with recommendations to promote the implementations of the AJI’s recommendations.<sup>49</sup> It also recommended the creation of a permanent Aboriginal Justice Commission. In an interview in November 2021, Murray Sinclair, Co-commissioner of the original Aboriginal Justice Inquiry, explained that the majority of the AJI’s recommendations had not been implemented due to pushback from institutions in society.<sup>50</sup>

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission<sup>51</sup>**

1. Culturally appropriate education, trades training, and counselling programs, particularly those having to do with the treatment of alcohol abuse, family violence, anger management and culturally appropriate ways for inmates to cope with their problems, be provided in every Manitoba correctional institution.
2. Aboriginal leaders establish a local government portfolio for women and children, with responsibility to develop educational and support programs in the area of spousal and child abuse.
3. Police forces establish family abuse teams which include police officers and social workers trained in dealing with domestic disputes. Such teams should make extensive use of electronic record-keeping and community resources.
4. Shelters and safe homes for abused women and children be established in Aboriginal communities and in urban centres. These shelters should be controlled by Aboriginal women who can provide culturally appropriate services.

<sup>48</sup> “Report of the Aboriginal Justice Inquiry of Manitoba,” volume I, chapter 17.

<sup>49</sup> “Final Report of the Aboriginal Justice Implementation Commission” (November 1999), [http://www.ajic.mb.ca/reports/final\\_toc.html](http://www.ajic.mb.ca/reports/final_toc.html).

<sup>50</sup> D. Carreiro (2021) “30 Years after Aboriginal Justice Inquiry, Too Little Done to Protect Indigenous Women and Girls, Critics Say.” *CBC News* (15 November 2021), <https://www.cbc.ca/news/canada/manitoba/aboriginal-justice-inquiry-30-years-mmiwg-1.6247285>.

<sup>51</sup> Recommendations were unnumbered in the Report.

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5. Community mediation programs such as the one operated by the Hollow Water Resource Group be expanded to Aboriginal communities throughout the province. Such programs must be designed and operated by Aboriginal people.
6. The federal and provincial governments provide resources to Aboriginal child and family service agencies for the purpose of developing policies, standards, protocols and procedures in various areas, but particularly for the purpose of developing computer systems that will permit them to communicate quickly and effectively with other agencies, to track cases and to share information.
7. Police forces adopt a community policing approach, particularly in Aboriginal communities.
8. Police forces immediately institute employment equity programs to achieve Aboriginal representation equivalent to the Aboriginal proportion of the Manitoba population
9. Cross-cultural education components of all police training courses be reviewed and strengthened, and this process actively involve members of the Aboriginal community, resource persons and recognized experts.
10. All police officers be rotated through cross-cultural education programs, and periodic refresher programs be provided as part of the regular professional development programs of all police departments.
11. Any police recruits displaying racist attitudes be screened out of training, and police officers who display such conduct after joining the force be required to take further training or, if necessary, be formally disciplined or dismissed.
12. All statements taken by police officers be either audio- or video-recorded.
13. As soon as possible, Aboriginal police forces take over from the RCMP the responsibility for providing all police services in Aboriginal communities.
14. The RCMP support the establishment of Aboriginal police forces and develop a policy of cooperation with such forces.
15. While they continue to police Aboriginal communities, the RCMP and all other Manitoba police forces develop and make public an integrated strategy to strengthen their capacity to provide culturally appropriate policing services, and the strategy include the development of a process of regular communication with Aboriginal organizations and communities, and the annual publication of reports which indicate progress in meeting the goals of the strategy.
16. The Dakota Ojibway Tribal Council Police Force be provided with sufficient resources so that it can increase staff training and development in modern police methods, and gradually assume full responsibility for all law enforcement duties within its geographic jurisdiction.
17. Aboriginal communities be encouraged to form regional police forces and regional police commissions following the model of the Dakota Ojibway Tribal Council Police Force. These should be established under Aboriginal control and management.
18. Metis and non-status communities consider the development of a regional police force, with a police commission.
19. New targets be set by the RCMP to bring appropriate numbers of Aboriginal men and women into the force as full officers more quickly than is currently contemplated.
20. The RCMP employ Aboriginal police and civilian staff in their detachments in proportion to at least the Aboriginal population of the province and preferably in proportion to the Aboriginal population being served.



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21. The Winnipeg Police Department prepare and table with the city council and the Minister of Justice, no later than December 31, 1991, an employment equity plan which has clear targets, target dates and remedies should targets not be achieved.
22. The City of Winnipeg Police Department set an initial target of 133 Aboriginal police officers. The first step in reaching that goal should be to designate the next recruiting class as entirely Aboriginal. Thereafter, 50% of each recruit class be dedicated to Aboriginal recruits until the target has been met.
23. The Winnipeg Police Department be required to report publicly the progress of its employment equity program to the Minister of Justice.
24. A portion of the funding provided by the Province to the City of Winnipeg for police salaries be conditional on the Winnipeg Police Department's using that funding only for the hiring of Aboriginal police officers.
25. The assignment of Aboriginal police officers not be restricted to the core area or other Aboriginal areas of the city of Winnipeg
26. The Winnipeg Police Department no longer rely on the grade 12 educational criterion for police recruitment and develop approaches which more appropriately test recruits' ability to perform the functions required of police officers.
27. The City of Brandon Police Department prepare and table with Brandon City Council and the Minister of Justice an employment equity plan no later than December 31, 1991, which will increase the numbers of Aboriginal people on the City of Brandon Police Department to a level equal to their proportion of the Manitoba population. The plan should include target dates by which to achieve that proportion and remedies should those targets not be met.
28. The Brandon Police Department set an initial target of nine Aboriginal police officers and that the City of Brandon Police Department dedicate that number of positions for Aboriginal recruits in its next recruit class.
29. Both the City of Winnipeg Police Department and the City of Brandon Police Department consider hiring Aboriginal police officers who already have policing experience with an Aboriginal force or with the RCMP.
30. Aboriginal people be represented among the civilian members of both the City of Winnipeg Police Department and the City of Brandon Police Department in the same proportion as their presence in the province's population.
31. The City of Brandon Police Department, in cooperation with the Brandon Friendship Centre, develop a program to reach out to and inform Aboriginal people living in Brandon about policing issues.
32. The Provincial Police Act make explicit provision for the recognition of any police commission or committee which is established to provide police services in any municipality, unorganized territory, or Aboriginal community in Manitoba.
33. The Manitoba Police Commission prepare and enforce a wide range of regulations covering recruitment, training, equipment, procedures, supervision of, and support for, police forces in Manitoba.
34. The Provincial Police Act be amended to provide for the establishment of a provincial Aboriginal Police Commission with authority to prepare and enforce a wide range of regulations covering recruitment, training, equipment, procedures, supervision of, and support for, Aboriginal police forces in Manitoba.

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35. Final decisions concerning the size, composition and manner of appointment to the Aboriginal Police Commission be made by Aboriginal people.
36. The Provincial Police Act be amended to provide for the appointment of an Aboriginal Police Commissioner, to serve the Aboriginal Police Commission, with any such person being selected by Aboriginal organizations responsible for Aboriginal police forces.
37. Agreements be developed between the provincial Aboriginal Police Commission, local police commissions, the RCMP and the provincial Justice department for Aboriginal police forces to provide full police services to Aboriginal communities, with a firm timetable for achieving this goal, including training, equipping and supporting the local forces with appropriate back-up services as required.
38. The Minister of Justice establish a plan of action to deal with any incident where possible criminal acts are alleged against the police, or where a person dies or suffers serious injury in an incident involving a police officer. This plan of action include either the creation of a standing special investigations unit, or a plan to quickly assemble a special investigations team for a particular incident, able to take control of the investigation immediately following report of the incident. The unit or team should not include officers from the police department under investigation. The plan should include independent counsel to give advice concerning the laying of criminal charges. This counsel should not be a Crown attorney. The unit or team should report directly to the Minister of Justice.
39. The police forces in the province be required to provide all available assistance and cooperation to the special investigations team.
40. The Law Enforcement Review Board be reconstituted and the Law Enforcement Review Act be amended to approximate the Ontario model.
41. The board appoint independent counsel to have conduct of each case and be responsible for presenting the evidence.
42. Where the complaint is from an Aboriginal person, one member of a panel be Aboriginal.
43. The test to be applied by the board be proof by clear and convincing evidence, rather than beyond a reasonable doubt.
44. If the board decides that the complaint is proven, it have full power to impose whatever penalties it deems appropriate.
45. In addition to what is now in the Law Enforcement Review Agency reports, the agency report annually on the nature of complaints, how many were found to have merit, how many were dismissed and the type of penalty applied.
46. Police officers, including the officer against whom the complaint is made, be compellable witnesses.
47. Aboriginal justice systems establish and maintain an agency to receive, investigate and resolve complaints against Aboriginal police officers similar to what we recommend for provincial police forces.
48. Complaints against the RCMP in Manitoba, when acting as a provincial police force, be investigated and heard by the Law Enforcement Review Board.
49. An Aboriginal Justice Commission of Manitoba be established by legislation and by appropriate processes of the Aboriginal people of Manitoba, with a board of directors made up of equal numbers of Aboriginal and government representatives, and an independent chairperson. The commission should be provided with all necessary staff and resources.

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50. The position of Aboriginal Justice Commissioner be established as the chief executive officer of the Aboriginal Justice Commission. The commissioner's tasks will include monitoring and assisting government implementation of the recommendations of this Inquiry.
51. Governments consult with Aboriginal groups to design and implement a data collection system that will provide detailed information to compare the impact on, and treatment of, Aboriginal and non-Aboriginal persons by the justice system, to evaluate the success of programs dealing with Aboriginal offenders and to provide information to help identify needed reforms.
52. As a matter of urgent importance, governments and Aboriginal people, with the assistance of the Aboriginal Justice Commission, negotiate an acceptable process to provide ongoing funding for Aboriginal governments to undertake the initiatives we suggest, in a manner consistent with:
  - a. The need of Aboriginal people for an ongoing, consistent revenue base.
  - b. The right of Aboriginal people, as original owners of the land, to a fair share of revenue resources from both levels of government.
  - c. The greater access to the revenue-generating powers and sources available to federal and provincial governments.

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### 2.2.2. Rebuilding the Trust: Federal Task Force on Governance and Cultural Change in the RCMP (2007)<sup>52</sup>

The Task Force on Governance and Cultural Change in the RCMP was created by a federal Order in Council in 2007 and was led by David Brown, QC. It was prompted by an investigation into issues related to RCMP pension and insurance plans, which raised issues with the governance and culture of the RCMP. The Report also noted the public scrutiny of the RCMP following the September 2006 release of Justice O'Connor's report on the Maher Arar matter (summarized below in section 3.4.), the Air India Inquiry then underway,<sup>53</sup> and the October 2007 death of Robert Dziekanski after he was tasered by RCMP officers.<sup>54</sup> The Task Force completed its review in five months, consulting with thousands of RCMP members and employees across the country, as well as with federal departments and agencies engaged with the RCMP, federal and provincial Solicitors General and Attorneys General, and members of the public.

The Task Force concluded that "there is a need to radically overhaul the way the RCMP is governed" and to improve the accountability to the public, elected leaders and RCMP members and employees.<sup>55</sup> The Task Force members noted that given the complexity of the RCMP, it would not be unreasonable to conclude that breaking it up would solve some or all of the issues confronting it. However, they determined that this decision would require a much broader public

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<sup>52</sup> "Rebuilding the Trust: Report of the Task Force on Governance and Cultural Change in the RCMP" submitted to Minister of Public Safety and President of the Treasury Board (December 2007), [https://www.publicsafety.gc.ca/cnt/cntrng-crm/tsk-frc-rcmp-grc/\\_fl/archive-tsk-frc-rpt-eng.pdf](https://www.publicsafety.gc.ca/cnt/cntrng-crm/tsk-frc-rcmp-grc/_fl/archive-tsk-frc-rpt-eng.pdf).

<sup>53</sup> The final report of the Air India Inquiry can be found here: [https://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/air\\_india/2010-07-23/www.majorcomm.ca/en/reports/finalreport/default.htm](https://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/air_india/2010-07-23/www.majorcomm.ca/en/reports/finalreport/default.htm)

<sup>54</sup> The report of the Braidwood Inquiry into Mr. Dziekanski's death can be found here: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/braidwoodphase2report.pdf>

<sup>55</sup> "Rebuilding the Trust," p. vii.

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policy debate, beyond the mandate of the Task Force, and suggested that their recommendations should allow for the proper governance of the RCMP instead.<sup>56</sup>

The Task Force was not able to identify any police agency that provided the same range of services provided by the RCMP.<sup>57</sup> They consulted with experts on best practices in Canada and internationally and published a number of research papers provided by some of those experts.

The Task Force made the following findings:

1. The RCMP's organizational framework does not allow it to properly discharge its responsibilities. Its approach to governance is a "confusing mixture of traditional and modern ideas, philosophies, practices and programs,"<sup>58</sup> and reform will require a radical overhaul of its governance structure.
2. Responsibility for staffing the RCMP is split between the RCMP and Treasury Board, and the Treasury Board decides through its funding approvals how many members and employees and senior management positions are available, as well as the pay for each. The RCMP is also subject to human resource policies designed for the public service. The RCMP is unable to respond in a timely manner to staffing problems in regions or on specific projects. It has also failed to properly approach the aspects of human resource management it does control.
3. The funding mechanisms for the RCMP have become intolerably complex and restrictive, preventing the RCMP from properly allocating resources on a timely basis.
4. The RCMP's management structure is "a product of the military-bureaucratic policing model."<sup>59</sup> The resulting rank-based authority, with formalized, insular, and bureaucratic management by command and control, prevent the Force from delivering on its mandate. Collaborative decision-making and challenging of decisions are discouraged. "[W]e heard more than once that the culture is one of fear and intimidation and that some who are in a position of command use their authority to intimidate others." Those in charge at detachments and other units do not have authority to make operational decisions and must seek authority up the chain of command, seriously compromising their ability to police effectively.<sup>60</sup>
5. Discipline and grievance matters do not go to an independent, binding adjudicator, and there is little accountability for delays in the grievance process. The RCMP External Review Committee (ERC) makes recommendations to the RCMP Commissioner on certain types of grievances and appeals of formal disciplinary actions. Those recommendations are not binding on the Commissioner.
6. The process for investigating public complaints is not independent, easily accessible, transparent, or timely. The RCMP Public Complaints Commission (CPC), created in 1986, also makes nonbinding recommendations to the Commissioner. There is no mechanism for analyzing complaints and grievances to identify and respond to widespread problems.

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<sup>56</sup> "Rebuilding the Trust," p. ix.

<sup>57</sup> "Rebuilding the Trust," p. x.

<sup>58</sup> "Rebuilding the Trust," p. 1.

<sup>59</sup> "Rebuilding the Trust," p. 5.

<sup>60</sup> "Rebuilding the Trust," p. 41.

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7. The common bond between police officers created by their work in a dangerous occupation, their dependence on each other, and their contact with often violent law breakers, creates a “culture of policing.” That culture can contribute to effective and responsible policing. However, it can also lead officers to react negatively to complaints about their conduct. Although internal police investigations are usually done professionally, full civilian oversight is necessary to ensure public confidence in investigations of police conduct.<sup>61</sup> “In order for citizens to have confidence in their police, they must have confidence in those who ensure accountability of police to the public.”<sup>62</sup>
8. The RCMP operating model is not sustainable. It is increasingly unable to satisfy the expanding demands for policing services, putting untenable pressure on RCMP members. The issues at the RCMP must be addressed by a management team; that management team must be properly in control of the agenda of the RCMP. The RCMP “must learn to stand tall in its interaction with its stakeholders. It must take pride in its accomplishments and humbly accept its shortcomings. It must accept accountability.”<sup>63</sup>
9. The RCMP never operates at full capacity. At every detachment the Task Force visited, there were unacceptable vacancy rates, often 25–30%. When a new position is created, it typically takes two years for it to be filled due to the recruitment and training process. The policing contracts do not permit the RCMP to replace members who are absent due to leave, secondment, or suspension. Remote and isolated posts are in particular danger of being seriously understaffed. Frontline officers are burdened by administrative obligations due to the increasing complexity and formalization of investigations. New data collection systems require time consuming data entry. This can deter officers from pursuing an investigation at the end of a shift. Fatigue and burnout can also impair judgment, which can expose members to danger. “The culture must not reward—even implicitly—work habits that do not promote good mental and physical health.”<sup>64</sup> Members are also underpaid for overtime.
10. RCMP members believe that managers do not abide by the Force’s values of honesty, integrity, compassion, respect, accountability, and professionalism.<sup>65</sup> The discipline process for members is overly legalistic and adversarial. Performance evaluations were not routinely performed and were not used to plan training or make promotion decisions.
11. There is insufficient funding for management training or research and development on police methods.<sup>66</sup>
12. There are systemic weaknesses in communications, both to the public and from management to members, including slowness, lack of transparency, and inaccurate information. A complete review of the RCMP public affairs and communication function is necessary. “A crisis management process should also be developed with a view to improving the timeliness and quality of information to senior management for decision-making and quick and accurate responses to the media and Canadians.”<sup>67</sup>

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<sup>61</sup> “Rebuilding the Trust,” p. 13.

<sup>62</sup> “Rebuilding the Trust,” p. 14.

<sup>63</sup> “Rebuilding the Trust,” p. 23.

<sup>64</sup> “Rebuilding the Trust,” p. 27.

<sup>65</sup> “Rebuilding the Trust,” p. 29.

<sup>66</sup> “Rebuilding the Trust,” p. 37.

<sup>67</sup> “Rebuilding the Trust,” p. 40.

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13. There is too much central control over contract policing, in contrast to the local authority of their counterparts in Ontario, Quebec, and local forces such as the Halifax police.<sup>68</sup> Local commanders need to have more operational authority, particularly around resource deployment. Given the importance of local relationships between ministers/mayors and local Commanders, provincial and local authorities should have more involvement in the establishment of policing objectives in jurisdictions where the RCMP provides contract policing services.
14. There is inadequate planning and local resourcing for the implementation of policies established by RCMP Headquarters. The divisions, districts, and detachments should be permitted to interpret and apply Headquarters' policies appropriately for the local conditions, with periodic reviews to ensure consistency.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 4) The organizational needs of the RCMP must be assessed against its current and future commitments. The RCMP must have the financial resources to satisfy all of its current contract and federal policing responsibilities and the ability to commit resources to satisfy those responsibilities within a reasonable planning horizon.
2. (Recommendation 14) Senior management of the RCMP must ensure that ethics principles underpin all management and administrative functions and are an integral part of all policing activities.
3. (Recommendation 15) The methodology applied to ethics training provided to recruits at the Depot should be extended throughout the organization and should be continually reinforced and refreshed.
4. (Recommendation 31) The RCMP needs to demonstrate greater openness and willingness to accept lateral entry into the Force in order to provide needed specialized skill sets and experience. In the longer term, the Task Force believes that the RCMP should also make a post-secondary degree a condition for all new recruits.
5. (Recommendation 32) The RCMP must recommit to education and training that will equip its officers for senior responsibilities. Leadership training should be a continuum throughout the member's career. The RCMP should identify deserving members with potential for further education and support them in seeking post-secondary education.
6. (Recommendation 33) The RCMP must rebuild its research capability in order to provide members of the Force with an opportunity to explore developments in law enforcement outside of the RCMP and stay abreast of modern policing methods.
7. (Recommendation 39) The RCMP should review and further develop its public affairs function, implementing a public affairs plan that contains a comprehensive internal and external communications strategy that keeps stakeholders appropriately informed. It should also include a crisis management strategy that will permit quick and accurate responses to the media and Canadians.
8. (Recommendation 40) The Force should ensure that, throughout the chain of command, internal communication is a fundamental responsibility for every person in a leadership position.

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<sup>68</sup> "Rebuilding the Trust," p. 42.

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9. (Recommendation 41) The RCMP should examine and review its approval authorities to ensure that those closest to operational police activity have the requisite authority to make decisions in a timely manner.
10. (Recommendation 42) Headquarters should give greater weight to the views and priorities of contracting authorities and should involve them in a more meaningful way in decisions that have an impact on their jurisdictions.
11. (Recommendation 47) The government should immediately appoint the Implementation Council having the composition, mandate and other attributes set out in Chapter 5.
12. (Recommendation 48) The RCMP should form an internal change management team comprised of members and employees to be engaged full time in planning, coordinating and implementing the changes recommended in this Report. Although leadership will necessarily be provided by senior management, continuous engagement of members and employees at all levels will be essential.

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### 2.2.3. Kingsclear Public Interest Investigation Report (Commission for Public Complaints Against the RCMP, 2007)<sup>69</sup>

The New Brunswick Training School in Kingsclear, New Brunswick, was established in 1962 as a custodial facility for youth in conflict with the law. It also served as a temporary residence for children in need of protection who were awaiting foster placement. The school was within the RCMP's area of responsibility for criminal investigations. The school closed in 1998 following the conviction of a former staff member of sexual offences against school residents. In 2004, the Commission for Public Complaints Against the RCMP (CPC), the predecessor organization to the Civilian Complaints and Review Commission, received complaints from seven former residents about the RCMP's investigation of sexual and physical assaults, and commenced this investigation.

In October 1985, a staff member, David Forbes, reported to the Fredericton Police that three Training School residents alleged that a staff member, Karl Toft, had perpetrated sexual assault. Mr. Toft was transferred to another institution, and the RCMP was not notified. In 1998, Mr. Forbes told an acquaintance who worked for the government that he had reported a guard at the school for sexually assaulting residents, and nothing had happened. As the CPC noted, this disclosure "was the first in a series of events that launched one of the lengthiest criminal investigations in the legal history of New Brunswick," exposing "a sordid and tragic series of events and crimes" that affected numerous people and spanned almost 40 years.<sup>70</sup> In 1990, the Attorney General of the province directed the RCMP to investigate these allegations. None of the three boys who were believed to have been victims were willing to testify. The RCMP and Crown agreed that without their testimony, a conviction was unlikely. No charges were laid.

Over the following two years, the RCMP and Fredericton police forces conducted parallel investigations into Mr. Toft. Mr. Toft was charged with a total of 37 offences. He pled guilty to these charges in October 1992. Later that year, the RCMP created a special unit to locate other victims and suspects. In 1993, the RCMP recommended 32 more charges against Mr. Toft,

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<sup>69</sup> "Kingsclear Investigation Report: Public Interest Investigation into RCMP Investigations of the New Brunswick Training School." Commission for Public Complaints Against the Royal Canadian Mounted Police, 2007, <https://www.crcc-ccetp.gc.ca/en/archived-kingsclear-investigation-report>.

<sup>70</sup> "Kingsclear Investigation Report," p. 25.

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relating to 26 victims. The Crown eventually decided it would not be in the public interest to proceed with those charges.

In 1992, the RCMP began investigating rumours about a New Brunswick RCMP officer, Staff Sergeant McCann, who was stationed two hours from Kingsclear. Sgt. McCann admitted that he knew Mr. Toft but denied any wrongdoing. The lead investigator decided that the rumours about Staff Sgt. McCann's conduct were based on assumptions about his access to potential victims. "[I]n order to protect Mr. McCann", he placed the file in a sealed envelope that could only be accessed by senior RCMP staff. Staff Sgt. McCann's name was also blacked out of all statements. The lead investigator later learned that Staff Sgt. McCann had taken a particular witness out on passes several times. The witness said Staff Sgt. McCann exposed himself to him but did not want to get involved. This witness' mother later told the investigator that Staff Sgt. McCann had sexually assaulted the boy. The lead investigator subsequently completed a report indicating that no reasonable and probable grounds existed to lay any criminal charges against Staff Sgt. McCann. Staff Sgt. McCann retired from the RCMP in April 1993.

In 1998, two former residents alleged abuse by Staff Sgt. McCann. RCMP investigators told them that the offences were minor or summary conviction offences, for which the limitation period had passed, so nothing could be done. The investigation was reopened again in 2000. Seven former school residents disclosed sexual assault by Staff Sgt. McCann; four of these had earlier denied being abused. In 2002, the RCMP investigators provided the Crown with detailed briefs on each of these allegations. They also arrested and interrogated Staff Sgt. McCann, who made no incriminating statements. The Crown recommended that no charges be laid, since an acquittal would be more likely than a conviction. This assessment was based on concerns about the victims' credibility, including criminal records and substance use, lack of corroboration, issues with memory, and inconsistencies and contradictions in their statements. No charges were laid. That concluded the investigation.

The CPC did not substantiate the suggestions that the RCMP tried to cover up the allegations against Staff Sgt. McCann or any of the staff at the New Brunswick Training School or that senior RCMP officials had interfered with the investigation. The CPC found that the perception of members of the public had been influenced by rumours and by their lack of information about the steps the RCMP had taken during the investigation. For example, the RCMP was sufficiently committed to the investigation of Mr. Toft in 1993 that it was prepared to hire its own prosecutor had the Crown refused to go forward. (Charges were laid, but the Attorney General stayed those charges a week later.) The public was also not aware that the Crown in New Brunswick screens potential charges before they are laid and would not recommend laying a criminal charge unless convinced that a conviction is more likely than an acquittal. (In other jurisdictions, police do not typically consult with the Crown before laying charges, and the Crown's standard for assessing charges is "reasonable prospect of conviction" rather than "more likely to convict than acquit.") The RCMP investigation was also hampered by the reluctance of the victims to come forward, the time that had passed since the events, and difficulty obtaining school records.

However, the CPC found that there were inadequacies in the investigations into abuse at the school, which could have contributed to the public perception of a cover-up. These inadequacies included:

- A lack of due diligence by senior officers in "J" Division, given the sensitive nature and large scope of the investigation. It was known almost from the beginning that the investigation was sensitive, high-profile, and had the potential to develop into a large-scale investigation, yet few dedicated resources were allocated to it. It should have involved



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greater scrutiny by management, and senior officers should have provided more direction and resources. With some exceptions, senior officers became involved only once there was media attention, when complainants communicated directly with them, or when government officials enquired about the progress of the investigation. In the early years, senior officers also did not appear to know about the investigation into Staff Sgt. McCann. As a result, no internal investigation into whether his conduct breached the RCMP code of conduct was ever opened.

- Inadequate resources, an issue that was raised by members from all levels. In the early years, only one investigator was typically assigned, rather than a pair or team, which led to delays while these officers investigated other files, and gaps and inconsistent investigative work as officers were transferred in and out of the detachment. Had the investigation been properly resourced, it would have progressed more quickly and with more professionalism.

The CPC also raised issues with the RCMP Commissioner's response to its interim report, noting that the RCMP Commissioner stated that resources are finite, referring to vacancy rates, staff turnover, and other factors. The CPC Commissioner noted that some of these difficulties related to the RCMP's role in contract policing and to their approach to staff mobility. He expressed concern that the RCMP Commissioner referred to these resourcing issues without making any commitment to try to change them. He urged the RCMP Commissioner to raise the resource issues directly with the provinces, territories, and municipalities who pay for RCMP contract services.

- Inappropriate deference to the opinion of the Crown when deciding whether to lay charges. Although New Brunswick police were required to consult with the Crown before laying a charge, the responsibility for laying charges ultimately lay with the police. Most of the RCMP officers interviewed by the CPC wrongly believed that they were required to accept the Crown's recommendation as to whether to lay a charge.
- Inadequate note-taking, report-writing, and documentation by some RCMP members. There were significant variations in the style and comprehensiveness of the officers' notes. Two interviews with Sgt. McCann in 1992 and 1998, for example, were very poorly documented, as were several conversations with Crown counsel. Poor note-taking may have affected the course of the investigation, for example when information about sources was inaccurate or illegible, and they could not later be located. RCMP note-taking policies were vague and largely unenforced. The CPC stressed the significance of these problems:

The impact of incomplete and deficient reports or notebooks is so great that the administration of justice may be affected as a result. With so many examples of inadequate reports or notes throughout the investigations, this is an issue that cannot be ignored.<sup>71</sup>

The CPC noted that RCMP policies governing notebook retention had changed markedly over the years, but members continued to be responsible for their storage. There was no policy regarding notebooks of members who retired, transferred, or resigned. Most other police departments had more stringent policies regarding notebooks. The RCMP practice of allowing its members to retain their personal notebooks caused difficulties for the CPC investigation. However, the vast majority of RCMP members were willing to cooperate with the investigation, and senior management intervened so as to enable the CPC to

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<sup>71</sup> "Kingsclear Investigation Report," pp. 269–70.

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complete its investigation. (The report does not include details of these difficulties and interventions.)

In response to the CPC interim report, which detailed its findings on the note-taking deficiencies, the RCMP Commissioner promised to redraft its policy on note-taking and noted two new training initiatives focused on note-taking and report writing. The CPC said in response,

Neither previous policies dealing with note-taking, report-writing, and documenting nor the focused cadet training mentioned in the Commissioner's Notice have been successful in eliminating chronic problems in this area. The key element of any effective strategy to ameliorate compliance with note-taking, report-writing, and documenting policies should include an accountability mechanism whereby the RCMP identifies non-compliance and then provides directed remedial measures to the member. The RCMP might consider the practices of other police agencies which regularly assess adherence to their performance standards.<sup>72</sup>

- Staff Sgt. McCann received different treatment during two interviews than a civilian suspect would have, and those interviews were inadequate. The first interview, in 1992, was premature, as it took place before all potential victims had been interviewed. That gave Staff Sgt. McCann the opportunity to destroy evidence or contact potential witnesses. The interview was conducted by a single officer, who was of lower rank than Staff Sgt. McCann; it was not recorded; the officer did not take detailed notes and did not prepare a detailed report; the interview was held in Sgt. McCann's office; and the officer did not brief squad members or senior officers, either before or after the interview. The officer stated that he did not have any evidence at the time that would substantiate the rumours about Sgt. McCann, but he wanted him to be aware that the RCMP was investigating those rumours. However, given that he and the other officers continued the investigation after the interview and took significant steps to try to encourage victims to come forward, the CPC concluded that the officer was not attempting to give Sgt. McCann an advantage by holding this meeting.
- After the investigation into Sgt. McCann was renewed in 1998, the lead investigator and the officer in charge of the Major Crime Unit interviewed Staff Sgt. McCann in his home. The officers considered Staff Sgt. McCann a suspect but did not record the interview, take detailed notes, or write a report about the discussion. By interviewing him in his home, without taking a formal statement, the officers "gave the former RCMP member a consideration not generally accorded to suspects."<sup>73</sup> It also gave the impression that the officers were not taking the investigation seriously and contributed to public concern about the police investigating themselves.
- The Staff Sergeant leading the investigators refused suggestions from his team members to interview key witnesses. He also disregarded a behavioural profiler's suggestion that the second interview be conducted by a member of the same or higher rank as Staff Sgt. McCann. Some of his team members said he was keen to investigate, while others said he backed off of taking difficult steps. Had he taken those steps, the outcome may not have been different, but there would be less cause for concern about a cover-up.

The CPC report also commented on the RCMP's approach to communicating with the public. The RCMP did not develop any public relations strategy relating to the New Brunswick Training School

<sup>72</sup> "Kingsclear Investigation Report," p. 2.

<sup>73</sup> "Kingsclear Investigation Report," p. 259.

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investigations. It sent out a few press releases in response to stories in the media but did not regularly communicate with the public about the investigations. The CPC noted that the RCMP policy on communications and its guide for media spokespeople did not set out the lead roles and responsibilities in high-profile investigations or provide guidance on managing the public's expectations.

The CPC also noted difficulties relating to the decision to have the RCMP investigate one of its own members. The public's mistrust was inevitable in that context. Furthermore, despite the lack of evidence of a cover-up, it was the case that Staff Sgt. McCann had received preferential treatment during the two interviews in 1992 and 1998. The CPC said this about the impact of the RCMP having its own members conduct the investigation on its relationship with the media and the community:

A criminal investigation into allegations against a member of the RCMP is sensitive and high profile and should be afforded the highest priority. Like any police force, the RCMP is restricted in the amount of information it can divulge; however, this only adds to speculation that the matter is not being addressed as aggressively as it should.

In addition to being able to manage the investigations fairly, impartially, thoroughly and in a timely manner, the investigative team must also manage its relation with the media and, most importantly, with the affected community. As is evident from the various RCMP investigations into the NBTS and Staff Sergeant McCann, this is not easy. Although the public may not be aware of the inner workings of police investigations, it is the duty of the police to ensure that the public can understand the RCMP's actions. This can be achieved by assigning the investigation to an outside police agency or, at the very least, to an RCMP team from a different jurisdiction.<sup>74</sup>

The CPC Commissioner also expressed concern about the RCMP Commissioner's response to its findings on this issue. The RCMP Commissioner stated that policy development was underway to address concerns regarding member investigations of other members but provided no specifics.

### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. The CPC recommends that the Commissioner of the RCMP and RCMP commanding officers ensure that a mechanism is in place to identify investigations that may become sensitive or of a large scale or both.
2. The CPC recommends that appropriate response and accountability mechanisms be put in place at the senior officer level to enable senior officers to monitor continuously the progress of any sensitive or large-scale investigation and assure the public of transparency, effectiveness and impartiality.
3. The CPC recommends that an assessment and follow-up be conducted to determine the actual resource needs of the RCMP "J" Division to ensure that any sensitive and large-scale investigation is conducted without interruption and in a timely and professional manner.
4. The CPC recommends that the CO and senior members of the RCMP in a pre-charge screening province ensure that members clearly understand their role in the administration of justice vis-à-vis the Crown to preserve their independence.

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<sup>74</sup> "Kingsclear Investigation Report," pp. 270–71.

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5. The CPC recommends that the RCMP examine, amend, and enforce the “Investigator’s Notebook” policy and all policies related to note-taking, report-writing, and documenting to ensure that the policies are operationally effective and that officers adhere to and are continuously trained according to the guidelines.
6. The CPC recommends that the RCMP examine the policy on notebook retention used by other police agencies to glean best practices applied across the country, especially for officers who are retired, transferred or who voluntarily resign.
7. The CPC recommends that the various issues associated with note-taking, report-writing, and documenting be addressed through various approaches, including training, policy revisions, internal oversight, and monitoring.
8. The CPC recommends that any sensitive or large-scale investigation into allegations which impact on the community’s trust in the RCMP should be tasked to another police service or, at the very least, to a team of RCMP officers from another region or province who would have the appropriate experience and who would be unfamiliar with the member under investigation. This would assist in limiting the perception of bias and ensure that public trust in the RCMP is maintained.
9. The CPC recommends that the RCMP improve its internal and external communication strategies for any sensitive or large investigation, adopting a proactive communications approach using modern technologies to clearly demonstrate transparency and the RCMP’s accountability to the public.

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#### **2.2.4. Police Investigating Police (Commission for Public Complaints Against the RCMP, 2009)<sup>75</sup>**

The Chair of the Commission for Public Complaints against the RCMP (CPC), the predecessor organization to the Civilian Review and Complaints Commission, conducted an investigation into criminal investigations of RCMP members involving serious injuries or death by other RCMP members between 2002 and 2007. This was prompted by public concern regarding two shooting deaths by RCMP members in British Columbia, the death of Robert Dziekanski, and the RCMP’s handling of investigations of alleged sexual abuse at the Kingsclear Youth Training Centre in New Brunswick. (The CPC had no role in conducting criminal investigations of RCMP members.) The CPC reviewed 28 RCMP investigations of members who were alleged to have caused serious injury, death, or sexual assault during the five-year timespan of the review. It also received public submissions, reviewed media, political, and academic debate on the issue of police investigation of police conduct, assessed the current RCMP policy on investigations of members, and researched alternative models. It also reviewed past inquiries into RCMP-involved deaths of civilians and related issues.

The literature review led the CPC to conclude that traditional models of police investigating police, with no civilian oversight, were no longer defensible. These models did not satisfy the public’s expectations for accountability and were not effective. Given the nature of criminal investigations, however, the CPC concluded that there must be some role for police. The CPC found that although there was little research on the subject of investigations of potential criminal conduct by police, particularly with respect to alternative models of investigation, the research that did exist

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<sup>75</sup> “Police Investigating Police: Final Public Report.” Commission for Public Complaints Against the RCMP. (August 2009), <https://www.crcc-ccetp.qc.ca/en/police-investigating-police-final-public-report>.

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frequently recommended a model that includes police in the process of investigation, combined with vigorous civilian oversight.

Public submissions focused on the unacceptable delays in the conduct of RCMP investigations of its members, suggesting that delays are conscious tactics to prevent proper investigations and have a significant emotional toll on the subject members; the lack of transparency where the RCMP investigates its own members; suspicions of cover-ups and biased investigations; and perceptions of conflicts of interest arising when police forces investigate their own members.

The CPC noted that neither the Criminal Code nor the RCMP Act had any provisions governing criminal investigations of RCMP members. The RCMP Commissioner's Standing Orders required members investigating other members to "take the same action as you would for any other person" and to inform the Criminal Operations Officers (CROPS). Only three provinces (Ontario, Alberta, and Saskatchewan) had legislation addressing the investigation of police.

The CPC reviewed all RCMP policies drafted between 2001 and 2008 relating to police investigations of police. Where the RCMP had geographic jurisdiction, these policies required the appointment of an independent investigator for certain types of incidents, such as deaths in custody. Some of the provincial policies recommended the transfer of the investigation to a different police force entirely, but this transfer was discretionary. There were also very limited situations in which an administrative review was required. For example, where an RCMP Emergency Response Team caused serious injury or death, an incident commander from outside the division was required to conduct an administrative review. The CPC also noted that different jurisdictions defined "serious injury" differently. There were other inconsistencies in both the content and application of policies across divisions. The CPC said,

The sheer volume and variety of RCMP policies with implications for the issue of police investigating police is overwhelmingly large ... This police "overload" poses a great threat to the RCMP's operational effectiveness. The very nature of frontline policing requires that direction be provided in a format that is clear, concise and easy to access.<sup>76</sup>

The CPC made the following findings about the investigations it reviewed:

- 25% of the primary investigators knew the subject member, and 4% were from the same detachment; this was the case in both remote/northern regions and in more centralized divisions.
- More than half of the investigations had only one investigator assigned, which could create the potential for a conflict of interest, and many were of the same or lower rank as the subject member, creating the potential for intimidation.
- Investigations of serious allegations were often handled by members without significant experience, and general investigation service (GIS) members were not given any workload relief for these investigations, suggesting that the allegations were not taken seriously.
- However, all witnesses who were willing to cooperate were interviewed, and experts (such as accident reconstruction personnel) and resources were used appropriately.

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<sup>76</sup> "Police Investigating Police," p. iv.

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- Most investigations were complete within six months, but 19% took longer than a year to complete, usually due to workload issues.
- Charges were laid in five of the 28 cases, resulting in convictions in two of the cases. The remainder were stayed, withdrawn, or resulted in an acquittal. Only one case went to trial.
- In all 28 of the investigations reviewed by the CPC, the reviewers found that the investigations were conducted professionally, conscientiously, and without bias. (The report noted that in one of these cases, a judge had determined that the subject members had in fact committed police brutality.)

The CPC identified three forms of investigations of police officers: 1) dependent, in which officers from the same detachment or from another detachment or force conduct the investigation without civilian involvement or oversight (the traditional model); 2) the interdependent model, in which either a civilian observer is assigned to the investigation to ensure that the police conduct it appropriately or a civilian body is involved in the investigation either directly or through an oversight mechanism; and 3) the independent model, in which a civilian body conducts the entire investigation with no involvement by police. At the time of the CPC report, there were memoranda of agreement between the RCMP and local police services in Nova Scotia, Newfoundland, and New Brunswick to allow those other forces to investigate RCMP members. However, the report noted that although these agreements can create the perception of independence and fairness, and allows for experienced investigators with appropriate resources to conduct the investigation

...the use of an external police force for member investigations remains highly discretionary and inconsistently applied across RCMP divisions. Having an external police force investigate the RCMP may provide only the appearance—but not the reality—of an independent investigation. Many seriously question the possibility of independence for external police investigations due to occupational and cultural police philosophies which can jeopardize the protection of the individual member thereby undermining the integrity of the investigation (e.g. “blue wall,” “blue curtain” or “code of silence”). There is also little evidence that external police officers do actually obtain higher levels of police cooperation from other police in complaint investigations to justify their involvement, and without public oversight external investigations of this nature often produce similar findings to an internal investigation and result in a low level of substantiated complaints.<sup>77</sup>

With respect to the interdependent model, the CPC described the work of the Independent Observer Program in British Columbia and Yukon, which assessed the impartiality of RCMP investigations of members. Although there were benefits to this model, the observers cannot conduct their own investigations, and because they are civilians, they may be viewed as illegitimate and unqualified by some police officers. The other option for the interdependent model involves the civilian oversight agency directly in investigations. The civilians collaborate with the investigating police force and may manage the investigation or assume control of it. The civilian investigators may include retired or seconded police officers, as well as civilians. This model combines the expertise and powers of police with independent and impartial civilians. It may, however, introduce police culture and values that could affect the development of a civilian culture. Alberta’s Serious Incident Response Team and Saskatchewan’s Public Complaints Commission both operate using this model.

The independent model does not involve police officers in the investigation of their colleagues, and there is no investigative collaboration between officers and the civilian body. An example of

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<sup>77</sup> “Police Investigating Police,” p. 78.

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this approach was the Special Investigations Unit then in place in Ontario. The independent model creates total independence and accountability and may result in better cooperation from complainants. In some cases, the independence of the model may benefit the police in terms of its public reputation. The CPC concluded that this model is expensive and may be seen as undermining police management authority and responsibility. Police may assume the investigators are unqualified, ignorant of operational realities, and unsympathetic to police, and may resist cooperating with this process. That in turn could lead to failed investigations and a lack of public trust in the process.

The CPC was of the view that police should be involved in the process, but it recognized the need for enhanced civilian involvement in investigations in order to ensure their impartiality and integrity. It therefore recommended the interdependent hybrid model. Under this approach, an RCMP Review Body would be established and would have the authority: to refer the criminal investigation of an RCMP member to another police force or criminal investigative body in Canada; to monitor any criminal investigation of an RCMP member, where it deems it appropriate, which could include embedding an observer where the investigating body gives permission; and to undertake joint investigation with other police investigative bodies (such as provincial agencies mandated to investigate provincial or municipal police members). The referral of the investigation of a member to another force or investigative body would be mandatory in certain cases, depending on the seriousness of the alleged conduct.

Specific recommendations addressed the approach to be taken by RCMP members when investigating their own members, including the rank of the investigating officer, the use of teams, consultation with the Crown, and the use of administrative reviews. The CPC also recommended that policies and training be changed to reflect this approach and recommended the creation of a manual for RCMP investigations of their own members.

The CPC also recommended the establishment of a Registrar to collect data on member investigations and share that data with the CPC; monitor and ensure compliance with policy; manage an RCMP advisory group to advise on responses in sensitive cases; and create and maintain a mobile critical incident team of trained investigators on standby, ready to be deployed where appropriate. The CPC recommended it have a significant role in the new approach to member investigations, including having a CPC civilian observer embedded in the mobile critical incident team, and having the CPC Chair and Registrar jointly determine whether the mobile team should be deployed.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission<sup>78</sup>**

1. It is recommended that CPC legislation be modified to create a new RCMP Review Body with the mandate to refer the investigation of an RCMP member to a police force other than the RCMP or to another criminal investigative body in Canada.
2. The new RCMP Review Body should be responsible for determining when the monitoring capacity should be applied. (Discretion would lie with the RCMP Review Body and not with the RCMP, as is currently the case.)

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<sup>78</sup> This list has been compiled from several different parts of the report "Police Investigating Police," most notably pp. 97–102 and pp. 106–7. The order here is therefore not reflective of the original recommendations, many of which were not numbered.

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3. The new RCMP Review Body should be granted the authority to monitor any criminal investigation relating to a member of the RCMP, where it deems it appropriate to do so.
4. The new RCMP Review Body should be granted the authority to undertake joint investigations with like-mandated bodies.
5. We recommend the creation of the position of National RCMP Member Investigation Registrar responsible for providing the CPC Chair with regular monthly reports for all member investigations undertaken for indictable offences, hybrid offences, and summary convictions. The Registrar shall:
  - a. Create an RCMP National Registry for all police investigating police data (especially for serious injury, sexual assault, and death cases) with timely sharing of data with the CPC;
  - b. Create and manage an RCMP Police Investigating Police Advisory Group to help determine actions to be taken in sensitive cases;
  - c. Monitor effective compliance with policy and enforce compliance where necessary (e.g. consultation with Crown re: laying of charges mandatory);
  - d. Create and oversee a specialized unit with expertise on the handling of RCMP historical cases to be consulted or deployed where necessary; and
  - e. Create a mobile critical incident member investigation team (with a CPC civilian observer embedded) that can be deployed where both the RCMP National Registrar and the CPC Chair jointly determined it necessary to do so (a pool of qualified senior investigators placed on standby that can be deployed quickly, e.g., peacekeepers).
6. The RCMP Commissioner should revise the current version of his Standing Orders to:
  - a. Include new Standing Orders to direct handling of member investigations, as per the recommendations in this report;
  - b. Specify that member investigations are not to be handled like any other criminal investigation and must therefore follow strict procedures set out for member investigations; and
  - c. Specifically revise current section 9 (“A member shall not investigate a complaint where that member may be in a conflict of interest situation.”) It is recommended that the term “conflict of interest” be further defined.
7. The CPC recommends that the rank of the primary investigator must be at least one rank higher than that of the subject member.
8. In order to reduce the length of time to conduct statutory investigations against RCMP members, it is recommended that member investigations be assigned to a team of (minimum) two members in a specialized investigative unit.
9. The RCMP should assign competent senior investigators with a proven track record in court who have completed the appropriate courses (e.g., sexual assault, major crime, interviewing and interrogation techniques, and statement analysis) who can effectively interview witnesses with strong analytical skills.
10. Workload of members assigned to member investigations should be reassigned or adjusted to prioritize member investigations accordingly.



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11. Special attention should be paid to enforce the RCMP requirement to consult with the Crown prior to laying any charges against members, given the particular need for independence and impartiality in member investigations. The RCMP should also undertake a review regarding recommendations made to the Crown in cases involving RCMP members.
12. Given the sensitivity and transparency required for member investigations, it is recommended that administrative reviews be undertaken in all cases of serious injury, sexual assault, or death.
13. The RCMP should consider applying the use of the “probe” [a review designed to help determine how to proceed in less serious investigations] to lower-end investigations in all divisions.
14. The RCMP could consider recommending that the Officer in Charge of the Criminal Operations Section be the appropriate recipient of the probe report in order to determine whether or not a lower-end investigation should proceed to a statutory investigation.
15. Historical cases require expertise not typical of most investigators. It is therefore recommended that these types of cases be handled by a specialized unit at the national or regional level.
16. Policy guiding criminal investigations of RCMP members should be standardized nation-wide. This would allow for the statutory investigations into RCMP members to be conducted uniformly across the country.
17. The RCMP should formalize a memorandum of understanding for every division across the country to ensure consistency in the referral of member investigations to an external police service.
18. The RCMP should create an Integrated Manual to specifically address procedures for investigations undertaken by the RCMP into one of its members.

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### 2.2.5. Braidwood Commission on the Death of Robert Dziekanski (British Columbia, 2010)<sup>79</sup>

Robert Dziekanski, a 40-year-old Polish man, travelled by air from Poland to Vancouver in October of 2007. He was lost in the Vancouver airport for several hours and became agitated. He did not speak English. Four RCMP officers responded to calls about Mr. Dziekanski and used a conducted energy weapon (Taser) on him several times. Mr. Dziekanski died at the scene. The Province of British Columbia appointed Thomas Braidwood, a retired judge of the British Columbia Court of Appeal, to conduct two public inquiries: the first into the use of conducted energy weapons in British Columbia, which was released in July of 2009;<sup>80</sup> and this report, which focused on the actions of the Vancouver airport staff, border security officials, first responders, and the RCMP officers. It was released in May of 2010.

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<sup>79</sup> “Why? The Robert Dziekanski Tragedy: Braidwood Commission on the Death of Robert Dziekanski,” submitted to the Attorney General of British Columbia (May 2010), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/braidwoodphase2report.pdf>.

<sup>80</sup> “Restoring Public Confidence: Restricting the Use of Conducted Energy Weapons in British Columbia.” Report of the Braidwood Commission on Conducted Energy Weapon Use, submitted to the Attorney General of British Columbia (July 2009), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/braidwoodphase1report.pdf>.

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Mr. Dziekanski's intention was to permanently move to Kamloops, BC, where his mother lived. He spoke only Polish. He had never flown before and was anxious before the flight. However, his behaviour on both of his flights to Canada was uneventful. After his arrival, he stayed in the airport's customs area for several hours. He may not have understood where to go due to the language barrier. His mother, who had arranged to meet him at the airport, sought assistance from various airport staff to find him over the course of several hours. Eventually, at the suggestion of a Canadian Border Services officer, she returned to Kamloops. Two Border Services staff later came upon Mr. Dziekanski and assisted him through the immigration process. Mr. Dziekanski was approved for immigration to Canada. Mr. Dziekanski was cooperative during this process, although tired and thirsty. He went to the public meeting area of the airport shortly after midnight and appeared in security footage to be looking for someone, presumably his mother. Members of the public and airport workers described him as upset, nervous, angry, distraught, sweating, and talking to himself. At one point, he hit the glass doors in an attempt to get back into the lounge. People tried to speak with him but could not, due to the language barrier. Mr. Dziekanski used his suitcases and a chair to form a barrier, and a bystander's video showed him smashing a small table against a glass wall and throwing a computer on the floor. None of his conduct was directed at other people. People in the public area called 911 and the airport's Operations Centre. The Operations Centre called the RCMP at 1:23 am and reported there was a man, apparently intoxicated, who was throwing suitcases and chairs around.

A few minutes later, four RCMP officers arrived. The officers observed that Mr. Dziekanski was disoriented, agitated, sweating, unkempt, and breathing heavily. He was calm and cooperative with his hands at his side. One of the officers asked for his passport and mimed to explain. A bystander's video showed that Mr. Dziekanski moved slightly toward his luggage, a movement Mr. Braidwood interpreted as an effort to comply with the demand for his travel documents. However, the senior RCMP officer in the group, Cpl. Robinson, sternly and authoritatively said, "No. Stop." Mr. Dziekanski stopped moving and stood with his arms at his side, looking at the officers. Mr. Braidwood again concluded that Mr. Dziekanski was trying to comply and that Cpl. Robinson's direction that he stop was inappropriately aggressive and unnecessary. Mr. Dziekanski threw up his hands, turned away from the officers, and moved toward a nearby counter. Cpl. Robinson moved closer behind him. Mr. Dziekanski said in Polish, "Leave me alone. Leave me alone! Did you become stupid, or have you gone insane? Why?" The officers described his behaviour as defiant and resistant, justifying deployment of an intermediate weapon or device, as did two use-of-force experts who testified at the inquiry. Two other use-of-force experts were of the view that Mr. Dziekanski was acting out of frustration because he was receiving contradictory instructions from the officers. Mr. Braidwood concluded that Mr. Dziekanski was neither resistant nor defiant.

Mr. Dziekanski then turned and faced Cpl. Robinson, stepped backward, and picked up a stapler that was on the counter. Cpl. Robinson pulled out his baton and directed Cst. Millington to deploy the conducted energy weapon. At the same moment, Cst. Millington independently decided to deploy the weapon. Cpl. Robinson and Cst. Millington testified that they deployed the conducted energy weapon because Mr. Dziekanski had assumed a combative stance, was clenching the stapler in his raised fist, and stepped toward the officers, causing them to believe he intended to attack. Mr. Braidwood concluded that Mr. Dziekanski was simply holding the stapler and did not brandish it or move toward any of the officers.

Mr. Braidwood noted the restrictions that prevent public inquiries from making findings of criminal or civil liability. He said:

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It is not my role as Commissioner to pass judgement on whether or not Cst. Millington was justified under s. 25 of the Criminal Code in deploying the conducted energy weapon in these circumstances. That is a legal determination properly left to the Criminal Justice Branch of the Ministry of Attorney General and to the courts. Indeed, it is not open to a provincial commission of inquiry to make findings of criminal or civil liability, and I have no intention of doing so.

Having said that, I think it is appropriate for a commission of inquiry to go beyond a mere recitation of the facts and to analyze the officers' actions in the context of the factual circumstances they faced, the training they had received, and the RCMP's policies under which they operated. I am authorized to make findings of misconduct if I consider it necessary to do so and to make recommendations on any aspect of my mandate. Analyzing the officers' actions and drawing conclusions from them are prerequisites to these two functions.

In my view, Cst. Millington was not justified in deploying the conducted energy weapon against Mr. Dziekanski, given the totality of the circumstances he was facing at that time. Similarly, Cpl. Robinson was not justified in instructing him to deploy the weapon. Further, I do not believe that either of these officers honestly perceived that Mr. Dziekanski was intending to attack them or the other officers.<sup>81</sup>

Justice Braidwood also commented on the RCMP training and policy on the use of force. He noted that the two use-of-force experts who were of the opinion that the officers' conduct was justified were responsible for training RCMP and other police officers on the use of force. Justice Braidwood commented:

While I consider Cst. Millington's decision to deploy the weapon and Cpl. Robinson's instruction to do so to have been unjustified in the circumstances, with horrendous consequences, I am equally critical of the policy and training paradigm that fosters such poor decision-making. This case cannot be dismissed as two officers having exercised poor judgement through an incomplete risk assessment that discounted Mr. Dziekanski's emotional state. The force-centric analysis they applied to the circumstances they faced appears to me to have been entirely predictable, given the similarly blinkered approach taken by [the use of force experts] Sgt. Fawcett and Cpl. Gillis in their evaluations and analyses.

I interpret the expert testimony of these two senior and experienced officers as reflecting the use-of-force training that occurs within the RCMP at large and in BC's municipal police departments. If that is so, it troubles me greatly. It is without a doubt essential that officers be trained in the use of force because many situations they face will require the use of force to protect the public and themselves and to restore public order. But that is only half the story. Many situations can be and should be resolved without force, and the skills and techniques that facilitate the non-physical resolution of such incidents should be an integral part of not only use-of-force training but also post-incident evaluations and analyses.<sup>82</sup>

Cst. Millington deployed the weapon for six seconds, causing Mr. Dziekanski to scream and fall to the floor. (The officers testified that Mr. Dziekanski did not fall and that the first deployment of the weapon had not worked. Mr. Braidwood rejected that evidence and found that Mr. Dziekanski fell as a result of the first deployment of the conducted energy weapon.) One second later, Cst. Millington deployed the weapon again for five seconds. Mr. Dziekanski was on the floor screaming and thrashing his legs. The officers wrestled with him and handcuffed him. Cst. Millington deployed the weapon a third time during the struggle, again without properly assessing the risk

<sup>81</sup> "Why? The Robert Dziekanski Tragedy," pp. 246–47.

<sup>82</sup> "Why? The Robert Dziekanski Tragedy," p. 251.

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and without justification. Cpl. Robinson also pressed his leg against Mr. Dziekanski's neck without justification. Cst. Millington deployed the weapon twice more, for a total of 15 seconds, while the officers were trying to handcuff Mr. Dziekanski.

Mr. Dziekanski went unconscious. Cst. Bently requested an ambulance and then upgraded the call to Code 3 when he saw Mr. Dziekanski's face turn blue. When firefighters arrived, none of the RCMP officers were attending to or monitoring Mr. Dziekanski. Cpl. Robinson refused the firefighters' request to remove the handcuffs, saying Mr. Dziekanski had been violent. Mr. Dziekanski was unconscious, did not appear to be breathing, and firefighters could not find a pulse. Paramedics arrived and made repeated requests to have the handcuffs removed before the officers did so. Mr. Braidwood found that Cpl. Robinson's refusal to remove the handcuffs was unjustified. The paramedics were not able to resuscitate Mr. Dziekanski, and after twenty minutes, he was pronounced dead.

The four RCMP officers made their notes, and investigators from the RCMP Integrated Homicide Investigation Team ("IHIT") interviewed them later that morning. They testified that they did not discuss the events before giving those statements. However, Mr. Braidwood found that they did discuss the incident. They may not have colluded to fabricate a story, but "their discussions resulted in them giving surprisingly similar accounts of the incident that tended to misrepresent what had happened and tended to portray Mr. Dziekanski's actions in an unfairly negative light and their own actions in an unfairly positive light."<sup>83</sup> In his report on the use of the conducted energy weapon, Cst. Millington also deliberately misrepresented the actions of Mr. Dziekanski, saying that he swung the stapler wildly at the officers, raised his fist, and after the first Taser, moved toward the officers with his arms raised.

Mr. Braidwood said,

In my 23 years as a criminal defence lawyer and prosecutor and in my 16 years as a trial and appellate judge, I have had professional dealings with hundreds, if not thousands, of RCMP officers. Those dealings reinforced the respect I have had for the Mounties since my childhood. The RCMP is an iconic institution in Canada, and for nearly a century its officers have served their country and its citizens with integrity and bravery, often in harsh and dangerous circumstances.

The unprofessional manner in which Cst. Millington and Cpl. Robinson dealt with Mr. Dziekanski, and all four officers' less than forthright accounting for their conduct, has had repercussions that extend far beyond this one incident and well beyond this province—Mr. Dziekanski's death appears to have galvanized public antipathy for the Force and its members. That is regrettable. As I have said several times in this report and in my earlier one, the most important weapon in the arsenal of the police is public support.

During the past few years, several other high-profile incidents appear to have undermined public confidence in the RCMP. I cannot comment on these other matters, but I can comment about this one tragic case. At its heart, it is the story of shameful conduct by a few officers. It ought not to reflect unfairly on the many thousands of other RCMP officers who have, through years of public service, protected our communities and earned a well-deserved reputation in doing so.<sup>84</sup>

Three weeks after public hearings ended and shortly before oral submissions were due to start, the federal Department of Justice disclosed to the Commission an email between senior RCMP

<sup>83</sup> "Why? The Robert Dziekanski Tragedy," p. 13.

<sup>84</sup> "Why? The Robert Dziekanski Tragedy," p. 269.

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members. This email raised issues about the sequence of events (in particular, whether the officers had made a plan to use the conducted energy weapon on their way to the airport). Mr. Braidwood referred to the delay in disclosing this document as “appalling.”<sup>85</sup> Although Justice Braidwood did not explain the cause of the delay in his report, media reports recount counsel for the Department of Justice stating that the RCMP provided the email to the Department of Justice, but it was inadvertently overlooked.<sup>86</sup>

Mr. Braidwood reviewed the possible triggers of the cardiac arrest that caused Mr. Dziekanski’s death. He dismissed the suggestion that Mr. Dziekanski died from a condition known as “excited delirium” and found instead that although the precise cause of death may never be known, the multiple deployments of the conducted energy weapon and the physical altercation both played a role.

Mr. Braidwood criticized the RCMP’s media approach following the incident.<sup>87</sup> The RCMP’s senior media relations officer for British Columbia made statements to the public that were factually inaccurate, painting Mr. Dziekanski in an unfairly negative light (for example, stating that Mr. Dziekanski was being combative and that “the violence was escalating”). The media statements also asserted that Mr. Dziekanski was tasered twice rather than four times, as was being publicly reported. Responsibility for media relations then moved to the RCMP IHIT branch. When the RCMP became aware that these statements were inaccurate, it did not correct them. Eventually, immediately before the IHIT spokesperson testified at the inquiry, the RCMP made a statement to the media apologizing for how it handled public communications about Mr. Dziekanski’s death. The IHIT officers testified that they did not want to issue any public statements about issues that were pertinent to their investigation until the investigation was complete, which is why the earlier statements by the senior media relations officer were not corrected. However, Mr. Braidwood noted that the IHIT did make a public statement to correct rumours that RCMP members did not provide Mr. Dziekanski with any first aid.

Mr. Braidwood attributed the inaccuracies in the initial statements about the incident to the rush to inform the public about what had happened before ensuring the accuracy of the information. He also concluded that the decision not to correct those inaccuracies amounted to an error in judgment on the part of the IHIT officer responsible and resulted from a conflict of interest caused by the RCMP conducting the criminal investigation of its own members. Mr. Braidwood noted that any inaccuracies in RCMP statements about an incident in which the RCMP was not itself implicated would be accepted by the public as normal in the early stages of an investigation. However, because the police were investigating themselves, the public was understandably skeptical about the RCMP’s explanation for these inaccuracies and its decision not to correct them.

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<sup>85</sup> “Why? The Robert Dziekanski Tragedy,” p. 175.

<sup>86</sup> See “Newly disclosed RCMP email drops bombshell on Taser inquiry.” CBC News, June 19, 2009. <https://www.cbc.ca/news/canada/british-columbia/newly-disclosed-rcmp-email-drops-bombshell-on-taser-inquiry-1.795707>

<sup>87</sup> Mr. Braidwood noted that the federal Department of Justice had argued that the terms of reference for the inquiry did not permit him to address this issue. He disagreed, noting that the terms of reference were broad, and he also noted that there was an “intensely negative public reaction to the RCMP’s media response, which in my view had the potential to undermine public confidence in the RCMP. When public confidence in such an important institution (that polices more than half of our province) is brought into question, it is in my view one of the principal functions of a public inquiry to address that issue and report to the government and public on it.” “Why? The Robert Dziekanski Tragedy,” p. 357.

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Mr. Braidwood noted that the Davies Commission of Inquiry<sup>88</sup> and the Civilian Complaints and Review Commission (see section 2.2.4 above),<sup>89</sup> among others, had called for a civilian body to investigate incidents during which police officers may have broken the law. He said the issue was not whether to move to a civilian system but what form it should take. He recommended it be structured similar to the Special Investigations Unit (SIU) in Ontario (which has since been replaced) and be responsible for investigating all police-related incidents that may involve contraventions of the law or that cause death or serious harm. Unlike the SIU, this body should eventually be staffed entirely by civilians, with no member having served anywhere in Canada as a police officer. He acknowledged that this aspect of his recommendation was controversial, with many in the policing community taking the view that only experienced police officers can conduct this kind of investigation competently. However, the investigators at Ontario's SIU were all former police officers, and a 2008 report by the Ontario Ombudsman found that they were "steeped in police culture."<sup>90</sup> The Alberta body responsible for investigating officer-involved deaths and other possible criminal conduct by police officers was staffed by civilian investigators. Mr. Braidwood concluded that it was possible to have a competent investigative body without hiring any former police officers to staff it. Moreover, doing so was, in his view, essential, given the public's concerns about the integrity of police-led investigations of police. He also recommended that a special prosecutor be appointed to screen charges and prosecute these cases.

Mr. Braidwood made recommendations to ensure that arriving passengers can be effectively tracked through the airport and commended the airport management for changes it had made to its emergency responses. He noted, however, that there was confusion over which body—the Vancouver Airport Authority, the RCMP, local firefighters, or the BC Ambulance Service—was responsible for the various aspects of the response. He suggested that these agencies develop a plan to deal with such incidents in the future.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission:**

1. (Recommendation 6) I recommend that the Vancouver Airport Authority, RCMP, Richmond Fire-Rescue, and BC Ambulance Service:
  - Work together in formulating a plan of action for dealing with police use-of-force incidents at the Vancouver International Airport that evolve into medical emergencies.
  - Train, with regular updates, their personnel on any such plan of action formulated by them, including live training exercises.
2. (Recommendation 7) I recommend that, within two years of this report being made public, the provincial Minister of Public Safety and Solicitor General report publicly and in writing to the Legislative Assembly on the extent to which the federal government and the Vancouver Airport Authority have implemented the recommendations contained in this report, and if one or more recommendations have not been implemented, the reasons why.

<sup>88</sup> "Alone and Cold: The Davies Commission of Inquiry into the Death of Frank Paul," submitted to the Attorney General of British Columbia (February 2009), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/daviescommission-interimreport.pdf>.

<sup>89</sup> "Police Investigating Police: Final Public Report." Commission for Public Complaints Against the RCMP. (August 2009), <https://www.crcc-ccetp.gc.ca/en/police-investigating-police-final-public-report> (summarized and discussed in section 2.2.4 above).

<sup>90</sup> "Why? The Robert Dziekanski Tragedy," p. 417.

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3. (Recommendation 8) I recommend that:
- a. British Columbia develop a civilian-based criminal investigative body, which I suggest be named the Independent Investigation Office (IIO).
  - b. The IIO be mandated to investigate all police-related incidents occurring throughout the province in which:
    - “police-related incidents” include but are not necessarily limited to incidents:
      - in which a person dies or suffers serious harm:
        - i. while in the custody or care of a municipal police officer or RCMP officer, or
        - ii. the death or serious harm could be seen to be the result of the conduct of any municipal police officer or RCMP officer, or
      - which involve possible contravention, by a municipal police officer or RCMP officer, of:
        - i. any provision of the Criminal Code, or
        - ii. any other federal or provincial statute that, if the incident were investigated by a police officer, might in the minds of reasonable, informed members of the public undermine confidence in the police.
    - “serious harm” means injury that:
      - creates a substantial risk of death,
      - causes serious disfigurement, or
      - causes substantial loss or impairment of mobility of the body as a whole or of the function of any limb or organ.
  - c. The IIO be accountable to the Ministry of Attorney General.
  - d. The IIO be led by a director who is neither a current nor former police officer, appointed by Order-in-Council for a fixed, renewable term of five or six years.
  - e. No member of the IIO shall have served anywhere in Canada as a police officer.
  - f. Notwithstanding para (e), during the first five years of operations, the IIO may include as members former police officers, provided that:
    - they have not served as a police officer in British Columbia within the preceding five years,
    - they take no part in any investigation relating to a law enforcement agency in which they were employed,
    - they constitute no more than a minority of the investigators who are assigned to a particular investigation, and
    - their employment with the IIO expires by the end of the five-year transitional period.
  - g. To ensure the IIO’s unquestioned authority to act, its essential powers be entrenched in legislation, such as:
    - the IIO director and investigators have the status of peace officers,

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- the chief constable or commanding officer of the RCMP of the jurisdiction in which a police-related death occurs must immediately advise the IIO of the incident,
  - pending arrival of the IIO at the incident scene, the chief constable or commanding officer of the RCMP must ensure that the scene is secured and that officers involved in the incident are segregated from each other,
  - officers involved in the incident must not communicate with each other about the incident, except as authorized by the IIO,
  - the IIO becomes the lead investigative agency, and the home police department or RCMP has no investigative responsibility or authority, except as granted by IIO,
  - a witness officer must promptly make himself or herself available for an interview with the IIO investigator and must promptly deliver to the IIO all notes, reports, and other investigative materials relevant to the incident, and
  - a respondent officer may be—but is not compelled to be—interviewed by the IIO and must in all cases promptly deliver to the IIO all notes, reports, and other investigative materials relevant to the incident.
- h. In every police-related incident assigned to the IIO, a special prosecutor be appointed in accordance with the Crown Counsel Act.
- i. The provincial Ombudsman have jurisdiction over the IIO.

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**2.2.6. Sharing Common Ground: Review of Yukon's Police Force (2011)<sup>91</sup>**

Policing services in Yukon are provided by the RCMP "M" Division. Public confidence in the RCMP had been shaken by the tasing death of Robert Dziekanski at the Vancouver airport in October 2007, the acquittal of two RCMP officers in Yukon who had been charged with sexual assault, and the death of an acutely intoxicated man in custody in a Whitehorse detachment in December 2008. In response, the Yukon Minister of Justice established this review of Yukon's police force and appointed as co-chairs the Commanding Officer of "M" Division, the Deputy Minister of Justice, and a representative of the Council of Yukon First Nations. The review had an Advisory Committee made up of representatives of women's organizations, Aboriginal organizations, and other groups. They conducted public meetings across the territory and met with justice workers, social service providers, and RCMP staff, and made a special effort to engage First Nations citizens in the review. Part of the mandate was to "review the services provided by the RCMP to citizens who are in vulnerable positions, including victims of domestic violence and sexual assault, as well as individuals who are arrested and detained in custody."<sup>92</sup>

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<sup>91</sup> "Sharing Common Ground: Review of Yukon's Police Force." Submitted to the Minister of Justice and Attorney General of Yukon (2011), <https://yukon.ca/sites/yukon.ca/files/jus-sharing-common-ground-final-report.pdf>. The Executive Summary of this report, published separately, can be found here: [https://emrlibrary.gov.yk.ca/women's%20directoriate/sharing\\_common\\_ground\\_executive\\_summary.pdf](https://emrlibrary.gov.yk.ca/women's%20directoriate/sharing_common_ground_executive_summary.pdf)

<sup>92</sup> "Sharing Common Ground," Executive Summary, p. 2.



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The Co-Chairs reported the following with respect to the experiences of women with the RCMP:

Women's groups in Yukon are deeply concerned about shortcomings across the criminal justice system, social services and community dynamics that make women fearful of reporting physical or sexualized violence to the police. In many of the situations where police are involved, women are in vulnerable family situations and dealing with child custody, welfare, domestic violence and the dynamics of social isolation in small and remote communities. Some women do not feel safe in reporting their abuse and do not trust that they will be safe after making a disclosure. They worry that they will not be taken seriously, that they will not be heard, that their situation will not improve, or that they will not receive the assistance that they require. Most distressing is that we heard from some women who fear reporting crimes against them to the RCMP.

First Nations women are in a particularly vulnerable position—first, in relation to the gender bias that they frequently face when dealing with the justice system, and second, with respect to racism they often feel as a result of being First Nations. [...] Many First Nations women do not trust the RCMP. The struggles of aboriginal women with the police have been strongly associated with the denial of their rights, destruction of family structures and traditions, poverty, addiction and violence.

In cases of domestic violence, women reported being questioned by police officers as they were being driven to shelters for the choices they had made, for staying in an abusive relationship or for exposing their children to violence. These women feel some investigators do not understand that women may not be able to leave a relationship for many reasons, including economic dependence, fear of family or community reprisals, or the belief that the perpetrator will change and the violence will end.<sup>93</sup>

The Co-chairs found a loss of trust by many citizens in the ability of the RCMP to uphold its core values. Members of First Nations communities reported being ignored, intimidated, treated unfairly, and being subject to what they referred to as “second-class justice.”<sup>94</sup> First Nations citizens did not typically report complaints about this mistreatment.

The Co-Chairs also reported that “M” Division members feel that they are under-resourced and unable to meet the expectations of the communities and are often on call 24 hours a day, as are officers in many smaller southern communities in Canada.

The Co-Chairs concluded that to establish trust in the police in Yukon, there must be a strong focus on building relationships with community members. Citizens need to be more involved in establishing police priorities, goals and objectives, and there should be a local, responsive, and independent police complaint process.

The Government of Yukon reported on the implementation of the “Sharing Common Ground” recommendations in 2014.<sup>95</sup> At that point, the Department of Justice decided to end the project stage of the implementation and to incorporate incomplete recommendations into department workplans.

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<sup>93</sup> “Sharing Common Ground,” Executive Summary, pp. 5–6.

<sup>94</sup> “Sharing Common Ground,” p. 23.

<sup>95</sup> Sharing Common Ground: Review of Yukon's Police Force. Final Report on Implementation” (2014) <https://yukon.ca/sites/yukon.ca/files/jus-sharing-common-ground-implementation-final-report.pdf>

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**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 1.1) That the Minister of Justice establish a Yukon Police Council. The council will be chaired by the Deputy Minister, Yukon Department of Justice, and composed of six members appointed by the Minister, three of whom will be nominated by First Nations. The role of the council is to make written recommendations to the Minister and the Commanding officer of “M” Division on issues relating to the delivery of policing services in Yukon, including:
  - establishing core policing values that reflect Yukon’s history and cultural heritage;
  - ensuring that community needs and values are reflected in the policing priorities, objectives, programs and strategies of “M” Division;
  - establishing policing practices and standards for “M” Division;
  - ensuring that police services are delivered in a manner consistent with community needs, values and expectations;
  - acting as a liaison between the community and “M” Division;
  - participating in the selection of the “M” Division Commanding Officer; and
  - receiving reports on matters that affect the administration of justice, including Annual Performance Plan updates, public complaints, use of conducted energy weapons, and updates on high profile matters.

The Yukon Police Council may meet with First Nations, municipalities, non-government organizations, or others in carrying out its duties, and will coordinate activities with national organizations such as Commission for Public Complaints Against the RCMP and the Canadian Association of Police Boards. The council shall meet quarterly or as required to complete its mandate. The council shall report annually to the Yukon Legislature and Yukon First Nation leaders.

2. (Recommendation 1.2) That First Nations, municipalities and “M” Division establish community-based processes—which may include creating a local community Advisory Committee or inclusion of this function in the mandate of an existing community body—to provide opportunity for community input into developing detachment Annual Performance Plans that reflect local priorities, and to provide a mechanism to coordinate policing and related services within the community and deal with other community policing matters, as appropriate.
3. (Recommendation 1.3) That “M” Division undertake a review of the Commanding Officer’s First Nation Advisory Committee. This review should consider the committee’s composition, member selection process and terms of reference and ensure that the work of the committee is coordinated with the Yukon Police Council.
4. (Recommendation 1.4) That the Department of Justice and “M” Division develop a communication strategy in consultation with the Yukon Police Council to improve citizens’ understanding of the role of the RCMP, citizens’ rights and responsibilities with respect to law enforcement, how the public complaints process works.
5. (Recommendation 1.5) That “M” Division establish a First Nations Relations Advisor who reports directly to the Commanding Officer “M” Division.
6. (Recommendation 1.6) That the “M” Division Commanding Officer meets with leadership of each Yukon First Nation at least once per year and with all Yukon First Nation leaders together as practicable.

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7. (Recommendation 1.7) That “M” Division ensures that First Nations and municipal leaders are offered the opportunity to participate in the selection of Detachment Commanders, and are informed and consulted when members are transferred in and out of a community.
8. (Recommendation 3.1) That the Department of Justice and “M” Division establish a working group that includes Yukon First Nations, municipalities and women’s organizations, to review and make recommendations to the Yukon Police Council on:
  - the desired skills and attributes of RCMP officers being considered for selection to Yukon;
  - human resources policy related to recruitment of members interested in serving in Yukon, including suitability of cadets for service in Yukon;
  - policies and practices related to retention of members in Yukon;
  - policies around duration of postings to communities; and
  - the feasibility of creating specialized Northern duty qualifications, and investing in members who are interested in long-term service in the North.

The review should consider issues such as officer suitability, gender and First Nation balance, and appropriate relief coverage.

9. (Recommendation 3.2) That the Northern Institute of Social Justice (NISJ), in consultation with Government of Yukon, “M” Division, Yukon First Nations and women’s organizations, develop a training and development framework for RCMP members policing in Yukon. The framework should prepare members to provide policing services that are appropriate to Yukon citizens and should include information on:
  - Yukon history and First Nation culture;
  - dealing with vulnerable persons, including those who are acutely intoxicated, those with mental illness and those with FASD;
  - responding to domestic violence and sexual assault;
  - non-violent communication and de-escalation skills; respectful communications;
  - how to work effectively in high-visibility, high-impact environments;
  - supervisory and leadership training; and
  - wilderness training.

The NISJ shall report back to the Yukon Police Council.

10. (Recommendation 3.3) That First Nations and municipal leaders ensure that members are introduced to community leaders, service providers and provided with an orientation to the community. This orientation should include understanding of the community’s history, First Nation culture and language, and social context.
11. (Recommendation 3.4) That “M” Division develop a community policing mentorship program to enable experienced members to support the development of others.
12. (Recommendation 3.5) That “M” Division review its policies, practices and programs for identifying and responding to members who may suffer from compassion fatigue, vicarious trauma or other related psychological issues and to ensure that members have access to the professional services and support they require.
13. (Recommendation 4.1) That the Department of Justice and “M” Division establish an interagency working group including representatives from First Nations, women’s organizations and the Public Prosecutions Office, to develop a comprehensive framework for responding to domestic violence and sexualized assault.

The framework should include:

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- the creation of an “M” Division domestic violence/abuse team with specialized training and skills;
  - consideration of specialized prosecution services;
  - clarification of the primary aggressor/dual charging protocols;
  - an update of the role of the Sexual Assault Response Team (SART);
  - clarification of victim service responsibilities, including victim assistance volunteers;
  - specialized training for “M” Division members and other front-line responders on sexualized assault and domestic violence that addresses child custody issues and the enforcement of civil order and other regulatory remedies; and
  - consideration of a legal advocate position to support women and/or a Yukon Court Watch Program.
14. (Recommendation 4.2) That the Department of Justice construct a secure assessment centre with appropriate 24-hour medical support in Whitehorse to accommodate individuals who are detained or arrested by the RCMP and require secure custody, including acutely intoxicated persons.
15. (Recommendation 4.3) That the Department of Justice, Emergency Medical Services, “M” Division and First Nations examine the feasibility of creating an intervention team consisting of a peace officer and an emergency medical service provider that would respond to calls for service involving acutely intoxicated people.
16. (Recommendation 4.4) That the Department of Justice and “M” Division establish an interagency working group consisting of representatives from the Women’s Directorate, the Department of Health and Social Service, Emergency Medical Services, First Nations, women’s organizations and Public Prosecutions Service of Canada to develop a comprehensive strategy for managing high-risk individuals who are frequent users and common clients of government services.
17. (Recommendation 4.5) That the Departments of Justice and Health and Social Services and First Nations lead an initiative and collaborate with “M” Division to ensure that citizens in Yukon have access to emergency victim support and social services on a 24-hour basis.
18. (Recommendation 5.1) That the Yukon Police Council, Government of Yukon, “M” Division, First Nations governments, municipalities and citizens continue the dialogue on policing to foster positive relationships between the RCMP and citizens towards increasing public confidence in the police service and reducing crime, including but not limited to these activities:
- planned updates on high-profile and serious matters;
  - creation of an annual gathering to honour citizens who contribute to public safety;
  - recognition of RCMP members for outstanding performance in building and maintaining community relationships;
  - invitations to community leaders to attend graduation ceremonies at depot; and
  - support of youth programming in the community
19. (Recommendation 5.2) That the Department of Justice, “M” Division and First Nations explore best practices and innovative methods of increasing the number of women and First Nations citizens involved in the delivery of policing services:
- developing a recruitment strategy to encourage female and First Nations citizens to enter the RCMP;

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- working with the Northern Institute of Social Justice to develop a Yukon First Nations career orientation program to prepare citizens for RCMP training at Depot Division, or for other careers in the justice system; and
  - examining the feasibility of establishing a renewed special constable program, community safety officer program or similar initiatives.
20. (Recommendation 5.4) That “M” Division examine the operation of the police Operational Communications Centre as it relates to response to communities and consider any improvements to make it more responsive to communities.
  21. (Recommendation 5.5) That Justice Canada, the Department of Justice, “M” Division and First Nations review different approaches to community and aboriginal justice in order to ensure all communities are offered the opportunity to implement community and restorative justice processes.
  22. (Recommendation 5.6) That “M” Division conduct a resource review to assess whether the division has adequate resources to meet its priorities.
  23. (Recommendation 7.1) That on receipt of the report the Minister of Justice shall meet with Yukon First Nation leaders to review its recommendations and receive their input into the development of the implementation strategy.
  24. (Recommendation 7.2) That the Minister of Justice, in consultation with “M” Division, Yukon First Nations, municipalities and women’s organizations and service providers, prepare an implementation strategy for how to respond to the recommendations in the Report.
  25. (Recommendation 7.3) That one year following receipt of the report, the Minister of Justice table a report annually in the Yukon Legislative Assembly and with Yukon First Nation leadership on progress in implementation of the recommendations of the Report, and that this report also be submitted to the RCMP National Aboriginal Policing Services Branch and the Commissioner of the RCMP.

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### 2.2.7. Independent Civilian Review into Matters Relating to the G20 Summit (Toronto Police Services Board, 2012)<sup>96</sup>

In June 2010, the G20 held its annual summit in Toronto. Numerous public protests in the form of demonstrations and rallies took place, starting one week prior to the summit. Approximately 1,000 protesters were arrested, and there were allegations of police brutality towards the protestors.<sup>97</sup> The Toronto Police Services Board, which is responsible for the provision of adequate and effective police services in Toronto, commissioned the Honourable John Morden, OC, a retired judge of the Ontario Court of Appeal, to review the role that the Toronto Police Service (TPS) played and the effectiveness of its strategies during the summit. Mr. Morden also reviewed the

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<sup>96</sup> “Independent Civilian Review into Matters Relating to the G20 Summit: Executive Summary and Recommendations” (the “Morden Report”). Submitted to the Toronto Police Services Board (29 June 2012), [http://www.tpsb.ca/g20/REPORT\\_ICR%20Morden%20\\_executivesummary.pdf](http://www.tpsb.ca/g20/REPORT_ICR%20Morden%20_executivesummary.pdf).

<sup>97</sup> The Morden Report does not detail the concerns leading to the commission of the Independent Civilian Review. The Office of the Independent Police Review Director released a report in 2012 setting out its findings, including excessive force and arbitrary and unauthorized searches and detentions: “Policing the Right to Protest: G20 Systemic Review Report.” (May 2012), [https://www.oiprd.on.ca/wp-content/uploads/G20-Systemic-Review-2012\\_E.pdf](https://www.oiprd.on.ca/wp-content/uploads/G20-Systemic-Review-2012_E.pdf). See also “Toronto Police Say They ‘Regret that Mistakes Were Made’ in G20 Mass Arrests following Major Settlement.” *Toronto Star* (19 October 2020), <https://www.cbc.ca/news/canada/toronto/g20-toronto-police-regret-1.5767958>.

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role of the Toronto Police Services Board in the planning for and policing of the summit. Mr. Morden released his report, known as the “Morden Report,” in 2012.

Mr. Morden explained that civilian oversight of police acts as a “check and balance against the legal powers society has given the police to enforce the law... Where society confers on a particular entity the power to use force to ensure compliance with the law, the need for a check and balance of that power is particularly vital.”<sup>98</sup> This oversight involves two elements: governance, which includes responsibility for developing the framework within which policing decisions and actions will take place and which ensures that the police fulfills its function under the law while respecting community norms; and accountability, whereby the conduct of police is reviewed and evaluated against those frameworks and norms.

Mr. Morden noted the significant role police boards play in civilian oversight:

The Police Services Act has empowered police boards, through their policymaking and resource allocation powers, to shape the way in which policing is done. Police boards are the intermediary between the police and the public, acting as a conduit to receive and impart information, providing a forum to ensure public sentiment makes its way to the ears of law enforcers and, ultimately, arbitrating interests in determining what is incorporated into the policies that guide the actions of the police. Where the police board fulfills these functions, the legitimacy that is so important to policing by consent rather than coercion is maintained. An effective governance structure ensures that decisions made and actions taken by the police are reflective of the community’s values.<sup>99</sup>

Prior to 1990, the Police Services Act (PSA) did not define the roles or responsibilities of chiefs of police or police boards. “Policy” was generally considered the purview of police boards, while “operations” were the responsibility of chiefs, and neither body was permitted to encroach on the other’s role. The 1990 amendments were clearly intended to change this approach. Under the amended Act, each police service board must determine, after consulting the chief, the objectives and priorities of the police service and must establish policies for its effective management. Chiefs are responsible for administering and overseeing the police force according to the objectives, priorities, and policies established by their boards. The only limit on the governance powers of boards is a prohibition on directing chiefs on specific operational decisions or the day-to-day operation of the police service. Boards are not prohibited from obtaining information or making suggestions to the chief about any aspect of policing operations. They are prohibited from interfering in the actual policing function but are required to shape the structure and environment in which those functions take place. This is a significant responsibility and consistent with effective civilian oversight.

The Toronto Police Services Board did make policies, as required by the Police Services Act, but some of these policies simply replicated the requirements for policies set out in the provincial regulation governing policing—stating that the Chief of the TPS must establish procedures and processes respecting the issue in question. These policies did not provide any guidance to the TPS on what those procedures and processes should include. As well, once the Chief created these policies and procedures, the Board did not review them. Mr. Morden noted that this approach was inconsistent with the Board’s oversight obligations. As well, the Board had not engaged in consultations with the TPS as intended under the Act and refrained from asking questions or making suggestions about operational matters. Mr. Morden found that this approach

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<sup>98</sup> “Morden Report,” p. 83.

<sup>99</sup> “Morden Report,” p. 82.

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was wrong. He noted that when the police anticipate an event requiring police involvement, they can and should consult with the Board, both before and after the event, to determine the best policies and approaches and to deconstruct and learn from what happened. Mr. Morden made recommendations for a consultation protocol to govern the Board's interactions with the TPS Chief. Through this protocol, the Board could make recommendations but not directions to promote policing operations that are consistent with legal principles and community values.

Most of the Board's information about TPS operations was provided by the Chief during Board meetings. The Board would ask the Chief to brief it on specific issues and would not necessarily ask the questions it would need to in order to learn relevant information about the TPS operations. The Board had given the Chief very specific, limited questions about the TPS plans for the G20 summit, relating to budget, media relations, and human resources, and directed the Chief not to discuss operational issues. Mr. Morden emphasized the importance of a culture in which the Chief and the Board engage in cooperative exchanges of information about policing issues, including operational issues. As well, some Board members did seek more information about the TPS plans for the Summit but were criticized by the Board Chair for raising the issue. Mr. Morden found that the rest of the Board should have followed these members' example rather than criticize them.

#### **Training of Board Members**

Mr. Morden also noted that the training of board members varies across the province, and in some jurisdictions, the only training is provided by the Chief of Police. Mr. Morden found it to be improper for Chiefs to be the only source of training, particularly on the legislative functions of board members. The PSA empowered the government to make regulations regarding the training of board members, but no regulations had been made. Given the importance and complexity of the Board's work, particularly in a large centre like Toronto, and given the varying backgrounds that the Board's members will likely have, they require a high level of training.

#### **Command and Control during the G20**

The TPS had four months to plan for the G20, a process that would normally take two years. Five partner organizations (the TPS, the Royal Canadian Mounted Police, the Ontario Provincial Police (OPP), Peel Regional Police, and the Canadian Forces) formed an Integrated Security Unit (ISU) to manage security for the G20 Summit. The RCMP was the lead organization and had ultimate authority over all the security operations made by the ISU. The TPS failed to involve the Board in the planning, and the Board was not aware of any of the TPS plans for the event. It was also unaware that the RCMP had authority to direct the planning and could override TPS planning decisions, or of any other facts that would allow it to engage in any oversight of the TPS for this event.

One of the significant issues in the policing of the event involved the "Interdiction Zone" fence. This fence separated the site of the G20 Summit from the rest of the city. The RCMP had assumed jurisdiction over the Summit site, while the TPS was responsible for the rest of the city. The TPS was also responsible for protecting the Interdiction Zone fence and became overly preoccupied with that responsibility. That left the "Outer Zone" vulnerable to violence and property damage, and the TPS eventually lost control of the Outer Zone. The TPS requested that the RCMP take over command of the Interdiction Zone, but there was no plan in place for this transfer of command, and the RCMP did not agree to this request until twelve hours after the request was made. OPP site commanders were also deployed to the Outer Zone. Mr. Morden found that had the Board been involved in the planning, it would have emphasized the importance of TPS policing of the Outer Zone, which would have minimized the violence and damage in that area. The lack

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of planning also created significant confusion as to who was commanding the RCMP and OPP site commanders after the transfer of command, and both OPP and RCMP site commanders reported that it was difficult to determine who was in charge. Mr. Morden said,

The more complex a police operation is the more essential it is that all of the police services involved have a clear understanding of the scope of their authority. The governing document that addresses this purpose should be clear, comprehensive, and sufficiently detailed. Given the size and complexity of the G20 Summit policing operation, these two gaps should have been addressed.

The Board received no information with respect to the command and control structure for the G20 Summit. Given its responsibility for the provision of adequate and effective policing in the City of Toronto, the Board should have sought sufficiently detailed information to be confident that mechanisms were in place to govern how the Toronto Police Service would give orders to the thousands of officers deployed to the areas under its command. In addition, given the multijurisdictional nature of the policing of the G20 Summit and the potential for police officers in the City of Toronto to become subject to the command of the RCMP, it was incumbent on the Board to understand what command and control structure was in place.<sup>100</sup>

### Training and Policies on Mass Demonstrations

TPS officers and the police officers from other jurisdictions who were deputized to assist during the G20 summit received specialized training on the skills and equipment they would be using during the event. Although the training was generally well done, Mr. Morden found that there should have been more emphasis on the Charter rights of demonstrators and the officers' responsibility to protect the exercise of those rights. The images and language used in the training also often suggested that the protestors would all be engaged in destructive, violent conduct and that the officers would need to be aggressive to control them. There should also have been more practical skills training, including scenario-based training on the powers of detention and arrest and the rights of civilians during detention and arrest. The TPS did not consult with the Board on the training or make the Board aware of concerns that the TPS training coordinator had regarding the sufficiency and delivery of the training. The Board also took no steps to learn about the training, despite knowing that officers from other jurisdictions would be attending the summit and would have to follow TPS policies.

Prior to the G20, neither the Board nor the TPS had a policy in place to thoroughly address mass, large-scale demonstrations. Mr. Morden noted that the policing of mass demonstrations is an increasingly important issue, deserving specific and comprehensive policies. The TPS also failed to consult with the Board or Ontario's Ministry of Correctional Services regarding the Prisoner Processing Centre it built to process detainees during the summit, despite never before having attempted to create an alternate to its normal processing facilities. This led to numerous problems: only one pre-booking officer was responsible for screening each prisoner, leading to a severe bottleneck; prisoners were held in pre-booking cells in restraints, with no access to lawyers or phones, overcrowding, and young people being detained without being able to contact parents or guardians. The delays caused the detention of some prisoners for more than the 24 hours permitted by law. There was also a high number of strip searches of prisoners.

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<sup>100</sup> "Morden Report," p. 17.



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**Badges**

Mr. Morden also expressed concern about the numbers of police at the summit who did not display their name badges. Many of them were from forces outside of Toronto who were not required to comply with TPS policy on badge-wearing. However, many were from Toronto, where the policy requiring badge-wearing was not given prominence in the Board's materials. Mr. Morden said,

The intentional non-wearing of a name badge by an officer carrying out his or her duties is an extremely serious offence. It is a fundamental breach of duty for police officers to remove their name badges so that they may exercise their powers with intentional anonymity. The inevitable effect is to undermine the public's trust in the police force, a trust that is essential to the provision of effective police services.<sup>101</sup>

**RCMP Cooperation with the Review**

In the course of the independent civilian review, Mr. Morden requested access to documents pertaining to the G20 Summit from the Toronto Police Service, the Toronto Police Services Board, and the RCMP. The TPS and TPSB were very responsive and cooperative. However, despite repeated requests, the RCMP did not agree to produce documents to the Review until nine months after the request. Mr. Morden said, "While I appreciate the cooperation the RCMP ultimately provided to the Review in the production of documents, the stage at which it occurred caused delay in the ultimate completion of this Report."<sup>102</sup>

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- Recommendation No. 1: Improving the nature and quality of Board policies

The Board, the Chief of Police, and the Ministry of Community Safety and Correctional Services should engage in consultation with a view to devising a method of improving the general nature and quality of Board policies made under O. Reg. 3/99 and otherwise.

- Recommendation No. 2: Filing police service procedures and processes with the Board

All Toronto Police Service procedures and processes should be filed with the Board as a necessary step to strengthen the exercise of its monitoring and oversight responsibilities.

- Recommendation No. 3: Legal counsel to the Board

The Board should have its own counsel whose legal services are not available to either the Toronto Police Service or the City of Toronto.

- Recommendation No. 4: Information exchange between the Board and the Chief of Police on all subject matters

The Board and the Toronto Police Service should ensure that an open exchange of information on all matters of operations and policy is established and maintained. The purpose of this information exchange is to ensure that both the Board and the Toronto Police Service are aware of the details necessary to engage in consultation concerning Board policies and Toronto Police Service operational mandates. This exchange must permit a two-way transmission of information between the Board and the Toronto Police Service: the Board is to be made aware of all information relevant to its statutory role to determine "objectives,

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<sup>101</sup> "Morden Report," p. 27.

<sup>102</sup> "Morden Report," p. 43.

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priorities, and policies” for policing in Toronto, and the Toronto Police Service is to be made aware of information that may assist it in commenting on policy options the Board is considering. In particular, this information exchange must include the provision to the Board of relevant operational information by the Toronto Police Service before operations actually unfold.

- Recommendation No. 5: The Board should create a policy that defines “critical points”

The Board should, in consultation with the Toronto Police Service, draft a policy that defines what will constitute a “critical point” in municipal policing and identifies criteria that will be applied in determining when a “critical point” has arisen. This policy will assist both the Board and the Chief of Police in determining when operational information should be provided to the Board in advance of the “critical point.” The Board should consider using the following definition of a “critical point”: a policing operation, event, or organizationally significant issue for which advance planning and approval at the Toronto Police Service’s command level is required. There should be clarity and consistency concerning the types of matters about which more detailed information, including operational information, should be provided to the Board by the Toronto Police Service. This policy should be reviewed by the Board with some frequency after it is established to ensure that it is enabling the Board to identify events and issues for which operational information should be provided in advance.

- Recommendation No. 6: The Board should determine appropriate objectives, priorities, and policies for major events, operations, and organizationally significant issues in which the Toronto Police Service will be involved

Where critical points in the policing of Toronto arise, the Board and Toronto Police Service should apply the consultation protocol and engage in a consultation about the major event/operation or organizationally significant issue at the earliest possible opportunity. The Board should be provided with relevant operational and other information in order to understand the details of the major event/operation/issue. The Board should then work with the Chief of Police to identify the mission, objectives, and priorities for the particular event/operation/issue, the achievement of which will result in the provision of adequate and effective policing in Toronto. Once the mission, objectives, and priorities have been defined, the Toronto Police Service must maintain the autonomy to develop and execute the appropriate operational plans. The Board should conduct a review of the Toronto Police Service’ operational plans to ensure that (a) they are consistent with the mission or objectives stated by the Board; (b) they are consistent with applicable Board policies; and (c) that no additional policies are required in order to provide guidance to the Toronto Police Service. Through this review process, the Board may provide recommendations to the Toronto Police Service where it believes that a particular aspect of the operational plan may result in the operational mission, objectives, and priorities not being achieved. The Chief of Police, however, must remain entirely free to accept or reject the Board’s recommendations.

- Recommendation No. 14: Board to obtain information concerning the command and control structure for multi-jurisdictional policing events

The command and control structure for the policing of a particular event has a direct impact on the manner in which police services will be delivered. When the Toronto Police Service is involved in a multi-jurisdictional policing event in Toronto, the Board shall require information from the Chief of Police concerning the command and control structure for the event. The Board shall also ensure that the command and control structure will enable the Toronto Police Service to adequately and effectively provide police services for the event and for the City of Toronto generally.

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- Recommendation No. 15: The Board should record confidential Board meetings

Properly recording discussion and information provided during Board meetings is critical. It ensures that an accurate record of the questions asked and decisions or recommendations made is preserved. The Board should institute a practice of audio recording all confidential Board meetings.
- Recommendation No. 16: The Board should develop a mechanism to ensure all Board members are canvassed in advance of pre-meeting agenda briefings

The pre-meeting agenda briefings present a useful opportunity for the Chair and Board Staff to identify areas and issues that may be of concern or interest to the Board and that should be placed on the agenda and to work with the Chief and his staff to obtain information the Board requires. The Board should develop a mechanism that requires canvassing all members in advance of these briefings to identify questions or requests for information that can be conveyed by the Chair during the briefings.
- Recommendation No. 17: The Board should create a policy requiring open communication and sharing of information between all Board members

The Board should develop a policy that sets guidelines for the exchange of information between Board members. Under this policy all Board members would be required to share, at the earliest opportunity, information he/she receives through informal communications with the Chief on a particular matter or issue that is before the Board or that otherwise falls within the Board's statutory role and responsibilities.
- Recommendation No. 18: Where time is of the essence for procurement, the Board must maintain a monitoring role

While specific timing issues may require the Board to pre-authorize certain expenditures in order to hasten the procurement of equipment and other supplies, the Board should maintain an oversight role with regard to this process. Where time is of the essence and the Board decides to suspend or alter its usual procurement practices, the Board should establish a process that will ensure it receives relevant information from the Toronto Police Service regarding the purpose and justification of all expenditures.
- Recommendation No. 20: Board policies and Toronto Police Service procedures should apply to police personnel seconded to assist the Toronto Police Service in a joint operation

Board policy and Toronto Police Service procedures should apply to external police officers seconded to assist in policing the city of Toronto where those officers are under the command and control of the Toronto Police Service. The home police services boards should be required to formally adopt the relevant Board policies and Toronto Police Service procedures as their own. In that regard, the Board should provide its policies and the Toronto Police Service procedures to the home police services board so that it can help ensure that its officers are familiar with these policies and procedures. If external police officers violate Board policies or Toronto Police Service procedures while carrying out their duties in assisting the Toronto Police Service, the home board or their complaints and disciplinary oversight body should have the authority to discipline those officers, thereby avoiding any jurisdictional dispute between the Board and the home boards.
- Recommendation No. 23: The Board should amend its information-sharing protocol with City Council

The Board should amend its existing information-sharing protocol with City Council to include a mutual information-sharing mechanism. This mechanism should address the type of

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information to be shared and the method and frequency for sharing such information. The Board should also work with City Council to develop a protocol that ensures there is a free flow of communication to and from the Board and City Council with respect to the policing of major events.

- Recommendation No. 24: The Board should, with the assistance of the Ontario Association of Police Services Boards, analyze the issues and concerns raised with respect to sharing confidential or classified information

Sharing confidential or classified information between different policing partners is a complex issue that requires further study. Accordingly, I recommend that the Board request that the Ontario Association of Police Services Boards examine this issue carefully and propose solutions that would ensure that sensitive information is protected without detracting from the requirement that municipal police services share relevant information with the police services boards.

- Recommendation No. 25: The Board should develop an information-sharing policy for major events

The Board should develop a specific information-sharing policy tailored specifically for major policing events. The policy should include a direction concerning the manner and frequency in which the information should be provided to the Board. Under this policy, the Chief of Police would be required to provide the Board with information at the earliest possible opportunity with respect to the following matters, at a minimum: the nature of the event; the policing, security, and other entities involved in planning the event; whether the Toronto Police Service is taking planning or operational direction from another entity; information about Toronto Police Service's proposed priorities and objectives; the need for any requests for legislative change to accommodate the Toronto Police Service's policing of [the] event; and information about specific policing strategies or techniques that may be used during the event itself.

- Recommendation No. 26: The Toronto Police Service and the Board should work together to develop the training materials for a major event

The Toronto Police Service should share information with the Board on the training being developed for officers participating in a major event. This information should include: the topics to be covered, an overview of the general content, and any potential issues or concerns raised regarding the sufficiency of the training materials. The Board should examine the information provided with a view to maximizing the overall effectiveness of the training materials and ensuring that the materials properly reflect existing Board policies. This examination should include an assessment of the methods of delivery of the training (e.g., e-learning, practical exercises, etc.).

- Recommendation No. 28: Board policy on the wearing of name badges and/or police badge numbers

The Board should express its policy on the wearing of name badges and/or police badge numbers in its standard policy format and include it in its catalogue of policies. The policy should require the chief of police to report to the Board on a regular basis concerning incidents of non-compliance with the policy.

### 2.2.8. Police Encounters with People in Crisis: Independent Review (Toronto Police Service, 2014)<sup>103</sup>

In July 2013, a young man, Sammy Yatim, was shot and killed by a member of the Toronto Police Service (TPS). The following month, then-Chief William Blair of the Toronto Police Service asked the Honourable Frank Iacobucci to review the policies, practices, and procedures of the TPS with respect to officer use of lethal force, particularly during encounters with people in crisis (i.e., people needing urgent mental health care or people experiencing a mental or emotional crisis whose behaviour leads to calls for police assistance). The Professional Standards Unit of the TPS conducted a separate review of the conduct of the officers involved in the shooting of Mr. Yatim.<sup>104</sup>

Mr. Iacobucci and his team interviewed over 100 people with experiences or viewpoints on the issue of police encounters with people in crisis, including experts in the United States and United Kingdom. They also reviewed policies, procedures, reports, and academic papers; written submissions from stakeholders; and recommendations from Ontario coroners' inquests. A roundtable with mental health experts, lawyers, civil liberties experts, and policing advocates also informed the report.

Mr. Iacobucci noted that there are approximately 20,000 calls per year in Toronto involving a person in crisis. The vast majority resolve without incident. However, between 2002 and 2012, TPS officers had fatally shot five people identified by the TPS as "emotionally disturbed persons." During the same period, 22 other emotionally disturbed persons died during police encounters from other causes, including suicide, restraint asphyxia, drug intoxication, and cardiac arrest.

Mr. Iacobucci's analysis of the structure and resourcing of mental health services in Toronto led him to conclude that there is no "mental health system" in Ontario. Although addressing the significant problems with the treatment and prevention of mental health issues was beyond the scope of his report, Mr. Iacobucci stated that "there will not be great improvements in police encounters with people in crisis without the participation of agencies and institutions of municipal,

<sup>103</sup> "Police Encounters with People in Crisis: An Independent Review Conducted by the Honourable Frank Iacobucci for Chief of Police William Blair." Toronto Police Service (July 2014), <https://www.tps.ca/services/resource-centre/police-encounters-with-people-in-crisis/>.

<sup>104</sup> According to the Ontario Court of Appeal, which considered the appeal of Constable Forcillo's attempted murder conviction for shooting Mr. Yatim, Mr. Yatim was eighteen years old, had consumed ecstasy, and had been contemplating suicide. Late at night on a Toronto streetcar, he brandished a switchblade knife, exposed himself to passengers, and made a slashing motion towards a female passenger. Constable James Forcillo, one of the officers who responded to the incident, stood outside the streetcar door and told Mr. Yatim to drop the knife. Mr. Yatim moved toward the streetcar stairs. Constable Forcillo shot Mr. Yatim three times. Mr. Yatim fell to the ground, and Constable Forcillo shot at him another six times. Constable Forcillo was acquitted of murder but convicted of attempted murder (relating to the second volley of shots). *R v Forcillo*, 2018 ONCA 402 (CanLII), <https://canlii.ca/t/hrqkb>, leave to appeal dismissed, 2018 CanLII 116610 (SCC), <https://canlii.ca/t/hwq2b>. The Office of the Independent Police Review Director (OIPRD) is also conducting a review of the use of force by TPS members during encounters with people in crisis in response to Mr. Yatim's death, which commenced after Mr. Iacobucci's review. "Police Interactions with People in Crisis and Use of Force: OIPRD Systemic Review Interim Report." Office of the Independent Police Review Director, Ontario (March 2017), <https://www.oiprd.on.ca/wp-content/uploads/Police-Interactions-with-People-in-Crisis-and-Use-of-Force-Systemic-Review-Report-March-2017-Small.pdf>.

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provincial and federal governments because, simply put, they are part of the problem and need to be involved in the solution.”<sup>105</sup>

Mr. Iacobucci emphasized the difficult position in which police officers find themselves during encounters with people in crisis. He said,

Frontline police officers have one of the most challenging jobs that society has to offer. They are demanded to perform difficult and unpleasant tasks that most citizens are unwilling or unable to carry out themselves. These tasks often involve risking their lives in order to control and apprehend people who are violent or otherwise dangerous— including not only violent criminals but also people in various forms of crisis who are not criminals but who may, knowingly or not, be a threat to themselves or others. The job of the frontline officer is one of considerable risk. Officers regularly have to balance their duty to confront danger (with often very limited information about the nature of the danger) against the personal risks to themselves—a very challenging task that few others in society are required to undertake in the same way or to the same extent...

Police operate within an organization that places a high value on personal toughness and self-reliance. Yet frontline police are exposed to scenes of despair, pain, tragedy, and horror as a regular part of their job. It is virtually inevitable that such exposure affects their own mental health—causing at the very least some degree of emotional detachment from the subjects with whom they deal and, not infrequently, more serious mental health issues. The importance of the mental health of the police themselves should not be underestimated in analyzing how to ensure better outcomes of encounters with people in crisis.<sup>106</sup>

The reality that frontline officers are frequently in dangerous situations may also lead them to resort to force more quickly than they otherwise might: “It is understandable that officers may feel impelled to try to control dangerous situations quickly. Fear, particularly if combined with less-than-ideal mental health of the officer, makes empathy and patience more difficult.”<sup>107</sup>

Mr. Iacobucci identified the command structure of police organizations as counterproductive during these encounters:

Another feature of the TPS, which is similar to other police organizations, is the Service’s paramilitary command structure and its pervasive focus on legal compliance. Frontline officers become accustomed to dealing with certain types of dangerous situations through a system of command, physical confrontation (if necessary), enforced compliance, and negative sanctions for non-compliance. While this compliance-based approach can be very beneficial in many contexts, it can be counterproductive when dealing with a person in crisis, who may not understand or be able to respond to commands. This is not to say that all police interactions with members of the public are premised on a compliance-based approach—far from it. Many, if not most, encounters between the police and the public are cooperative and respectful. But in dangerous situations, there is a tendency and, in some contexts, a real or perceived requirement for police to use a compliance-based approach. This can be problematic when a more conciliatory approach, focused on de-escalation, delay, and containment, is preferable to confrontation.<sup>108</sup>

A number of stakeholders raised concerns about the oversight role played by the Toronto Police Services Board. Mr. Iacobucci declined to make any specific recommendations about the Board,

<sup>105</sup> “Police Encounters with People in Crisis,” p. 8.

<sup>106</sup> “Police Encounters with People in Crisis,” p. 50.

<sup>107</sup> “Police Encounters with People in Crisis,” p. 50.

<sup>108</sup> “Police Encounters with People in Crisis,” p. 50.

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as it was outside of his mandate, but commented that, “It is clear that the Board and the Chief of Police need to work well together as partners, and that the Board itself needs to function efficiently and effectively in order to provide necessary civilian oversight.”<sup>109</sup>

Mr. Iacobucci noted the numerous initiatives the TPS had engaged in to address the issue of police response to people in crisis and police use of force in those and other contexts. These included staff positions focused on mental health and policing, committees on use of force and mental health, officer training on crisis resolution, and mobile crisis intervention teams. In addition, an access line operated by the TPS, the Community Referral Police Access Line, provides assistance to officers interacting with people who may be “emotionally disturbed,” who have not been apprehended under the Mental Health Act, and who are at risk of involvement with the criminal justice system. The line can connect officers with community mental health organizations, including those operating short-term residential programs and those participating in the Mental Health and Justice Prevention Program.<sup>110</sup>

Mr. Iacobucci also discussed a tool created by the Vancouver Police Department in collaboration with Vancouver Coastal Health, known as the “Dashboard.” The Dashboard is a database containing mental health and police information, which officers in the field can access to obtain information when dealing with a person in crisis. This information includes the location of all mental health resources in the city and information on wait times at emergency psychiatric facilities. The database also includes information on repeat users of emergency mental health services, including recent Mental Health Apprehensions and recent violent or substance-abuse-related offences, and whether officers believe any recent call involved mental health issues. Mr. Iacobucci noted the importance of ensuring privacy safeguards and respecting physician–patient confidentiality when sharing mental health information with the police.

Mr. Iacobucci reviewed the policies and procedures governing TPS responses to people in crisis and the roles of 911 call takers, first responders, supervisors, and others. Among these procedures is a requirement that Emergency Response Teams be notified by Communications Services of all calls involving people in crisis. ERT teams had rarely been involved in a fatal response to a person in crisis, and Mr. Iacobucci concluded that the ERT is “a model of successful de-escalation, containment and non-violent resolution of incidents” that could teach other officers how best to respond to people in crisis.

One chapter of the report focused on Toronto’s Mobile Crisis Intervention Team (MCIT). Specially trained uniformed officers from TPS are teamed with a mental health nurse from a Toronto hospital and provide mobile responses to people in crisis. This includes assessment and support, connection to appropriate community services, transporting people in crisis to a hospital for voluntary treatment, de-escalation and prevention of injury to police and the person in crisis, apprehension under the Mental Health Act where appropriate, and diverting justice system involvement. The cost is shared by TPS and the local health authority. Referrals to MCIT are made following 911 calls or come from officers in the field. Mr. Iacobucci praised the MCIT model as its staff can access both police and health records to inform them as to the appropriate response; the mental health nurses are skilled in interacting with people in crisis; and the specially trained MCIT officers can reduce the stigma of mental illness within the TPS. However, MCITs

<sup>109</sup> “Police Encounters with People in Crisis,” p. 67.

<sup>110</sup> See the webpage of the Canadian Mental Health Association “Mental Health and Justice (MHJ) Crisis Prevention Services” (posted 21 August 2012), <https://toronto.cmha.ca/programs-services/mental-health-and-justice-mhj-crisis-prevention-services/>.

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are not deployed to respond to people in crisis as often as they should be, due in part to lack of officer familiarity with the function of MCIT and the very low number of available MCIT units.

Mr. Iacobucci also reviewed the various models for emergency mental health response available in other jurisdictions, including first responses by mental health professionals without police and first response by specially trained police officers without mental health professionals.

Mr. Iacobucci addressed information-sharing between police and mental health service providers, noting that it is a sensitive issue:

It would be useful if TPS officers were able to receive mental healthcare information in situations involving a person in crisis, with the caveat that strict limitations need to be placed on the use and subsequent disclosure of that information in order to respect patient privacy. Some measures for information-sharing may require legislative or regulatory change. This is an area of cooperation that requires all interested groups, including policing, civil liberties, mental healthcare, and people who have experienced mental illness, to come together to find a way forward. Their common goal should be to give the police access to all information that could enable them to help people in crisis while respecting individuals' privacy by limiting other uses of that information.

As discussed above, it is clear that in certain circumstances, many of which arise in serving people in crisis, the Toronto Police Service carries out a role that is integral to mental healthcare services, and, in effect, police officers become part of the care pathway for people in crisis.

...[O]ne of the tensions in the MCIT [Mobile Crisis Intervention Team] model is that there are two separate sources of information: the police database and the healthcare system. A point of uncertainty that warrants resolution is whether people in crisis may benefit if MCIT officers and nurses are permitted to share information with each other that they access from their respective positions within the police and healthcare systems. In practice, it may be impracticable not to share this information if the MCIT unit is to function efficiently and in the best interests of the person in crisis.<sup>111</sup>

However, Mr. Iacobucci noted the serious adverse consequences that can result from overbroad sharing of mental health information, citing difficulties some people have crossing the border due to the accessibility of police database information by members of the Canadian Border Services Agency.

### Police Culture

Although examining police culture was not a formal part of Mr. Iacobucci's mandate, he found that the issue was sufficiently important to his review to justify a separate chapter. He noted that a number of stakeholders had noted the adage that "culture eats training" and that while formal training of officers is relatively short, the culture of policing surrounds officers at all times. He said,

Culture must align with the training in order for the training to be effective over the longer term. The pressure to conform to the prevailing culture is significant, and the lessons of training will be ineffective if they conflict with the practice in the field and the expectations of fellow officers and supervisors.<sup>112</sup>

<sup>111</sup> "Police Encounters with People in Crisis," p. 107.

<sup>112</sup> "Police Encounters with People in Crisis," p. 117.



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Mr. Iacobucci enumerated areas in which the culture of the TPS is positive and also identified areas of improvement. Among the areas for improvement were beliefs among some officers that deaths of people in crisis are inevitable, that police officers should not be expected to act as social workers, and that there will always be bad actors among the force. Some members also expressed the view that the safety of a police officer is more important than the safety of a person in crisis. That view was also reflected in some training materials. Mr. Iacobucci disagreed, stating that the lives of officers and people in crisis are equally important. Although officers must protect themselves in order to be able to protect the public, they also have a duty to protect the person in crisis. Mr. Iacobucci also concluded that because the TPS persistently faces public criticism, and much of that criticism is ill informed or unfair, there is a “generalized assumption that criticism of the TPS by people outside of the Service is unhelpful, and that only members of the TPS truly understand the requirements of policing.”<sup>113</sup> He described this assumption as unhelpful. At the same time, junior members of the TPS are reticent to speak out about concerns they have, fearing that it will be seen as insubordination. Mr. Iacobucci identified this reticence as a product of the paramilitary command structure of the TPS and noted that it stifles innovation, self-examination, and self-criticism.

Mr. Iacobucci found that it was difficult to discipline or dismiss Toronto police officers under their governing legislative framework, because of a desire to protect the independence of police officers as public office holders. He concluded that because the TPS was therefore limited in its ability to shape or correct the conduct of its officers, it must focus on hiring people who demonstrate the traits it wants its officers to have, such as empathy, compassion, or healthy attitudes toward people with mental illness. He recommended increased participation of psychologists in the frontline officer candidate screening process, as there are for the screening of Emergency Response Team candidates. Mr. Iacobucci also referred to research showing that there are significant benefits to hiring officers who have post-secondary education, including a reduction in the use of force and a greater understanding of the ethical issues involved in policing.

### Training

In response to the recommendations of other reviews and inquiries, the TPS had made significant changes to the content and delivery of its training programs for recruits and for staff on responding to people in crisis and on the use of force. Mr. Iacobucci reviewed this training and found that it was reasonably well developed. He noted the significant training that is required for officers to understand and properly respond to people in crisis.

### Supervision

The review considered the structure and efficacy of supervision in ensuring the appropriate response to people in crisis. Mr. Iacobucci noted the importance of supervision:

An effective system of positive and negative reinforcement—for officers and for supervisors—is an essential element of creating a culture that enhances, rather than “eats,” training. As one stakeholder put it, supervisors need to lead, not just supervise.<sup>114</sup>

The TPS uses a “coach officer” program, whereby officers who have completed a coach training course train and mentor new recruits in the field. The coach officer training program focuses on ethical and professional behaviour, integrity, fairness, and personal bias. These coaches must

<sup>113</sup> “Police Encounters with People in Crisis,” pp. 123–24.

<sup>114</sup> “Police Encounters with People in Crisis,” p. 158.

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monitor and report on the recruits' progress and skills. Mr. Iacobucci noted the critical influence that coach officers can have. However, if not properly screened or trained, they can also perpetuate negative stereotypes and, as one commentator said, can "undo six months of training in half an hour."<sup>115</sup> There is no formal mechanism to evaluate this program.

Given the legislative constraints on disciplining and discharging officers for misconduct, performance reviews have an important role to play in identifying problems with officers' compliance with expectations. However, Mr. Iacobucci found that the annual performance reviews are not always constructive or meaningful. He suggested that these reviews should identify the officers' skills or limitations in de-escalation and communication, and these skills should be recognized and considered when determining promotions to higher ranks and specialty units. He also identified the value of debriefing with officers following incidents involving people in crisis but noted the problems involved with maintaining the confidentiality of these debriefings.

Mr. Iacobucci emphasized that senior management must commit to protecting officers who report misconduct by their colleagues. This would include providing officers with training and resources on how to report misconduct committed by other officers and holding supervisors responsible when they fail to respond appropriately to misconduct.

Mr. Iacobucci reviewed a number of reports of internal TPS investigations into the use of force. He found that these reports focused on whether the use of force in the particular incident complied with the minimum legal standards. They did not consider whether there were alternatives to the use of force or whether it would have been possible to use less force. They also failed to consider whether all policies and procedures were followed, including supervision, communication, and the chain of command. Mr. Iacobucci stated that in order to teach officers that they must avoid death and injury, particularly during calls relating to people in crisis, some disciplinary measures may have to be taken where officers fail to attempt de-escalation, and these reports should identify gaps in policies and training.

The review discussed innovative performance monitoring databases in other jurisdictions, including Las Vegas and Los Angeles, which focus on early intervention rather than discipline. Information about officers' arrests, crime reports, complaints, use of force, weapon qualification, and other issues is collected into a "dashboard," which is then reviewed by supervisors. Supervisors can identify red flags through comparison with the officers' peers or through system-generated alerts when conduct has been previously associated with complaints or workplace safety problems. They can then intervene to provide support or training to the officer.

### **Officer Wellness**

Mr. Iacobucci also examined the role of officer mental health, noting that an officer must be able to manage their own stress in order to respond calmly and with empathy to a person in crisis. He noted that exposure to trauma is inherent in policing:

While estimates for the prevalence of mental illness in Canada vary as a result of divergences in definitions and research methodology, it is indisputable that mental health issues are common in Canadian society. Police officers are no more immune to such issues than others. Rather, because they must deal on a day-to-day basis with some of the most saddening features of human nature, it appears that police are more likely than the average person to experience mental health difficulties...

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<sup>115</sup> "Police Encounters with People in Crisis," p. 164, quoting an unnamed commentator.

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... One recent study found that police officers in Canada “are exposed to a fairly unique set of stressors and face a different set of challenges at work than most employees,” challenges which include the pressure to take on work that falls outside their mandate, multiple competing and constantly changing demands, understaffing, the complexity of navigating the criminal justice system, and managing the expectations of the public. Moreover, this study does not touch on another challenge unique to policing: the inherent dangers of police work.

According to several studies, mostly from the US, officers commonly suffer from significant psychological issues. One study found that approximately one third of police officers who are exposed to work-related traumatic incidents develop significant post-traumatic symptoms and other complex psychological issues that can interfere with their duties and responsibilities as a police officer. Another study found that at least 25 percent of police officers meet the standard clinical criteria for alcohol abuse.

Officers and their domestic partners consistently report that the policing occupation is a significant source of stress in their relationship, impacting their lives at home. Post-traumatic stress disorder and elevated rates of alcohol abuse may cause increased aggression. Police families have been shown to have higher rates of domestic violence than the wider civilian population.

Officers can also have difficulty asking for help. Fear of stigmatization, negative job consequences, and perceptions of personal weakness and failure all impede police officers from seeking help that they may need. As a result of the police working environment, there is evidence from a US study that the rate of police suicide is approximately 1.5 times that of the general population.<sup>116</sup>

The TPS wellness program provided in-house psychological services for TPS members. Officers engaged in specific duties that could be expected to affect their mental health, such as child exploitation investigators, ERT gun team members, undercover drug squad members and 911 call takers, were required to meet at least annually with a TPS psychologist. The psychologists were also available to meet with any other officer on a voluntary basis. Mr. Iacobucci learned that mental illness was still somewhat stigmatized within the TPS, and seeking psychological services was considered a sign of weakness. The mandatory meetings for high-risk officers removed that stigma and cultural resistance. Mr. Iacobucci suggested that other TPS officers, particularly frontline officers within the primary response units who have the most frequent contact with people in crisis, would benefit from mandatory meetings with psychologists. He referred to a “compelling body of opinion suggesting that [junior] officers’ mental health needs should be monitored and treated early, to ensure that mental health issues do not grow into significant problems that can affect the individual officer and the Service as a whole.”<sup>117</sup> Supervisors would also benefit from mandatory psychological meetings.

Mr. Iacobucci noted that the TPS did not have a comprehensive psychological health and safety management system or a comprehensive psychological wellness statement for its officers. He suggested that the TPS adopt the national workplace mental health standard established by the Mental Health Commission of Canada,<sup>118</sup> adapted for police officers.

<sup>116</sup> “Police Encounters with People in Crisis,” pp. 180–81.

<sup>117</sup> “Police Encounters with People in Crisis,” p. 184.

<sup>118</sup> The Mental Health Commission of Canada website (<https://mentalhealthcommission.ca/national-standard/>) describes this Standard as “a set of voluntary guidelines, tools and resources intended to guide organizations in promoting mental health and preventing psychological harm at work.”

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The TPS required members who were involved in traumatic critical incidents to engage in several stages of debriefing. The first debrief was a mandatory 30-minute informal “defusing session” led by specially trained peer support volunteers known as the Critical Incident Response Team (CIRT). TPS psychologists may also attend. A longer and more formal debriefing session focused on the officer’s reaction to the traumatic incident took place a few days later with a TPS in-house psychologist and CIRT members. The facts of the incident itself were not discussed at this debriefing, given that the incidents might be the subject of a Special Investigations Unit investigation or criminal proceeding. Supervisors were also required to determine what additional support the officer might need. Supervisors were otherwise not required to monitor the mental health of members or assist them in accessing treatment, other than to ensure they were fit for duty (a low standard). Mr. Iacobucci suggested that supervisors should pay attention to the mental wellbeing of their team members and promote mental health on their team:

Because supervisory officers are not specifically tasked with monitoring officers’ overall mental health except in the case of fitness for duty concerns, the degree to which early intervention is undertaken in practice is largely dependent on the attitude and approach of individual unit commanders and other supervisory officers, as well as coach officers. The Review was advised by several individuals that, as a general matter, the Service’s culture does not emphasize ongoing monitoring, correction, learning, and counselling with respect to mental health issues. As a result, problems are usually addressed only when they become significant or worse.

Part of the issue is that officers are concerned that they will suffer adverse professional consequences if they identify a need for help or if supervisors intervene to suggest help. It is important to an effective mental health culture of continuous treatment and learning to ensure that members of the Service are encouraged to view mental healthcare as helpful and non-threatening.<sup>119</sup>

### Use of Force

A chapter of the report focused on the Ontario and TPS framework for the use of force in the context of encounters with people in crisis.

Mr. Iacobucci set out the legal and regulatory framework for the use of force by police officers, including the criminal law.<sup>120</sup> The provincial requirements relating to the use of force are set out

<sup>119</sup> “Police Encounters with People in Crisis,” p. 189.

<sup>120</sup> The report summarizes the criminal and civil liability of officers who use force as follows (p. 201):

The Criminal Code limits the acceptable level of force used by police officers acting under legal authority. Police officers may, acting on reasonable grounds, use force to prevent the commission of certain offences, to prevent a breach of peace, to suppress a riot, and “to do anything in the administration or enforcement of the law.” The force used must be proportionate, or reasonably necessary, in the circumstances. The Supreme Court of Canada has explained that police actions should not be judged against a standard of perfection, but in light of the exigent circumstances of dangerous and demanding work and the obligation to react quickly to emergencies.

An officer may not use force that can cause grievous bodily harm or death unless he or she believes on reasonable grounds that it is necessary to preserve life, to prevent the infliction of grievous bodily harm on anyone, or to prevent escape of a person to be arrested if the officer believes that the person poses a risk to the life or safety of anyone and cannot be subdued in a less violent manner.

Specifically, the reasonableness of the grounds for an officer’s use of force should be judged both objectively (from the perspective of an average police officer) and subjectively (from the perspective of the particular officer who used force). The level of force must be “reasonable in light of circumstances faced by the police officer.”

Police officers may also be held civilly liable for injuring or killing members of the public in the course of their duties. Under the law of negligence, for example, police officers owe a duty of care to members of the public when carrying out their duties. Police must act reasonably and within their statutory powers, according to the circumstances of the situation. This standard contemplates that officers must exercise discretion in their duties, and will not be held liable for conduct that falls within the range of reasonableness.

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in a regulation of the Ontario Police Services Act. Under this regulation, a police officer who has not completed the prescribed training and annual requalification training on the use of force is not permitted to use force against another person. Officers must also complete a Use of Force Report after any incident in which they use physical force requiring medical attention, draw a handgun in the presence of the public, discharge or point a firearm, or use another weapon on another person. Officers may only draw, point, or discharge a firearm when they have reasonable grounds to believe such action is necessary to protect against the loss of life or serious bodily harm. They are also prohibited from firing warning shots or firing at a moving vehicle unless the occupants pose an immediate threat of death or grievous bodily harm. Police services and their boards must adopt policies and procedures incorporating these provincial use of force standards. The province maintains a Policing Standards Manual containing advisory guidelines for the implementation of these policies and procedures, which contains sample board policies and police services guidelines. Mr. Iacobucci explained the training expectations as follows:

The Policing Standards Manual recommends that annual handgun requalification training include the following minimum components:

- a. 1 hour classroom training on use-of-force legislation and reporting requirements (among other topics);
- b. 1.5 hours proficiency training; and
- c. 1.5 hours judgment development training designed to develop decision-making skills in stressful situations.

This training may include role-playing and simulations, and it should involve debriefing after practical exercises on threat perceptions, communication skills, tactics used, less-lethal force options, and justification for amount of force used, among other topics.

The Manual dictates that use-of-force reports should be used only to identify individual and group training requirements or organizational policy requirements. The guidelines recommend that use-of-force policies require that the information collected in use-of-force reports not be placed in an officer's personnel file.<sup>121</sup>

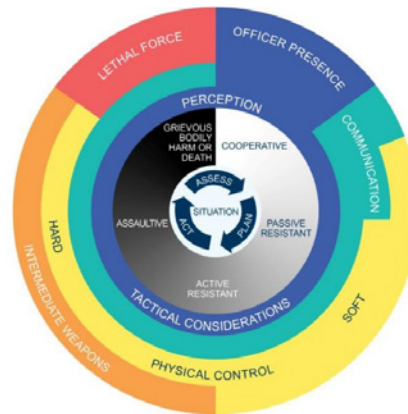
The province's guidelines provide that training on the use of force should be conducted with reference to the province's Use of Force Model, also known as the "Use of Force Wheel." That model, which is based on a national Use of Force Model, is a graphic that represents the decision-making used by officers to identify the appropriate tactic to control a potentially dangerous situation.

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Courts must further consider the essential function performed by police officers and the urgent contexts in which they must make decisions and take actions.

<sup>121</sup> "Police Encounters with People in Crisis," p. 196.

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**Figure 1: Ontario Use of Force Model**

Source: Police Encounters with People in Crisis report, p. 197

According to the report, this model is based on six principles:

- a. the primary responsibility of a police officer is to preserve and protect life;
- b. the primary objective of any use of force is to ensure public safety;
- c. police safety is essential to public safety;
- d. the Use of Force Model does not replace or augment the law;
- e. the Model was constructed in consideration of the law; and
- f. the Model does not dictate policy to any agency.<sup>122</sup>

According to this model, an officer will continually assess, plan, and act. They will assess the situation according to the subject's strength, access to weapons, intoxication, and emotional state; whether the officer needs to act immediately or has time to create distance between the subject and other people; and whether the subject is engaging in behaviour that can indicate a potential attack on the officer, such as ignoring the officer, refusing to comply, ceasing all movement, hiding, or adopting an aggressive stance. Several stakeholders took the position that the behaviour that is identified in the model as indicating a potential threat includes virtually all conduct other than immediate compliance with police directions, and this formulation can lead officers to interpret signs of mental health crisis as signs of imminent attack. Mr. Iacobucci agreed that it appears that "symptoms of crisis, and even displays of fear, may be perceived by an officer trained in the Use of Force Model as aggressive behaviours warranting an escalated police response."<sup>123</sup>

Mr. Iacobucci noted that materials accompanying the Use of Force model that set out the options available to an officer in a potentially dangerous situation include only one example of communication: stating the "police challenge": "Police. Don't move." Dialogue and reassurance, which could de-escalate situations involving people in crisis, are not suggested. He stated that officers should be trained to attempt to speak calmly with a person in crisis as part of their assessment of both the person's likely conduct and the best options for diffusing the danger. He

<sup>122</sup> "Police Encounters with People in Crisis," p. 197.

<sup>123</sup> "Police Encounters with People in Crisis," p. 199.

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concluded that “there is surprisingly little focus on the need to attempt various methods of communication before using physical force or a weapon on a person.”<sup>124</sup> The Use of Force graphic is also not intuitive or clear, so it is not a particularly helpful reference or training tool for officers.

Under the TPS Use of Force Procedure, officers must use only that force which is reasonably necessary to bring an incident under control effectively and safely. The Procedure notes that the Use of Force model is an aid and does not justify or prescribe any specific response. The Procedure authorizes the use of force that is intended or likely to cause death or grievous bodily harm where the officer reasonably believes that the “person to be arrested takes flight to avoid arrest; the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; [and] the flight cannot be prevented by reasonable means in a less violent manner.” Officers must contain the scene and disengage when tactically appropriate.

When an officer discharges a firearm, they must notify their supervisor, who must complete a Firearm Discharge Report; the officer-in-charge and the duty inspector must also be notified. A Firearm Discharge Investigator from the TPS Professional Standards unit will then investigate.

Supervisors review the Use of Force reports, and where they identify the need for additional training, they submit the reports to trainers at the Toronto Police College. Use of Force Reports may not be recorded in an officer’s personnel file or be considered during promotional or job assignment reviews. Firearms Discharge Reports may lead to recommendations on policy and training from the Professional Standards Unit, which in turn are reviewed by the TPS Use of Force Review Committee. That committee includes members from the Emergency Task Force, Toronto Police College, Professional Standards Investigative Unit, and the Public Safety and Emergency Management Unit. The Committee also reviews other use of force incidents and advises the TPS Senior Management Team of any resulting suggestions regarding TPS training, practices, and governance to the TPS Senior Management Team. However, there are no formal reports or minutes of those proceedings.

Mr. Iacobucci reviewed other models governing the use of force by police officers. The International Association of Chiefs of Police (IACP) Model Policy on the use of force identifies frontline supervision as the most important aspect of use of force regulation. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement officials recommend initial screening and periodic review to ensure officers have appropriate moral, physical, and psychological attributes. The UN also requires that in any case of unauthorized use of force, both the officer and any supervisor who ought to have known of the conduct and did not take measures to prevent it must be disciplined and held accountable. Officers are also required to report violations of procedures by their colleagues. Mr. Iacobucci noted that the UN standards place more emphasis on the need to avoid using lethal force wherever possible than do the Ontario Use of Force model or the TPS procedure.

Much of this chapter was focused on options to avoid the use of force during encounters with people in crisis, which are not detailed here. Another chapter focused on equipment used in encounters with people in crisis, including conducted energy weapons (Tasers), batons, and body cameras. That material is not summarized here.

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<sup>124</sup> “Police Encounters with People in Crisis,” p. 200.

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### Implementation of Recommendations

Mr. Iacobucci focused a chapter of his report on the implementation of his recommendations. He said,

While the creation of this Review was itself a watershed moment for the TPS, the greatest challenge for the TPS will be implementation. For this Review to be truly meaningful, implementation is essential. Too often reports such as this one are prepared at great effort and expense, only to lay dormant, waiting in vain for someone to put the recommendations into practice. It is for this reason that I have prepared this last set of recommendations—arguably the most important recommendations—dealing with implementation.<sup>125</sup>

He recommended that the TPS consider eight factors when implementing the recommendations:

- Stakeholder input, to ensure that the implementation of the recommendations is “grounded in the reality of people’s experience.”<sup>126</sup> Involving stakeholders in implementation will also promote their acceptance of the process as legitimate.
- Transparency and accountability, to ensure that the public understands the priority given to some recommendations over others, both in terms of timing and resource allocations.
- Respect for the role of the Chief of Police, recognizing that the Police Services Act gives the Chief ultimate responsibility for the administration and operation of the TPS.
- Respect for the role of the Toronto Police Services Board. Although none of the recommendations directly involve the TPSB, it would play significant part in overseeing the implementation of the recommendations, given its oversight function.
- Leadership: moral leadership to set expectations for reform, organizational leadership to carry out the implementation of the recommendations, and institutional leadership, with the TPS taking on a leadership role with other organizations to achieve some of the recommendations.
- Collaborative relationships with hospitals, people with lived experience with mental illness, and academic institutions, which will be essential for the full and effective implementation of the recommendations.
- Resource sensitivity, given the scarcity of resources and the reality that despite Mr. Iacobucci’s efforts to make pragmatic, achievable recommendations, some prioritizing and adapting of the recommendations may have to be made. At the same time, there are potential cost savings associated with many of the recommendations. The report emphasized the costs involved in the killing of a person in crisis by police:

Budgetary constraints cannot be treated as more important than lives. At the same time, there are financial costs that arise from the use of lethal force that should not be ignored. Our society spends huge amounts on SIU investigations, inquests, criminal proceedings, civil proceedings, mental health care costs, and other expenses associated with fatal shootings. Those who make decisions about funding for police initiatives such as those recommended in this Report must consider this side of the financial coin.<sup>127</sup>

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<sup>125</sup> “Police Encounters with People in Crisis,” p. 268.

<sup>126</sup> “Police Encounters with People in Crisis,” p. 269.

<sup>127</sup> “Police Encounters with People in Crisis,” p. 271.



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- Ongoing review, to assess the degree to which the recommendations have been implemented and successful and to make further recommendations for improvement.

**The Response by the TPS to the Independent Review**

In 2018, the Toronto Police Service published a status update on the implementation of Mr. Iacobucci's recommendations.<sup>128</sup> This status report set out the recommendations, along with commentary on the TPS position as to whether the recommendation should be implemented or should be implemented in another form, as well as progress to date. According to this document, 94% of the recommendations had been implemented.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. The TPS create a comprehensive police and mental health oversight body in the form of a standing interdisciplinary committee that includes membership from the TPS, the sixteen designated psychiatric facilities, the three Local Health Integration Networks covering Toronto, Emergency Medical Services, and community mental health organizations to address relevant coordination issues, including:
  - a. Sharing Healthcare Information: developing a protocol to allow the TPS access to an individual's mental health information in circumstances that would provide for a more effective response to a person in crisis. This protocol must respect privacy laws and physician–patient confidentiality and should address:
    - i. whether, in consultation with the Government of Ontario, the concept of the “circle of care” for information-sharing can be expanded to include the police in circumstances beneficial to an individual's healthcare interests;
    - ii. how healthcare, treatment, and planning information with respect to people with repeated crisis interactions with the police can be shared with the TPS while respecting all relevant privacy and physician–patient confidentiality concerns; and
    - iii. more specifically, how healthcare information shared with the TPS can be segregated from existing police databases and therefore prevented from subsequently being passed on to other law enforcement, security and border services agencies. Healthcare information should continue to be treated as such and not as police information.
  - b. Voluntary Registry: the creation of a voluntary registry for vulnerable persons, complementing the protocol recommended in (a), which would provide permission to healthcare professionals to share healthcare information with the police, to be accessed only by emergency responders in the event of a crisis situation and subject to due consideration to privacy rights;
  - c. Mutual Training and Education: how psychiatric facilities, community mental health organizations, and the TPS can benefit from mutual training and education;
  - d. Informing Policymakers: informing policymakers at all levels of government, in the aim of making the mental health system more comprehensive;

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<sup>128</sup> Toronto Police Service, “Iacobucci Review Implementation Status”, Response to Iacobucci Report” (2018) online at <https://www.tps.ca/services/resource-centre/iacobucci-review-implementation-status/> (last accessed on 24 August 2022).

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- e. **Advocacy:** advocating more comprehensive and better funded community supports for people with mental illness. This would be a multi-party initiative led by the mental health sector. It should include, among other things, planning for community treatment supports upon discharge from the hospital and the creation of more “safe beds” in shelters for people in crisis, to be used when they do not meet the criteria for apprehension under the Mental Health Act but need assistance to stabilize their crisis [...]
2. The TPS more proactively and comprehensively educate officers on available mental health resources, through means that include:
  - a. **Mental Health Speakers:** inviting members of all types of mental health organizations to speak to officers at the divisions;
  - b. **Technological Access to Mental Healthcare Resources:** considering the use of technological means, similar to Vancouver’s “Dashboard” system, to efficiently communicate to officers a comprehensive up-to-date list or map of available mental health resources of all types in their area. Such an easily accessible reference tool should aggregate information on all community supports, in addition to major psychiatric facilities; and
  - c. **Point of Contact:** working with mental health organizations to identify key resource people or liaisons, so that every TPS officer has a contact in the mental health system that they feel comfortable contacting for advice and who is able to knowledgeablely give that advice.
3. The TPS amend Procedure 06-04 “Emotionally Disturbed Persons” to provide for the mandatory notification of MCIT units for every call involving a person in crisis.
4. The TPS change mandatory application qualifications for new constables to require the completion of a Mental Health First Aid course, in order to ensure familiarity and some skill with this core aspect of police work.
5. The TPS give preference or significant weight to applicants who have:
  - a. **Community Service:** engaged in significant community service, to demonstrate community-mindedness and the adoption of a community service mentality. Community service with exposure to people in crisis should be valued;
  - b. **Mental Health Involvement:** past involvement related to the mental health community, be it direct personal experience with a family member, work in a hospital, community service, or other contributions; and
  - c. **Higher Education:** completed a post-secondary university degree or substantially equivalent education.
6. The TPS consider whether to recruit actively from certain specific educational programs that teach skills that enable a compassionate response to people in crisis, such as nursing, social work, and programs relating to mental illness.
7. The TPS direct its Employment Unit to hire classes of new constables that on the whole demonstrate diversity of educational background, specialization, skills, and life experience, in addition to other metrics of diversity.
8. The TPS instruct psychologists, in carrying out their screening function for new constable selection, to assess for positive traits in addition to assessing for the absence of mental illness or undesirable personality traits. In this aim, the TPS, in consultation with the

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psychologists, should identify a specific set of positive traits it wishes to have for new recruits and should instruct the psychologists to screen-in for those traits.

9. The TPS include the psychologists in the decision-making process for new constable selection, in a manner similar to their involvement in selecting officers for the TPS Emergency Task Force.
10. The TPS compile data to allow the Service to evaluate the effectiveness of the psychological screening tests that it has used in selecting recruits. Relevant data may include data that show what test results correlate with officers who have satisfactory and unsatisfactory interactions with people in crisis.
11. The TPS strike a working group that includes participation from the TPS Psychological Services unit to comprehensively consider the role of Psychological Services within the TPS, including:
  - a. More Information: whether the current process for psychological screening of new constables is effective and whether it could be improved, including whether TPS psychologists should be given more information about candidates to assist them in interpreting their test results;
  - b. Involvement of Psychologists in other Promotion Decisions: whether Psychological Services should be authorized to conduct evaluations of and otherwise be involved in discussions regarding the selection processes for officer promotions within the Service and the selection of coach officers;
  - c. MCIT: whether the TPS psychologists should be involved in the selection and training of officers and nurses for the MCIT. More broadly, the TPS should consider how to facilitate a close and ongoing relationship between the psychologists and the MCIT in order to enable collaboration and information sharing between the Service's two units with a primary focus on mental illness;
  - d. Organizational Structure: whether the TPS should amend its organizational structure so that Psychological Services reports directly or on a dotted-line basis to a Deputy Chief, in order to give greater recognition to the operational role that they play; and
  - e. Expanding Psychological Services: how Psychological Services should be expanded to accommodate the officer selection duties and TPS members' wellness needs, as described in this Report.
12. The TPS place more emphasis in its recruit training curricula on such areas as:
  - a. Containment: considering and implementing techniques for containing crisis situations whenever possible in order to slow down the course of events and permit the involvement of specialized teams such as ETF or MCIT as appropriate;
  - b. Communication and De-escalation: highlighting communication and de-escalation as the most important and commonly used skills of the police officer, as well as the need to adjust communication styles when a person does not understand or cannot comply with instructions;
  - c. Subject Safety: recognizing the value of the life of a person in crisis and the importance of protecting the subject's safety as well as that of the officer and other members of the public;
  - d. Use of Force: making more clear that the Use of Force Model is a code of conduct that carries

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- i. a goal of not using lethal force; and
    - ii. a philosophy of using as little non-lethal force as possible;
  - and that the Model is not meant to be used as a justification for the use of any force;
  - e. Firearm Avoidance: implementing dynamic scenario training in which a recruit does not draw a firearm, as a means of emphasizing the non-lethal means of stabilizing a situation and reducing the potential for over-reliance on lethal force;
  - f. Fear: including discussions of officers' fear responses during debriefings of practical scenarios that required de-escalation and communication techniques to defuse a crisis situation;
  - g. Stigma: addressing and debunking stereotypes and stigmas concerning mental health. For example, the TPC could build on its use of video presentations involving people with mental health issues by adding interviews with family members of people who have encountered police during crisis situations and police officers who were present during a crisis call that resulted or could have resulted in serious injury or death;
  - h. Experience and Feedback: incorporating mental health and crisis situations into a larger number of practical scenarios to provide recruits with more exposure to and feedback on techniques for resolving such situations; and
  - i. Culture: laying the foundation for the culture the TPS expects its officers to promote and embody, and preparing recruits to resist the aspects of the existing culture that do not further TPS goals and values with respect to interactions with people in crisis.
13. The TPS consider whether officers would benefit from additional tools to assist them in responding to crisis calls, such as a quick-reference checklist for dealing with people in crisis that reminds officers to consider: whether the person is demonstrating signs of fear versus intentional aggression; whether medical, background, and family contact information is available; whether alternative communication techniques are available when initial attempts at de-escalation are unsuccessful; whether containment of the person and the scene is a viable option; and whether discretion should be used in determining whether to apprehend, arrest, divert, or release the person in crisis.
14. The TPS consider whether the twenty-week recruit training period should be extended to allow sufficient time to teach all topics and skills required for the critically important work of a police officer.
15. The TPS consider requiring officers to re-qualify annually or otherwise in the areas of crisis communication and negotiation, de-escalation, and containment measures.
16. The TPS consider how decentralized training can be expanded and improved to focus on such issues as:
- a. Platoon training: increasing opportunities for officers to engage in traditional and online mental health programming within their platoons;
  - b. Exposure: providing officers with in-service learning exercises that involve direct contact with the mental health system and community mental health resources; and
  - c. Peer learning: instituting a model of peer-to-peer education within divisions, such as discussions with officers who have experience with mental health issues in their families, who have worked on an MCIT, who received Crisis Intervention Team (CIT) training, or who have other related experience.

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17. The TPS collaborate with researchers or sponsor research in the field of police education to develop a system for collecting and analyzing standardized data regarding the effectiveness of training at the TPC, OPC, and the divisional levels, and to measure the impact that improvements in training have on actual encounters with people in crisis.
18. The TPS consider whether a broader range of perspectives can be considered in designing and delivering mental health training, for example, by involving TPS psychologists, Police College trainers, additional consumer survivors, mental health nurses and community agencies who work with patients and police.
19. The TPS further refine its selection and evaluation process for coach officers and supervisory officers to ensure that the individuals in these roles are best equipped to advise officers on appropriate responses to people in crisis; in particular, that the TPS:
  - a. Consider requiring additional mental health training and/or experience for candidates interested in coach officer and sergeant positions, such as CIT training or MCIT experience;
  - b. Create an evaluation mechanism through which officers can provide anonymous feedback on their coach officers or supervisors, including feedback on their skills regarding people in crisis; and
  - c. Ensure performance evaluation processes for supervisors include evaluation of both their skills regarding mental health and crisis response, as well as their monitoring of their subordinates' mental health and wellness;
20. The TPS create a Service-wide procedure for debriefing, including the debriefing of incidents involving people in crisis and incidents involving use of force, which includes consideration of such factors as:
  - a. Discretion: the circumstances under which debriefing is mandatory, as opposed to when it is subject to the discretion of the appropriate supervisor;
  - b. Participants: which members should participate in the debriefing process, particularly where there is a risk of re-traumatizing an officer suffering from critical incident stress;
  - c. Institutional Learning: how the learning points from the debriefing can be shared with other members of the Service;
  - d. Process: the appropriate circumstances, methods, and selection of appropriate personnel for debriefing incidents that involved people in crisis, whether they were resolved successfully or resulted in unsatisfactory outcomes;
  - e. Timing: how to create an expectation that debriefs will be conducted immediately after an incident, where appropriate, to encourage learning through debriefs without the fear of resulting sanctions;
  - f. Self-analysis: whether the incident was resolved with the least amount of force possible, as well as whether the officer experienced fear, anxiety, and other psychological and emotional effects during the encounter, and techniques for coping with those effects while trying to de-escalate a situation;
  - g. Direct Feedback: direct feedback to officers on incidents that could have been resolved with less or no force, including whether the officer considered inappropriate circumstances or failed to consider appropriate factors and any alternative force options that could have been employed;

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- h. Critical Incident Response: the importance of conducting debriefs in a manner that respects officers' mental health needs following an incident of serious bodily harm or lethal force, and the role of the Critical Incident Response Team;
  - i. Stigma: how to foster discussions regarding stereotypes or misconceptions about people in crisis that may have contributed to the officer's decision-making during the crisis situation; and
  - j. Valuing the Role of Debriefs: methods for creating a culture of debriefing and self-assessment within the Service, rather than a systemic perception of debriefing as a routine administrative duty.
21. The TPS develop a procedure that permits debriefing to occur on a real-time basis despite the existence of a Special Investigations Unit (SIU) investigation. The TPS should work with the SIU and appropriate municipal and provincial agencies to craft a procedure that does not interfere with external investigations and that maintains the confidentiality of the debriefing process in order to promote candid analysis and continuous education.
22. The TPS develop a network of mental health champions within the Service by appointing at least one experienced supervisory officer per division with experience in successfully resolving mental health crisis situations to:
- a. provide formal and informal divisional-level training, mentoring, and coaching to other officers;
  - b. lead or participate in debriefings of mental health crisis calls when appropriate;
  - c. provide feedback to supervisors and senior management on officers who deserve recognition for exemplary conduct when serving people in crisis and those who need additional training or coaching;
  - d. meet periodically with other mental health champions at various divisions to discuss best practices, challenges, and recommendations; and
  - e. report to the appropriate deputy chief or command officer on the above responsibilities.
23. The TPS establish an appropriate early intervention process for identifying incidents of behaviour by officers that may indicate a significant weakness in responding to mental health calls. Relevant data would include: propensity to draw or deploy firearms unnecessarily; use of excessive force; lack of sensitivity to mental health issues; insufficient efforts to de-escalate incidents; and other behaviours.
24. The TPS review its discipline procedure with regard to the following factors:
- a. Consistency: whether appropriate consequences are consistently applied to penalize inappropriate behaviour by officers in connection with people in crisis;
  - b. Appropriate Penalties: whether officers who demonstrate conduct inconsistent with the role of a police officer are appropriately disciplined, including through suspension without pay or removal from their positions when appropriate;
  - c. Supervisory Responsibility: whether there are appropriate disciplinary consequences for supervisors who fail to fulfil their duties to identify and rectify weaknesses in training or performance by officers subject to their oversight;
  - d. Use of Force Reports: whether the information recorded in previous Use of Force Reports could be used in determining the appropriate level of discipline in particular incidents involving excessive use of force; and

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- e. Legislative Reform: whether the factors listed above require the TPS to work with the provincial government to modify legislative or regulatory provisions.
25. The TPS create incentives for officers to put mental health training into practice in situations involving people in crisis, and to reward officers who effectively de-escalate such crisis situations. In this regard, the TPS should consider inviting community organizations or other agencies to participate in determining division-level and Service-wide awards for exceptional communications and de-escalation skills.
26. The TPS consider revising the process for performance reviews and promotions to:
- a. establish an explicit criterion that experience with people in crisis will be considered in making promotion decisions within the Service;
  - b. place a greater emphasis on crisis de-escalation skills such as communication, empathy, proper use of force, patience, and use of mental health resources; and
  - c. determine the appropriate use of information contained in Use of Force Reports in assessing an officer's performance and suitability for promotion or particular job assignments.
27. The TPS enforce, in the same way as other TPS procedures, those procedures that require an officer to attempt to de-escalate, such as Procedure 06-04: Emotionally Disturbed Persons. In particular:
- a. Professional Standards investigations under Section 11 of Regulation 267/10 under the Police Services Act should investigate whether applicable de-escalation requirements were complied with, and if not, a finding of contravention of Service Governance and/or misconduct should be made;
  - b. in appropriate cases, officers who do not comply with applicable de-escalation requirements should be subject to disciplinary proceedings; and
  - c. supervisory officers should be formally directed to
    - i. monitor whether officers comply with applicable de-escalation requirements, and
    - ii. take appropriate remedial steps, such as providing mentoring and advice, arranging additional training, making notations in the officer's personnel file, or escalating the matter for disciplinary action.
28. The TPS create a formal statement on psychological wellness for TPS members. This statement should:
- a. acknowledge the stresses and mental health risks that members face in the course of the performance of their duties;
  - b. confirm the Service's commitment to providing support for members' psychological wellness;
  - c. emphasize the importance of members attending to their mental health needs;
  - d. emphasize the importance of members monitoring the mental health of their colleagues, and assisting colleagues to address mental health concerns;
  - e. emphasize the role of supervisory officers in monitoring the mental health of those under their command, and in intervening to assist where appropriate;
  - f. set out the psychological wellness resources available to members of the Service; and

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- g. be accessible online and used in training at all levels of the Service.
29. The TPS consider whether to establish a comprehensive psychological health and safety management system for the Service.
  30. The TPS provide a mandatory annual wellness visit with a TPS psychologist for all officers within their first two years of service.
  31. The TPS consider providing less frequent periodic mandatory wellness visits with a TPS psychologist or other counsellor for all police officers or, if it is not immediately possible to provide wellness visits to all officers, for any officer who works as a first responder, coach officer, or supervisory officer. The TPS should also encourage all officers to seek counselling voluntarily.
  32. The TPS promote a greater understanding of the role and availability of the TPS psychologists, the EFAP [employee and family assistance program] and peer support groups as confidential resources that officers are encouraged to make use of to help them stay mentally healthy.
  33. The TPS consider whether it would be helpful to establish an Internal Support Network for people who have experienced a shooting or other traumatic incident, or more generally to help officers with work-related psychological stresses.
  34. The TPS consider creating a new procedure, substantially modelled after Procedure 08-05 "Substance Abuse" in order to address members' mental health, and specifically to require officers in supervisory roles to monitor for mental health concerns of TPS members under their command, in order to identify means of providing help for mental health issues before a fitness for duty issue arises.
  35. The TPS provide officers in supervisory roles with training specific to monitoring other officers' psychological wellness and guiding preventive intervention where it is warranted.
  36. The TPS revise its Use of Force Procedure to supplement the Ontario Use of Force Model and guidelines with best practices from external bodies such as the IACP, the United Nations, and other police services in order to:
    - a. incorporate approaches to minimizing the use of lethal force wherever possible;
    - b. increase the emphasis placed on the seriousness of the decision to use lethal force in response to a person in crisis;
    - c. further emphasize lethal force as a last resort to be used in crisis situations only where alternative approaches are ineffective or unavailable;
    - d. articulate the importance of preserving the lives of subjects as well as officers wherever possible;
    - e. recognize indicators of mental health crises as symptoms rather than threats to officer safety;
    - f. acknowledge that many mental health calls result from crisis symptoms rather than criminal behavior;
    - g. emphasize that police responding to people in crisis are usually required to play a helping role, not an enforcement role; and
    - h. articulate that communication with a person in crisis should be a default technique in all stages of assessing and controlling the situation and planning a response.



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37. The TPS regularly update its Use of Force Procedure to reflect best practices and the results of further research into the most effective means of communicating with people in crisis. In this regard, the TPS should seek alternative approaches for officers when a person in crisis does not appear to comprehend or have the ability to comply with the Police Challenge; and consider consulting with provincial agencies, the Ontario Police College, mental health experts, consumer survivors, and others with specialized experience to ensure that the Use of Force Procedure reflects best practices.
38. The TPS expand the availability of MCIT to provide at least one MCIT unit per operational division. The following matters related to expanding MCIT should be addressed, in cooperation with applicable Local Health Integration Networks and partner hospitals:
  - a. Hours: Whether MCIT service should be provided 24 hours per day;
  - b. First Response: Whether MCIT can act as a first response in certain circumstances; and
  - c. Alcohol and Drugs: Whether MCIT can respond to calls involving alcohol or drug abuse.
39. The TPS require all coach officers and supervisory officers to attend the training course designed for MCIT officers so that they gain greater awareness of mental health issues and the role of specialized crisis response.
40. The TPS encourage supervisory officers, coach officers, and others with leadership roles to promote awareness of the role of the MCIT program within the TPS so that all frontline officers know the resources at their disposal in helping a person in crisis.
41. The TPS, as part of training at the platoon level, include sessions in which MCIT units educate other officers on the role of the MCIT unit and best practices for interacting with people in crisis.
42. The Chief of Police strike an advisory committee, to advise the Chief of Police on how best to implement the recommendations contained in this Report. In this regard, I recommend:
  - a. Stakeholder Membership: The advisory committee should include leading members of key stakeholder groups, including hospitals, community mental health organizations, the police and those with lived experience of mental illness;
  - b. Limited Membership: The advisory committee should be of manageable size—large enough to provide adequate representation of stakeholder groups but small enough to be efficient;
  - c. Advisory Role: The advisory committee should play only an advisory role and should not have decision-making authority, unless the Chief of Police determines otherwise;
  - d. Defined Role: The role of advisory committee members should be defined in clear terms at the time of the creation of the advisory committee, so that there is no misunderstanding as to their function and authority;
  - e. In Camera Meetings: The discussions of the advisory committee should be held in camera in order to promote candour and collegiality, unless otherwise directed by the Chief of Police. Advisory committee members should agree as a condition of membership that they will not disclose the committee's discussions;
  - f. Communications with the Public: The advisory committee and its individual members should not advocate publicly or use the media as a vehicle for seeking to persuade the Chief of Police (or the TPS more broadly) to make specific decisions or to

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- criticize the TPS. The advisory committee should not be a political body but rather a true advisory body, with the effectiveness of its advice deriving from the quality of its membership;
- g. Staffing: The advisory committee should be provided with reasonable assistance by staff as needed, whether using existing TPS personnel or otherwise; and
  - h. Annual Reports: The advisory committee should prepare annual reports for the Chief of Police, summarizing the state of progress in implementation, any significant divergences between the advice of the committee and the decisions taken by the TPS in the past year, and major recommendations going forward relating to implementation, prioritization, scheduling, planning, resource allocation, public reporting, and related topics.
43. In order to ensure transparency and accountability during the implementation stage, the TPS issue a public report at least annually after the date of release of this Report, with the following contents:
- a. a list of recommendations implemented in whole or in part to the date of the report, with an explanation of what was done and when;
  - b. a list of those recommendations still to be implemented, with an indication of the anticipated timing of implementation;
  - c. if applicable, a description of resource constraints that affect the ability of the TPS to implement any recommendations, or the timing of implementation;
  - d. if applicable, a description of any other limitations on the ability of the TPS to implement any recommendations (such as lack of cooperation from other organizations, change in circumstances, etc.);
  - e. if applicable, a list of recommendations that the TPS decided not to implement at all, and an explanation of the reasons for decision;
  - f. if applicable, a list of recommendations that the TPS decided to implement in modified form (different from what was recommended in this Report), and an explanation of the reasons for decision; and
  - g. a discussion of any significant divergences between the advice of the advisory committee and decisions made by the TPS.
44. The Chief of Police and the Executive Management Team of the TPS play a significant leadership role in requiring implementation of the recommendations in this Report, and in encouraging (through leadership by example and otherwise) voluntary compliance.
45. The TPS appoint a senior officer to assume overall operational responsibility and executive accountability for the implementation of the recommendations in this Report, subject to the direction of the Chief of Police or the Chief's designate.
46. The TPS create an implementation team, led by the senior officer identified above and composed of those TPS members charged with responsibility to implement recommendations within specified areas of the Service (e.g., within the MCIT program, within Psychological Services, within the Toronto Police College, etc.).
47. The Chief of Police or [their] delegate appoint, within each TPS division and unit, at least one TPS member formally charged with responsibility for ensuring effective implementation of the recommendations in this Report at the division or unit level.

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48. In connection with those recommendations above that call for further study, examination, and analysis of specific issues:
- a. Stakeholder Input: Where appropriate, the TPS seek to involve representatives of affected stakeholders meaningfully in the work;
  - b. Deliverables: The TPS identify specific deliverables sought from those tasked with the work, and a timeframe for delivery; and
  - c. Reporting Requirement: There be a regular reporting requirement for any work taking place over an extended period, whereby the senior TPS officer in charge of implementation is kept informed regarding the progress of the work.
49. In connection with those recommendations above that call for the TPS to work with outside organizations such as government ministries, hospitals, and others, the TPS take a leadership role in forging and fostering the necessary relationships.
50. The TPS collaborate with academic researchers, hospitals, and others to evaluate the effectiveness of TPS initiatives undertaken as a result of this Review, including, where applicable, both quantitative and qualitative evaluations.
51. A follow-up review be conducted—whether by TPS personnel, by an independent review body, or by committee of interested stakeholders—in five years' time to assess the degree of success achieved in minimizing the use of lethal force in encounters between the TPS and people in crisis and to make further recommendations for improvement. I recommend that the results of that review be made public and that the reviewers be similarly tasked with developing recommendations for implementation.

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### **2.2.9. Chairperson-Initiated Complaint and Public Interest Investigation regarding Policing in Northern British Columbia (Civilian Review and Complaints Commission for the RCMP, 2017)<sup>129</sup>**

This review was initiated in 2013 in response to reports regarding policing in northern British Columbia, including the Missing Women Commission of Inquiry (summarized below in section 3.5.), and in response to several specific police-related incidents in the region. Northern BC is policed by the RCMP "E" Division North District, which includes 35 detachments and satellite offices. The review focused on the conduct of RCMP members in the region relating to cross-gender police searches, publicly intoxicated people, missing persons and domestic violence reports, the use of force, and files involving youth.

The Commission noted that human rights and civil liberties organizations had raised concerns that the RCMP in northern BC were failing to conduct thorough investigations, inconsistently applying intimate partner violence (IPV) policies, failing to conduct risk assessments, and improperly arresting women acting in self-defence. The Commission also noted that witnesses speaking to the Commission said that the police do not take action in domestic disputes "until something actually happens" and that the RCMP is slow to respond to calls regarding intimate

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<sup>129</sup> "Chairperson's Final Report after Commissioner's Response." Chairperson-initiated Complaint and Public Interest Investigation regarding Policing in Northern British Columbia (February 2017), <https://www.crcc-ccetp.gc.ca/pdf/northernBC-finR-en.pdf>. See also Bob Paulson. "Commissioner's Response to Interim Report." (July 2016) [northernBC-commResponse-en.PDF \(crcc-ccetp.gc.ca\)](https://www.crcc-ccetp.gc.ca/pdf/northernBC-commResponse-en.PDF) and Civilian Review and Complaints Commission. "Report on Policing in Northern British Columbia – Backgrounder." [Report on policing in northern British Columbia – Backgrounder | Civilian Review and Complaints Commission for the RCMP \(crcc-ccetp.gc.ca\)](https://www.crcc-ccetp.gc.ca/pdf/Report_on_policing_in_northern_British_Columbia_-_Backgrounder_Civilian_Review_and_Complaints_Commission_for_the_RCMP_(crcc-ccetp.gc.ca).).

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partner violence when there are no members present in the community or detachment office. The Commission reviewed a sample of occurrence reports involving IPV from 2011 and 2012. It found several problems with the supervision of members conducting IPV investigations. Non-commissioned officers (NCOs) interviewed by the Commission confirmed that inconsistent supervision of IPV files was a concern. They attributed these inconsistencies to vacancies in supervisory positions and the steep learning curve for new supervisors in the region. The Commission noted that the quality of IPV investigations improved markedly after supervisory positions were staffed and all Constable positions were filled.

The Commission noted that the RCMP Operational Manual contained a policy on intimate partner violence (referred to as “Violence in Relationships”). The policy directed RCMP members to investigate and document all complaints of violence in relationships. Member discretion was described as “very narrow”: IPV investigations are a priority, and members have a duty to lay or recommend charges if a Criminal Code offence has been committed. The policy highlighted the serious and unpredictable nature of IPV and reminded members to consider all options in determining the appropriate cause of action. Under the policy, supervisors are expected to closely monitor these investigations to ensure that all investigative procedures are taken and are required to recommend or approve the laying of charges and are required to document in writing a decision not to charge. Commanders must ensure these complaints are investigated and supervised and that appropriate action is taken. The national policy emphasized the need for prevention, enforcement, victims’ safety, and public safety. The Commission found that this policy provided appropriate guidance and ensured appropriate quality assurance and accountability. However, it noted that the policy stated that “if practicable,” the member should obtain victim and witness statements. The Commission recommended strengthening the requirement to obtain victim and witness statements except in exigent circumstances and requiring members to document the reasons they did not obtain the statements. The policy on seizing weapons in cases of IPV was also confusingly written and could be misleading.

The national RCMP policy also required each division to create its own divisional policy. The Commission reviewed “E” Division’s policy and found that it provided for adequate quality assurance and oversight of investigations into intimate partner violence cases. The “E” Division policy as described by the Commission was detailed and mirrored British Columbia’s IPV policy at the time.

The Commission also reviewed the training received by RCMP Cadets relating to IPV. Cadets at that time received a 32-hour module on IPV-related training, which was focused on the practical aspects of investigations and included exercises, readings and research, role plays, panel presentations, and discussion. The modules taught other subject matter at the same time, such as weapons assessments and witness interviews.<sup>130</sup> Although the Commission found that the training provided members with the basic skills and competencies to deal with IPV situations, it noted that the module dedicated only fifteen minutes to reviewing the national policy and advised cadets that local divisions may have more specific directions. The Commission did not state whether the training included any information on the social context of IPV or other issues, and it does not appear that risk assessment specific to intimate partner violence and gender-based violence was covered.

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<sup>130</sup> It is unclear from the description in the Report whether all of this training is focused on IPV or whether IPV is an ancillary or coincidental aspect of this training. For example, a session on witness interviews could use an IPV scenario but not teach techniques specific to IPV investigations.

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The Commission noted that all police officers in BC who may attend, follow up or supervise calls involving IPV (which is most if not all officers) were required to take two online, interactive IPV training courses provided by the provincial Ministry of Justice. The courses focused on proactive and collaborative approaches to IPV cases, documenting IPV cases, and promoting victim safety.

The Commission also found that the “E” Division North District officers had failed to promptly and thoroughly investigate nearly half of the missing persons reports they received from 2008 to 2012. There was also poor supervision in missing persons cases, and cases were often improperly coded, in some instances deliberately in order to avoid the paperwork required in cases coded as “missing persons” cases. The Commission also expressed concern about whether the RCMP in northern BC had in fact reviewed all unsolved cases of missing or murdered Indigenous women, as the RCMP had committed to do.

A review of the outcomes of apprehensions of Indigenous women for public intoxication showed that significantly more Indigenous women than Caucasian women were incarcerated and held until sober; more than four times as many Caucasian women than Indigenous women were taken home. There were similar results for Indigenous youth compared with Caucasian youth. However, the Commission stated it was unable to conclude from the data that there was differential treatment of Indigenous women and youth.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 21) That the RCMP ensure that yearly unit-level quality assurance and/or management reviews always include a review of violence in relationships investigations;
2. (Recommendation 23) That the RCMP amend section 2.2.4. of National Headquarters Operational Manual chapter 2.4. to enhance accountability by requiring members who do not obtain victim and witness statements to document the reasons they were not obtained;
3. (Recommendation 24) That the RCMP amend section 2.2.7. of National Headquarters Operational Manual chapter 2.4. to make it consistent with the search and seizure provisions in section 117.04. of the Criminal Code;
4. (Recommendation 31) That in the interest of promoting a standardized approach and to support effective, comprehensive, and coordinated responses to missing persons investigations, the RCMP consider making training on the revised national missing persons policy requirements mandatory for members in contract policing.

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#### **2.2.10. Independent Police Oversight Review (Ontario, 2017)<sup>131</sup>**

In 2016, the Government of Ontario appointed Justice Michael Tulloch of the Court of Appeal for Ontario to review the province’s three civilian police oversight bodies: the Special Investigations Unit (SIU), which investigates incidents involving police that cause serious injury or death to civilians; the Office of the Independent Police Review Director (OIPRD), which considers complaints about Ontario police officers by members of the public; and the Ontario Civilian Police Commission (OCPC), which is responsible for deciding appeals of disciplinary hearings by police officers. Justice Tulloch was required to identify measures to improve the transparency, accountability, effectiveness, and efficiency of these bodies. He was also asked to consider how

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<sup>131</sup> “Report of the Independent Police Oversight Review.” Submitted to the Attorney General of Ontario (31 March 2017), <http://www.policeoversightreview.ca/policereport.html>.

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they could improve interactions with Indigenous people and to consider additional specific questions about the staffing of these bodies, the legislative framework, information-sharing between these bodies, and the collection of demographic information. Although Justice Tulloch was not permitted by his terms of reference to comment on any specific case, this review was prompted in part by protests among members of the Black community following the 2015 death of Andrew Loku, a Black man with mental health difficulties. Police responding to a 911 call shot Mr. Loku within seconds of their arrival. Mr. Loku was holding a hammer at the time. The SIU concluded that the officer who shot Mr. Loku was justified in his use of force.<sup>132</sup> Justice Tulloch was not permitted by his terms of reference to comment on any specific case.

Justice Tulloch and his team held seventeen public consultations and over 130 private meetings, with a total of more than 1500 people in seven months. He travelled all over Ontario to do so. He also examined oversight bodies in other jurisdictions and considered past reports on Ontario's system of public oversight.

In his report, Justice Tulloch reviewed the history of policing in Canada. He noted that a fundamental principle of policing is that “the special authority bestowed on the police is at the behest of the public and is to be exercised in the public interest.”<sup>133</sup> This is the basis for public confidence in the police. Justice Tulloch then examined the history of policing in Black and Indigenous communities. He noted that “Indigenous-police relations are directly tied to a history of colonialism.”<sup>134</sup> Indigenous people are now less likely to engage with the police or their oversight bodies partly as a result of this history. Similarly, the relationship between Black Canadians and police was initially formed in the context of slavery in Canada, which was enforced through slave patrols. Black communities feel they have always been over-policed and stereotyped as criminals. Justice Tulloch concluded from his consultations that the distrust of police extends to police oversight bodies. The SIU rarely lays charges and provides little information to the public, and the OIPRD screens out most complaints or returns them to the police for investigation.

Ontario is policed by approximately 60 municipal police services and by the Ontario Provincial Police (OPP). The OPP patrols provincial highways, investigate major crimes that affect the province or country, and provides local police services for communities that do not have their own municipalities or that contract with the OPP, similar to the RCMP in most other provinces. Internal complaints are dealt with by municipal chiefs of police or by the OPP Commissioner. Ontario's police are governed by the Police Services Act.

Justice Tulloch noted that “[t]he public's voluntary conferral of powers on the police comes with a commensurate right to ensure that those powers are being used properly and effectively.”<sup>135</sup> He then reviewed the history of civilian oversight of police in Ontario. This history shows numerous efforts over several decades to find a satisfactory model of oversight. Institutions were created, reviewed, revamped, and replaced, against a backdrop of police shootings and allegations of police misconduct, particularly in Black communities in Toronto.<sup>136</sup> Justice Tulloch identified ten

<sup>132</sup> See the attachment to letter from Across Boundaries to Toronto Police Services Board dated July 14, 2020 (OCC Inquest – Loku 2017), [http://www.tpsb.ca/media/breezingforms/uploads/Letter\\_to\\_TPSB\\_July\\_14\\_2020\\_Attachments.docx](http://www.tpsb.ca/media/breezingforms/uploads/Letter_to_TPSB_July_14_2020_Attachments.docx).

<sup>133</sup> “Report of the Independent Police Oversight Review,” chapter 1, paragraph 5.

<sup>134</sup> “Report of the Independent Police Oversight Review,” chapter 1, paragraph 23.

<sup>135</sup> Para 35

<sup>136</sup> This history is set out in chapter 3, paragraphs 108–34.

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reviews and task forces that had issued recommendations on police oversight between 1988 and 2011.

### Special Investigations Unit

The Special Investigations Unit (SIU), established in 1990, investigates serious injuries and deaths where police officers are involved, including sexual assault. It can lay criminal charges against officers where there are reasonable grounds supporting the charge. At the time of Justice Tulloch's Report, the SIU was governed by the Police Services Act. It was established as a "unit" under the Ministry of the Solicitor General. In practice, it is allowed to operate as an arm's-length agency and functionally operates under the Ministry of the Attorney General. Its director is appointed by the Lieutenant Governor in Council and cannot be a former police officer. Investigators can be former police officers but cannot investigate members of police forces they have worked for. The SIU must be notified immediately of any incident that could fall within its mandate, and the scene must be secured for their investigators. Officers involved are separated from each other until after their interviews by the SIU. "Subject officers," who are those who appear to have caused the injury or death, do not have to provide their notes to the SIU or be interviewed. They may do so voluntarily. "Witness officers," who are those involved but are not subject officers, are required to provide their notes and be interviewed. Both subject and witness officers are entitled to have counsel present during interviews with the SIU.<sup>137</sup> If at the end of the investigation, the SIU director determines there are reasonable grounds to believe an officer has committed a criminal offence, the officer will be charged.<sup>138</sup> The Crown then screens the charge to consider whether there is a reasonable prospect of conviction and whether a prosecution is in the public interest. (Crown Attorneys conduct this screening for all charges in Ontario.) If the director decides not to lay a charge, they provide the Attorney General with a written report setting out the evidence and rationale for this decision. This report is typically seen only by the Attorney General. Out of 3932 incidents between 2002 and 2016, the SIU laid charges in 129 cases.

The SIU was established in 1990 following the shooting deaths of two black men by police, in order to improve public confidence in policing. However, Justice Tulloch noted that over 25 years later, Ontarians, particularly those from Indigenous, Black, and other racialized communities, suggested that this objective had not been achieved.

Justice Tulloch recommended that the SIU be made a separate agency, accountable to but arm's length from the Ministry of the Attorney General. This would make the SIU more accountable, as it would be required to post annual reports to the public and be subject to mandatory reviews. It would also enhance the SIU's independence. Although the SIU had been permitted to act independently, independence should not be left to the discretion of the minister of the day.

### Office of the Independent Police Review Director

The Office of the Independent Police Review Director (OIPRD) was created in 2009. It too is governed by the Police Services Act. The Director cannot have been a police officer, but former

<sup>137</sup> Civilians suspected of crimes do not have the right to have counsel attend interviews with the police. They can decline such interviews unless they are detained; if they are detained, they have the right to remain silent during an interview.

<sup>138</sup> The language of the statute was mandatory: "If there are reasonable grounds to do so in his or her opinion, the director *shall* cause informations to be laid against police officers in connection with the matters investigated and *shall* refer them to the Crown Attorney for prosecution." Police Services Act, s. 113(7), RSO 1990, c.P.15 (emphasis added).

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officers can work there. Members of the public may complain to the OIPRD about the conduct of any individual conduct or the policies or services of a police service. Some complaints are addressed through a voluntary process of mediation called “customer service resolution.” Where this process fails, or where complaints are not appropriate for this process, the complaints are screened by OIPRD staff. Those which are considered to be frivolous or vexatious, out of time, not in the public interest, or outside of the OIPRD’s jurisdiction are screened out. At any time, those complaints which do not allege serious misconduct may be resolved through a voluntary informal process.

Complaints relating to policies and services must be referred to the municipal chief of police, OPP Commissioner, or OPP detachment commander, who must then notify the OIPRD of their disposition.

Complaints related to conduct can be referred to the chief of police of the force to which the complaint relates, referred to the chief of police of a different force, or investigated by the OIPRD. The majority are referred to the chief of the relevant force. Complaints about chiefs or deputy chiefs are referred to the relevant police services board.

Where the complaint is referred to the chief of the relevant force or to the chief of another force, the force’s professional standards unit then investigates and provides a report to its chief. If the chief believes on reasonable grounds that the officer has engaged in misconduct or unsatisfactory work performance of a serious nature, there will be a disciplinary hearing. If the chief decides the complaint is not substantiated or that the conduct was not serious, the complainant, officer, the chief if the investigation was done by a different force, and OIPRD are notified and no further action is taken. The complainant may request the OIPRD to review the matter. If the OIPRD agrees with the complainant, it instructs the chief how to deal with the complaint. This can include directing the chief to hold a disciplinary hearing.

Where the OIPRD conducts its own investigation, it then provides a report to the chief of the relevant force. It must state whether it has substantiated the complaint and, if so, whether the misconduct or unsatisfactory work performance was serious in nature. Serious matters will proceed to a disciplinary hearing.

The disciplinary hearings that result from OIPRD complaints are conducted by police services in the same manner as internal disciplinary matters, which are considered employment matters. The chief designates the prosecutor and the hearing officer. If the prosecutor satisfies the hearing officer on clear and convincing evidence that the officer has engaged in misconduct (violation of the Police Code of Conduct or other activity set out in the legislation), the officer can be dismissed, demoted, suspended, reprimanded, or directed to undergo specified counselling or training. The officer and complainant both have a right of appeal to the Ontario Civilian Police Commission (see below). The chief of police and OIPRD do not have any rights of appeal. The OIPRD is not involved in the hearing.

The OIPRD also reviews systemic issues identified by public complaints, such as the use of force when interacting with people in crisis and canvassing the public for DNA samples.

### **Ontario Civilian Police Commission**

The Ontario Civilian Police Commission (OCPC) succeeded the Ontario Civilian Commission on Police Services, which in turn succeeded the Ontario Police Commission. It is an adjudicative body that hears police of police disciplinary decisions, determines budget disputes, and



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investigates the conduct of police officers, chiefs of police, and members of police services boards. It can also direct municipal police forces and police services boards to comply with policing standards and sanction those who fail to do so. It also approves municipal detention facilities and adjudicates appeals regarding officers who have been discharged or retired due to disability. Most of its work focuses on disciplinary appeals. The OCPC has the power to revoke or change a hearing officer's decision and can substitute its own decision or order a new hearing. It is governed by the Police Services Act.

### Overall Findings and Recommendations

Justice Tulloch made the following overall findings and recommendations:

The current legislative framework is a patchwork of amendments over the years. The Police Services Act largely focuses on labour relations for police officers, such as collective bargaining and pensions. The provisions about the oversight bodies are scattered throughout the statute and mixed in with internal governance provisions. Justice Tulloch found that the public must have confidence that the oversight bodies are independent, or they won't engage with those bodies. The appearance that the oversight bodies are part of the internal police discipline function erodes that confidence. He recommended that each oversight body be the subject of separate legislation. That would build public confidence in their independence. It would also make it easier for members of the public, particularly those with a complaint about police, to understand how the organization works. The new legislation should also be user-friendly and easy to understand.

All three oversight bodies should report to the Ministry of the Attorney General, as that is the ministry responsible for upholding the rule of law. The leadership and staff at all three oversight bodies must be socially and culturally competent. That competence requires an understanding of the community's history and relationship with police and police oversight. It also requires understanding the differential treatment experienced by women, racialized people, those affected by mental health issues and disabilities, and understanding the power imbalances in domestic relationships. He recommended the oversight bodies implement mandatory, comprehensive, and permanent training and evaluation programs to address these issues, in partnership with organizations working with women, LGBTQ communities, people with mental and physical disabilities, and race-based organizations. The success of these training programs should be tracked using key performance indicators. The organizations should also make efforts to recruit staff from diverse communities.

The SIU and OIPRD did not have security of tenure. Security of tenure is important for independence, as it promotes freedom from political interference. A director with a fixed term will not fear dismissal for speaking out about civilian oversight issues.

The SIU had struggled over the years to understand its public accountability function. Justice Tulloch believed this was in part due to the lack of diversity among its directors. Investigations had also been prioritized over public accountability (which was reflected in the fact that the current executive officer, responsible for both investigations and outreach, was a former police officer). Justice Tulloch recommended a new leadership structure and resourcing that would give more prominence to public accountability.

There was a lack of trust between the SIU and many communities it serves, particularly Black and Indigenous communities and people with mental health challenges, who have been disproportionately affected by incidents in which the SIU was involved. Better community outreach could improve that trust.

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There had also been serious delays in investigations, in part because the SIU director is responsible for all charging decisions.

Very few resources were directed toward supporting those people affected by the incident leading to the investigation, through referrals to counselling and victim support services and liaising with investigators. Investigators were generally not trained to deal with people experiencing grief and trauma, and they also often carried themselves like police officers, which could cause distress to affected people.

Justice Tulloch determined that although having former police officers acting as SIU investigators can lead the public to question whether they are biased in favour of the officers they investigate, they should not be prevented from doing so. He noted that no prior review had recommended that former police officers be barred from acting as SIU investigators, and all other oversight bodies in Canada and the United Kingdom employed former police officers. (He noted that most Canadian equivalents of the SIU have a blend of investigators who do not have a background in policing and those who do; Nova Scotia was the only province identified that did not employ any investigators with non-policing backgrounds.<sup>139</sup>) Justice Tulloch was of the view that the SIU should not prevent former officers from working as investigators but should increase the number of investigators who do not have a policing background. The SIU should also implement anti-bias measures into the recruitment, training, and evaluation of its investigators. He agreed with the conclusion reached by Stephen Lewis in his 1992 report on police oversight, in which he stated,

Criminal investigation takes years and years of experience to acquire, and in the process of investigation, there is equally the need to be intimately familiar with police culture. Independence must absolutely be assured, but it should be possible to find and attract skilled police criminal investigators of excellence, who would wish to join the Special Investigations Unit because they believe, above all, in a fair, law-abiding and incorruptible police force, and they're prepared to devote their careers to that end.<sup>140</sup>

Similarly, the OIPRD should also be less reliant on investigators who do not have policing background, particularly given that they do not undertake criminal investigations, and bias concerns should be addressed through recruitment, training, and evaluation initiatives.

He also recommended that SIU and OIPRD investigators be accredited, but not through the Ontario Police College, given that its investigation training is not designed to meet the requirements of oversight bodies.

Justice Tulloch noted that the Ontario Ombudsman has jurisdiction to hear complaints about the SIU. However, it cannot hear complaints about the OIPRD and OCPC. He recommended that its mandate extend to all three oversight bodies.

Justice Tulloch also made recommendations designed to strengthen the SIU's investigative capacity. He noted that the SIU complains that police often take a strict interpretation of their obligations to cooperate with investigations, and police complain that the SIU oversteps its mandate and powers. He there recommended that the SIU mandate be clarified in its governing legislation to specify the meaning of "serious injury," the officers over whom it has jurisdiction, and

<sup>139</sup> "Report of the Independent Police Oversight Review," chapter 4, paragraph 167. As of February 2022, according to the website of the Nova Scotia Serious Incident Response Team (SIRT), each of its investigators has a background in policing. Two are former RCMP officers, one is a seconded RCMP officer, and one is a seconded Halifax Regional Police officer. The Director is a retired judge. See <https://sirt.novascotia.ca/about>.

<sup>140</sup> Quoted in "Report of the Independent Police Oversight Review," chapter 4, paragraph 158.

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that the police duty to notify the SIU also be clarified. He also recommended that the SIU mandate be expanded to require them to investigate any incident in which a police officer has discharged a firearm at a person, whether or not it results in serious injury or death. The SIU should also be able to investigate any other matter involving police conduct when it determines it is in the public interest to do so, such as allegations of breach of trust, corruption, perjury or obstruction of justice, and systemic racism or discrimination. Justice Tulloch noted that this public interest mandate exists in a number of jurisdictions, including Nova Scotia.

Justice Tulloch concluded that although police attitudes towards the SIU had improved over the years, and many officers do assist investigations, the police duty to cooperate with investigations should be expanded and clarified in the governing legislation. As well, a policy that prohibited Crown counsel from relying on notes or statements from subject officers that were compelled during an SIU investigation, known as the “Harnick Directive,” should be revisited to determine if it remains consistent with related case law. The SIU should also be able to impose sanctions on any member of a police service if they fail to cooperate.

Justice Tulloch also concluded that despite the independence of the SIU, it was not seen as independent. In order to regain public trust, not only must it be effective at holding police accountable; it must also be seen to be effective at holding police accountable. If it is not, the public must be able to hold the SIU accountable, which requires transparency in its decision-making. The Report concludes, “There is an overwhelming need for greater transparency in cases where the SIU decides not to lay a charge.”<sup>141</sup> Prior reviews had recommended that the reports be made public, and the police themselves supported making them public. The SIU took the position that witnesses would be reluctant to come forward if they knew what they said would be made public. Witnesses were currently told by the SIU that anything they said would be kept confidential unless they consented or its release was required by law. Justice Tulloch recommended that SIU reports that do not lead to charges should be released in certain circumstances. These public reports should contain summaries of all relevant evidence, including witness statements, the relevant legal standards that were applied, and how the director made the decision. The reports could leave out identifying information about witnesses to address concerns about privacy. The SIU should also release reports, prepared by the Ministry of the Attorney General, about certain past decisions not to charge

Justice Tulloch also determined that when a subject officer is charged, they should be named in the SIU press release (noting that accused police officers do not enjoy any special status or privileges in court, and the fact of the charge and their name are part of the public record); but the names of subject officers who are not charged should not be released.

Justice Tulloch noted that effective oversight in Ontario depends in part on the willingness of members of the public making complaints against police officers. He said it is “no easy feat” for members of the public to do so. Many people had told Justice Tulloch during his consultations that they had experienced or witnessed misconduct by police but had never made a formal complaint. He concluded that this failure of the system to draw out meritorious complaints affects the legitimacy of the oversight regime. He identified a number of problems with the OIPRD, including a lack of resources, a lack of transparency and accountability, and a lack of accessibility.

People were reluctant to make complaints for five reasons. Some were not aware of the OIPRD and did not know there was an independent body to whom they could complain. Some mistrusted

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<sup>141</sup> “Report of the Independent Police Oversight Review,” chapter 6, paragraph 84.

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the process, particularly the fact that most complaints are referred to the police service for investigation; some feared reprisals by the police, including a belief among vulnerable communities that police would refuse to respond to calls for service or would respond with abuse and violence. Members of Black and Indigenous communities were particularly concerned about complaining against police, given their historical experience with police. Many, including legal professionals, believed it was not worth the effort, given the small number of complaints that lead to a hearing and the perceived minor nature of the penalties imposed when officers were found guilty of misconduct. The lack of supports for complainants also deters them from filing, particularly for members of vulnerable groups such as people with mental health problems, newcomers to Canada, and the homeless. Justice Tulloch made a number of recommendations to improve the public awareness of and perception of the OIPRD, including changing its name, public awareness campaigns, and broadening its mandate to conduct investigations without a complaint where it is in the public interest.

He also noted that the OIPRD, unlike many other police complaints bodies, had the power to screen out complaints that were, in the Director's opinion, not in the public interest to investigate. Justice Tulloch recommended that either the "public interest" ground for screening be eliminated or its meaning be set out in legislation. He also recommended that people not directly affected by the conduct or policy in question be able to bring complaints, noting it would be efficient and appropriate for community groups and legal aid clinics to bring forward complaints about conduct affecting their clients. He also recommended that the OIPRD have jurisdiction to investigate complaints against chiefs, deputy chiefs, the OPP Commissioner and deputy Commissioner, stating that their differential treatment under the current legislation undermines public confidence in the complaints process.

Justice Tulloch also addressed the OIPRD's practice of referring the investigation of complaints back to the relevant police service or a different police service for investigation. This referral occurs with the majority of complaints, meaning that the police are largely investigating the police. For example, in one year, the OIPRD referred 950 conduct complaints to the officer's own service for investigation; investigating only 161 itself. It referred seven complaints to a different police service. This is because the OIPRD was never resourced to be the main investigator of public complaints against the police; rather, it was intended largely to oversee the complaints process. It is not resourced to investigate all public complaints. Justice Tulloch recommended that over the course of five years, the OIPRD mandate and staffing be changed so it can independently investigate all complaints about police. "Independent and impartial investigation of complaints will help foster public trust in not only the complaints system but policing more generally."<sup>142</sup>

Justice Tulloch also recommended a new process for cases where the OIPRD concludes that the complaint warrants disciplinary proceedings. He concluded that there was a consensus among the public and the police that it is not fair and does not appear to be fair or impartial to have the chief of police choose both the prosecutor and adjudicator when complaints about police go to a hearing. Instead, Justice Tulloch recommended a process whereby the OIPRD would lay a disciplinary charge, which would then be prosecuted or settled by an independent public complaints prosecutor. These prosecutors would be legally trained, and selected and employed by the Ministry of the Attorney General in order to enhance their independence from the police. They would have discretion to withdraw charges, similar to Crown Attorneys. The disciplinary charge would be heard by an independent tribunal, which Justice Tulloch described as a "renewed" OCPD. The OIPRD would not have standing at the hearing, in order to preserve its

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<sup>142</sup> "Report of the Independent Police Oversight Review," chapter 7, paragraph 153.

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role as the independent investigator of complaints. Complainants would likely be witnesses but would not have to carry the prosecution or otherwise participate.

The independence of the adjudicator was crucial. Justice Tulloch noted:

Members of the public have legitimate concerns about the current system. They are baffled by an independent civilian agency that turns public complaints over to the police service being complained about, to be adjudicated by an individual selected by the police chief. Independent adjudication of public complaints by the OCPC will eliminate these bad optics and promote a fairer, more transparent process.<sup>143</sup>

Given its role in hearing appeals of disciplinary decisions, the OCPC, which is independent and has the expertise to hear public complaints, would be able to take on the role of hearing officers. Its members are typically cross-appointed to other tribunals, are appointed through a merit-based process, and trained in administrative law principles. Its decisions should be publicly posted and subject to judicial review, like other tribunal decisions.

The Police Complaints Act required the OIPRD (or chief, if the conduct was referred back to a police service) to lay a disciplinary charge within six months of commencing an investigation. Justice Tulloch recommended that this limitation period be abolished and recommended that regular administrative law principles should apply to address concerns about undue delay.

The OIPRD was required to advise complainants, as well as police officers and chiefs, when it screened out a complaint or determined it was not substantiated. The OIPRD also had a practice of providing reasons to complainants when it substantiated complaints, but this practice was not legislated. Justice Tulloch recommended that it be legislated.

Justice Tulloch also recommended that the OIPRD be given additional resources, including investigators with specific relevant training, to conduct systemic reviews of policing issues, such as response to protests, sexual assault reporting, and systemic racism. Those reports should be made public, and the OIPRD should be empowered to require a response to its recommendations from the appropriate chief of police within six months.

Justice Tulloch also made recommendations to enhance the coordination of overlapping investigations and proceedings, such as investigation by the SIU of an injury to a person who is at the same time the subject of a criminal investigation by the police, and information-sharing and cross-referrals by the various oversight bodies. He also recommended that many of the labour relations and policy-related functions legislated in the Police Services Act as belonging to the OCPC, such as approval of policing budgets and categorization of police for collective bargaining purposes, be eliminated in favour of the appropriate ministries and labour relations bodies.

Justice Tulloch was also asked to identify ways to improve Indigenous–police relations. After reviewing the history of police enforcement of anti-Indigenous laws and policies, he wrote:

Given the role of police in enforcing laws and policies of control and assimilation against Indigenous peoples, it is not surprising that the relationships between Indigenous peoples and the police have been poor. These negative tensions have persisted, despite more recent efforts to more actively engage and collaborate with Indigenous peoples on policing issues.

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<sup>143</sup> “Report of the Independent Police Oversight Review,” chapter 8, paragraph 51.

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Indeed, over the past several decades, a number of reports, inquiries, and commissions have highlighted the troubled relationship between Indigenous peoples and the police. They have generally been critical of the police, noting the police's insensitivity to cultural considerations when working with Indigenous peoples, lack of engagement with Indigenous communities, and alienation of Indigenous peoples from policing and the justice system.

The systemic under- and over-policing of Indigenous peoples historically and today has caused a deep sense of mistrust and stigmatization in Indigenous communities. The overrepresentation of Indigenous peoples in the criminal justice system, both as victims and offenders, has further strained the already damaged relationship between Indigenous peoples and the police. The treatment of Indigenous peoples by the police has contributed to a sense of distrust and estrangement from the police and criminal justice system as a whole.<sup>144</sup>

After reviewing the complex arrangement of policing of Indigenous communities in Ontario, including some First Nations policing programs, Justice Tulloch identified a number of barriers to the effective oversight of police in Indigenous communities. These included: lack of awareness of options for bringing complaints forward; distrust of the oversight system; lack of representation, sensitivity, and cultural competency in the leadership or staff of oversight organizations; inaccessibility, particularly for Indigenous people living in remote communities or who do not speak English or French; and fear of retribution. Consultation participants also described SIU investigators failing to speak with Indigenous witnesses or engage with their communities. They also identified a significant gap in oversight: First Nations constables (most of whom are not Indigenous) have many of the powers of police officers but are not subject to the existing oversight mechanisms. This gap was seen as further evidence of discrimination against Indigenous people. Justice Tulloch noted that a study had shown in 2006 that Indigenous peoples represented 7.1 percent of all civilians involved in SIU investigations, despite comprising only 1.7 percent of the provincial population.

Justice Tulloch responded to these concerns by recommending significant and comprehensive education on cultural competency within the oversight bodies, increased outreach to and partnership with Indigenous communities and organizations, and increased efforts to recruit and promote Indigenous staff, including in leadership positions. He also noted that cultural competency must exist in the policies and culture of these organizations, not just among individual staff. He therefore recommended that the oversight bodies develop a culturally competent approach to service delivery. Finally, he recommended that they implement ongoing auditing to measure the success of these initiatives.

Justice Tulloch noted that many prior reviews had identified the lack of oversight for First Nations constables and police forces as a problem. He recommended that the province consider whether to expand the mandate of the oversight bodies to include First Nations policing, he but noted that this should be done in consultation with First Nations and that individual First Nations should have the ability to opt out.

Justice Tulloch next considered whether the oversight bodies should collect demographic data. He determined that they should and that this data should include information about the gender, age, race, religion, ethnicity, mental health status, disability, and Indigenous status of complainants and alleged victims. This approach, which has been adopted in other jurisdictions and in other sectors, would support evidence-based public policy, promote accountability, and

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<sup>144</sup> "Report of the Independent Police Oversight Review," chapter 10, paragraphs 21–23.

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could build public confidence in both policing and the oversight of policing. Justice Tulloch noted that conversations about racial profiling and police bias were, to date, based largely on anecdotes. Police, policymakers, and advocacy organizations should have data with which to conduct research, identify patterns, and determine the extent and nature of systemic issues. Justice Tulloch recommended the creation of an advisory committee to assist the oversight bodies to determine the best practices for this data collection and publication. This advisory committee should include stakeholders such as civil rights organizations, community groups, law enforcement, as well as academics, the Human Rights Commission, Anti-Racism Directorate, and the Information and Privacy Commissioner.

Finally, Justice Tulloch considered other mechanisms for strengthening police oversight. He recommended improvements to municipal police service boards through improved selection criteria and training. He also recommended the creation of a professional regulatory body for police that would be similar those for colleges of teachers, physicians, and other regulated professions. He noted that a college of policing had been recently established in England and Wales. Justice Tulloch was of the view that this body would not replace the existing oversight mechanisms but would complement them by promoting a culture of professionalism within the police. The establishment of a college of policing in Ontario could assist in changing the police culture and help standardize the training and promotion criteria across the province:

Many stakeholders from inside and outside the police community commented on the indoctrination into police culture which begins as early as initial training. That culture traditionally has been White, male, and hyper-masculine.

Stakeholders told me that training emphasizes traits such as physical strength, stoicism, and loyalty to fellow officers. While those traits are admirable and may be beneficial to the work of a police officer, they should not overwhelm other traditional traits such as empathy and compassion. These other traits are also necessary for officers to engage with the public in a respectful and cooperative manner.

Moreover, I was told that not all police services have the same training and professional development expectations for their officers. For example, all new police officers must complete the basic recruit course from the Ontario Police College. But some police services require additional training before an officer will be hired. And the education and training from the recruit stage onwards often appears to be driven by the particular needs of the individual police services, not by a consistent, province-wide professional standard.

Similarly, the requirements needed to enter and continue in the profession of policing in Ontario remain largely static, ill-defined, and inconsistent. A police officer may be promoted for various reasons. Unlike some other professions, there is no standard educational requirement or degree of professional competence required to move up the professional ladder. One police service, for instance, may have certain expectations or requirements for an officer to attain a particular rank that are not shared by other police services.

The College of Policing would partner with educational institutions to create a curriculum for a professional degree in policing, including education on social and cultural competency, policing vulnerable communities, mental health, intimate partner violence, and anti-racism. This curriculum would be taught at a revamped Ontario Police College. The College of Policing would also do the following:

1. Develop entry level academic requirements for police officers;
2. Set standards for the admission and licensing, promotion, and removal of members of the police profession;

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3. Maintain a public registry of its accredited members in a way that is similar to other regulated professional bodies;
4. Develop performance expectations and standards for professional development and accreditation;
5. Deliver social and cultural competency programs for police officers and ensure ongoing professional development and competence; and
6. Develop a set of ethical and professional standards and ensure that officers and police services comply with these standards.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 4.1) The laws on the civilian police oversight bodies should be set out in a statute, and regulations made under that statute, dedicated to civilian police oversight, and separate from the Police Services Act.
2. (Recommendation 4.2) The SIU should be recognized as an arm's length agency accountable to the Ministry of the Attorney General.
3. (Recommendation 4.3) The oversight bodies should develop and deliver mandatory social and cultural competency programs for their staff. Those programs should be developed and delivered in partnership with the communities they serve and organizations supporting those communities.
4. (Recommendation 4.4) There should be ongoing recruitment and development of people from communities under-represented within the oversight bodies, including in senior and leadership positions.
5. (Recommendation 4.5) The SIU director and the Independent Police Review Director should be appointed for a five-year term of office. A person may be re-appointed as director for a second five-year term but may not serve more than two terms. A director's appointment may not be terminated, except for cause.
6. (Recommendation 4.6) When appointing the SIU director, the following additional factors should be considered:
  1. The candidate's understanding of the SIU's dual functions of effective investigations and public accountability;
  2. The candidate's understanding of the needs and concerns of the community of stakeholders the SIU serves; and
  3. The added value that a candidate's work or cultural background would bring to the organization.
7. (Recommendation 4.7) The SIU should have a deputy director of investigations and a deputy director of operations and communications.
8. (Recommendation 4.8) The SIU should create a public accountability office responsible for public communications and should be provided with adequate resources for this function.
9. (Recommendation 4.9) The SIU should enhance its services to affected persons and should be provided with adequate resources for this function.
10. (Recommendation 4.10) Affected persons support staff should make initial contact with affected persons who are not witnesses. They should maintain ongoing, proactive communication with all affected persons throughout an investigation.
11. (Recommendation 4.11) The SIU should enhance its community outreach and should be provided with adequate resources for this function.



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12. (Recommendation 4.12) The legislation should be amended to provide the following:
- The director or deputy director of investigations may lay charges;
  - The deputy director of investigations may not be a person who is a police officer or former police officer; and
  - The deputy director of investigations may designate a person, other than a police officer or former police officer, as acting deputy director of investigations to exercise the powers and perform the duties of that deputy director if that deputy director is absent or unable to act.
13. (Recommendation 4.13) Salaries paid to SIU investigators should be comparable to those paid to other investigators.
14. (Recommendation 4.14) The SIU should actively recruit civilian investigators with relevant experience who were not former police officers.
15. (Recommendation 4.15) At least 50 percent of the non-forensic investigators on an investigative team at the SIU should be investigators with no background in policing.
16. (Recommendation 4.16) The OIPRD should actively recruit civilian investigators with relevant experience who were not former police officers. No more than 25 percent of the OIPRD's investigators should be former police officers.
17. (Recommendation 4.17) The SIU and OIPRD should incorporate anti-bias measures into their recruitment, training, education, and evaluation of investigators.
18. (Recommendation 4.18) There should be a standardized education program to accredit SIU and OIPRD investigators.
19. (Recommendation 4.19) The required qualifications and accreditation of an oversight investigator should be set out in a regulation.
20. (Recommendation 4.20) The Ombudsman should have jurisdiction over all three police oversight bodies.
21. (Recommendation 5.1) "Serious injuries" should be defined in the legislation in accordance with the Osler definition.
22. (Recommendation 5.2) The mandate of the SIU should include all incidents involving the discharge of a firearm by a police officer at a person.
23. (Recommendation 5.3) The SIU should have the discretion to conduct an investigation into any criminal matter when such an investigation is in the public interest. When deciding whether an investigation is in the public interest, the SIU should consider the following:
- i. if there is a request to investigate from a chief of police, a police services board, the Attorney General, or the Minister of Community Safety and Correctional Services;
  - ii. if the conduct in question involves allegations of criminal fraud, breach of trust, corruption, obstruction of justice, perjury, or another serious criminal offence; or
  - iii. if the matter is potentially aggravated by systemic racism or by discrimination.
24. (Recommendation 5.4) The SIU should have the discretion to lay charges for any criminal or provincial offence uncovered during an investigation.
25. (Recommendation 5.5) The SIU's mandate should include investigations of auxiliary members of a police force and special constables employed by a police force.

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26. (Recommendation 5.6) The legislation should explicitly state that the SIU's mandate includes the investigation of former police officers and matters that pre-date the establishment of the SIU.
27. (Recommendation 5.7) The requirements for police notification of the SIU should be set out in legislation which should provide the following:
- The SIU must be notified of all incidents in which death or serious injury to a person may have resulted from the conduct of a police officer.
  - "Serious injuries" include any injury that is likely to interfere with the health or comfort of the victim and is more than merely transient or trifling in nature, including injuries resulting from sexual assault.
  - Without limiting the generality of the foregoing, serious injury will be presumed when the victim:
    - i. is admitted to hospital;
    - ii. suffers a fracture to a limb, rib, or vertebrae or the skull;
    - iii. suffers a dislocation;
    - iv. suffers burns to the body;
    - v. loses any portion of the body;
    - vi. suffers temporary or permanent loss of vision or hearing; or
    - vii. suffers serious soft tissue injuries.
  - The SIU must be notified of all incidents involving allegations of sexual assault against police officers.
  - The SIU must be notified of all incidents involving the discharge of a firearm by a police officer at another person.
  - Where a prolonged delay is likely before the seriousness of the injury can be assessed, the SIU must be notified so that it can monitor the situation and decide on the extent of its involvement.
28. (Recommendation 5.8) The general requirements of the duty to cooperate with the SIU, as well as the timing of that requirement, should be set out in the legislation. In particular, the legislation should stipulate the following:
- i. The duty to cooperate arises immediately upon SIU involvement; and
  - ii. The duty to cooperate requires the police to comply forthwith with directions and requests from the SIU.
29. (Recommendation 5.9) The general types of information or evidence that the SIU is normally entitled to receive, as well as any restrictions on the information or evidence the SIU can request, should be set out in the legislation.
30. (Recommendation 5.10) The legislation should clarify that "notes on the incident" means the duty notes written by a police officer during an SIU investigation.
31. (Recommendation 5.11) The legislation should explicitly specify that the duty to cooperate with the SIU applies to civilian members of a police force, special constables employed by a police force, and auxiliary members of a police force.
32. (Recommendation 5.12) The legislation should include a provincial offence for failing to cooperate with an SIU investigation punishable by fine, imprisonment, or both.
33. (Recommendation 5.13) SIU interviews of witness officers should be audio or video recorded unless, in the SIU's opinion, it would be impracticable to do so.

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34. (Recommendation 5.14) The legislation should provide that the SIU may provide a copy of the record of a witness officer's interview to the witness officer if, in the SIU's opinion, it is appropriate to do so and on conditions that the SIU deems to be appropriate.
35. (Recommendation 5.15) A subject officer's notes on an incident prepared before SIU involvement should be produced to SIU investigators upon request.
36. (Recommendation 5.16) The Attorney General's directive granting immunity for subject officers' notes and statements in SIU prosecutions should be re-assessed in light of subsequent jurisprudential developments.
37. (Recommendation 6.1) At the end of an investigation, the SIU should release the name of a subject officer if the officer is charged.
38. (Recommendation 6.2) The names of witness officers should not be released.
39. (Recommendation 6.3) The names of civilian witnesses should not be released.
40. (Recommendation 6.4) The legislation should provide that the SIU reports to the public on every investigation.
41. (Recommendation 6.5) For cases where the SIU is notified but does not invoke or withdraws its mandate, the SIU should report in summary the reasons for its decisions as part of its annual report.
42. (Recommendation 6.6) For cases that result in a criminal charge, the SIU should release the following information:
- i. the officer's name;
  - ii. the offence charged and date of charge; and
  - iii. details about the officer's next court appearance.
43. (Recommendation 6.7) For cases that do not result in a criminal charge, the SIU should release the director's report to the public.
44. (Recommendation 6.8) For cases that do not result in a criminal charge, the director's report should include the following elements:
- an explanation why the incident falls under the SIU mandate;
  - a summary of the investigative process, including an investigative timeline;
  - a summary of the relevant evidence considered, including (i) physical evidence, (ii) forensic evidence, (iii) expert evidence, and (iv) witness evidence, which would include any evidence obtained from the subject officer;
  - any relevant video, audio, or photographic evidence of the incident in question, modified to the extent necessary to remove identifying information;
  - an explanation for why any of the evidence listed above was not included in the report;
  - a detailed narrative of the event;
  - the reasons for the director's decision, including (i) the reasons for preferring some evidence over other contradictory evidence, (ii) an explanation of any relevant legal standard, and (iii) an explanation why the conduct did not meet the standard for laying charges; and
  - a statement on whether the matter has been referred to the OIPRD as well as whether there were any issues with cooperation relating to the investigation.
45. (Recommendation 6.9) For cases that do not result in a criminal charge, the director's report should not include the following information:

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- names of subject officers, witness officers, affected persons, or civilian witnesses (or any other evidence or information identifying them to the public);
  - any information that, in the discretion of the director, could lead to a risk of serious harm;
  - any information disclosing confidential police investigative techniques and procedures;
  - any information whose release is otherwise prohibited or restricted by law; and
  - any information that could identify a victim of sexual assault.
46. (Recommendation 6.10) For cases that do not result in a criminal charge, the director's report should be published online on the SIU website. Copies of the report should be provided to (i) the affected person or their next of kin, (ii) any subject officer, (iii) the chief of any involved police service, and (iv) the Attorney General.
47. (Recommendation 6.11) The legislation should be amended to allow the SIU to make public statements during an investigation when the statement is aimed at preserving public confidence, and the benefit of preserving public confidence clearly outweighs any detriment to the integrity of the investigation.
48. (Recommendation 6.12) The Attorney General should release past reports in the following circumstances:
- in all incidents in which a person died, prioritizing cases in which there was no coroner's inquest, subject to the privacy interests of the deceased's family;
  - in any incident on request of the affected person or, if the affected person is deceased, a family member of the affected person; and
  - on request of any individual when there is significant public interest in the incident reported on, subject to the privacy interests of the affected person or, if the affected person is deceased, the privacy interests of that person's family.
49. (Recommendation 6.13) Past reports should exclude the information set out in recommendation 6.9. Whenever possible, editorial notes should provide a summary of what the excluded information was about and an explanation for why it was necessary to remove it.
50. (Recommendation 6.14) The SIU should aim to conclude investigations, including any final reporting to the public, within 120 days. If the SIU has not concluded an investigation within 120 days, it should report to the public on the status of the investigation. The SIU should further report on the status of the investigation every 60 days thereafter, until the investigation has concluded.
51. (Recommendation 6.15) The Coroners Act should be amended to require that the coroner hold an inquest when a police officer's use of force, including use of restraint or use of a firearm, is a direct contributor to the death of an individual.
52. (Recommendation 6.16) The coroner should retain discretion to hold an inquest in cases where a police officer is involved in an individual's death, but that police officer's use of force was not a direct contributor to the death. For those cases, the coroner should provide written reasons to the public if the coroner decides not to hold an inquest.
53. (Recommendation 6.17) The government should provide funding for legal assistance to represent the interests of the spouse, parent, child, brother, sister, or personal representative of the deceased person at the coroner's inquest in SIU cases.
54. (Recommendation 7.1) The OIPRD should be renamed. The name should be easily understood and better reflect the OIPRD's core functions.

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55. (Recommendation 7.2) The OIPRD should expand its public outreach program. The program should target both the general public and community organizations that serve vulnerable people.
56. (Recommendation 7.3) The complaint process should be easily accessible to all members of the public wherever they reside in Ontario.
57. (Recommendation 7.4) The OIPRD, together with community groups and organizations, should provide assistance to public complainants to help navigate the complaints process. This assistance should be offered from the initial intake through to final disposition of the complaint.
58. (Recommendation 7.5) Resources should be designated and made available to community groups and organizations to assist complainants through the complaints process.
59. (Recommendation 7.6) The OIPRD should receive and investigate public complaints concerning special constables employed by a police force and auxiliary members of a police force.
60. (Recommendation 7.7) A person should be prohibited from making a complaint if it appears that the person is acting as a proxy for a person otherwise prohibited from making a complaint.
61. (Recommendation 7.8) Police associations should be prohibited from making complaints regarding a police force or member of a police force within the jurisdiction of the police association.
62. (Recommendation 7.9) The Ministry of Community Safety and Correctional Services should review the process for members of a police service to make internal complaints to ensure there are effective whistleblower protections.
63. (Recommendation 7.10) A chief of police should be able to request that the OIPRD investigate a complaint, without the approval of the police services board.
64. (Recommendation 7.11) The OIPRD should have the discretion to conduct an investigation without a public complaint in any of the following circumstances:
- if the SIU, a chief of police, or a police services board has referred a matter to the OIPRD for investigation;
  - if a public complaint has been made, and the OIPRD investigation reveals potential misconduct or policy or service issues other than those raised by the complaint itself;
  - if the complainant has withdrawn a complaint, but there is a public interest in continuing the investigation; or
  - if there is a public interest in initiating an investigation.
65. (Recommendation 7.12) Early resolution of complaints should be encouraged through the development and operation of alternative dispute resolution programs.
66. (Recommendation 7.13) The legislative grounds allowing the OIPRD to screen out complaints should be updated to reflect the fact that complaints are presumptively screened in, and that sufficient reasons need to be provided where they are screened out.
67. (Recommendation 7.14) The “public interest” ground for screening out complaints should be removed or, if retained, legislatively defined.
68. (Recommendation 7.15) The OIPRD should be given discretion to screen out complaints, or terminate the investigation of complaints, when investigation or further investigation is not necessary or reasonably practicable.

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69. (Recommendation 7.16) Third party complainants should be allowed to file complaints. The OIPRD's discretionary grounds for not dealing with a third party complaint should be narrow.
70. (Recommendation 7.17) The OIPRD should have sole responsibility for screening complaints against a municipal chief of police or a municipal deputy chief of police, and should notify the police services board of its decision.
71. (Recommendation 7.18) The OIPRD should have sole responsibility for screening complaints made against the OPP Commissioner and OPP Deputy Commissioners and should notify the Minister of Community Safety and Correctional Services of its decision.
72. (Recommendation 7.19) The OIPRD should track complaints to identify officers who are the subject of multiple complaints and complainants who file multiple complaints without merit.
73. (Recommendation 7.20) Within five years, the OIPRD should be the sole body to investigate public conduct complaints.
74. (Recommendation 7.21) The OIPRD should receive funding and resources commensurate with its new responsibility to investigate all public conduct complaints.
75. (Recommendation 7.22) Over the next five years, until the OIPRD is able to conduct all public conduct complaint investigations, the OIPRD should be able to refer complaints to police forces for investigation. During this interim period, the OIPRD should be solely responsible for laying disciplinary charges and should have the authority to order further investigation or to take over an investigation conducted by a police force.
76. (Recommendation 7.23) The OIPRD should be solely responsible for investigating complaints against municipal chiefs of police, the OPP Commissioner, and their deputies.
77. (Recommendation 7.24) The OIPRD should have the discretion to retain service or policy complaints in appropriate circumstances.
78. (Recommendation 7.25) The OIPRD should be vested with the power to lay disciplinary charges against police officers.
79. (Recommendation 7.26) The "serious/not serious" and "substantiated/unsubstantiated" terminology for public complaints should be abolished.
80. (Recommendation 7.27) The general requirements of the duty to cooperate with the OIPRD, as well as the timing of that requirement, should be set out in the legislation. In particular, the legislation should stipulate the following:
  - i. The duty to cooperate arises immediately upon OIPRD involvement; and
  - ii. The duty to cooperate requires the police to comply forthwith with directions and requests from the OIPRD.
81. (Recommendation 7.28) The general types of information or evidence that the OIPRD is normally entitled to receive, as well as any restrictions on the information or evidence the OIPRD can request, should be set out in the legislation.
82. (Recommendation 7.29) The duty to cooperate with the OIPRD should specifically extend to civilian members of a police force, special constables employed by a police force, and auxiliary members of a police force.
83. (Recommendation 7.30) The legislation should include a provincial offence for failing to cooperate with the OIPRD punishable by fine, imprisonment, or both.
84. (Recommendation 7.31) The provincial government should request that the federal government amend the Youth Criminal Justice Act to permit the OIPRD to access records.

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85. (Recommendation 7.32) The six-month limitation period for serving a notice of hearing for disciplinary matters should be eliminated for public complaints.
86. (Recommendation 7.33) Decisions of the OIPRD should be transparent to complainants, police officers who are the subject of a complaint, and police chiefs of the forces to which the complaint relates.
87. (Recommendation 7.34) The OIPRD should collect and publish summary information on the outcomes of all public complaints.
88. (Recommendation 7.35) The OIPRD should work towards performance metrics, reportable to the public, to ensure timely completion of its work.
89. (Recommendation 7.36) The OIPRD should communicate periodically with involved parties about the status of a complaint and inform them of its outcome as soon as is practicable.
90. (Recommendation 7.37) The OIPRD should make the results and recommendations of systemic reviews in the form of a written report. The report should be available to the public.
91. (Recommendation 7.38) The OIPRD should have the authority to designate in writing one or more chiefs of police to respond to recommendations from a systemic review. The designated chief of police or chiefs of police should be required to respond in writing to the OIPRD as soon as is feasible, but in any event within six months.
92. (Recommendation 7.39) The OIPRD should monitor complaints and publish the results of disciplinary charges, including the outcomes and penalties imposed.
93. (Recommendation 8.1) Independent public complaints prosecutors who work at the Ministry of the Attorney should prosecute public complaints. After the OIPRD lays a disciplinary charge, the independent public complaints prosecutor should be given carriage of the file.
94. (Recommendation 8.2) The OIPRD and public complainants should not have standing at disciplinary hearings, but may seek leave to intervene. Other interested parties also may seek leave to intervene.
95. (Recommendation 8.3) The OCPC should conduct all first instance hearings of public complaints.
96. (Recommendation 8.4) Internal complaints should be governed by the Police Services Act. Consideration should be given to what role, if any, the OCPC should have in the internal disciplinary process and how the internal and public disciplinary processes interact.
97. (Recommendation 8.5) Rights of review of a decision of the OCPC from a first instance hearing of a public complaint should be confined to the right of judicial review by the litigants in the Divisional Court.
98. (Recommendation 8.6) After the OIPRD lays a disciplinary charge, the independent public complaints prosecutor should have the power to settle the complaint.
99. (Recommendation 8.7) Prior to holding a disciplinary hearing, the OCPC should have the authority to direct that the parties engage in alternative dispute resolution.
100. (Recommendation 8.8) Disciplinary hearing decisions from the OCPC should be released as soon as practicable and made available to the public.
101. (Recommendation 9.1) The SIU investigation should take priority over all other investigations. When there is a parallel criminal investigation, a memorandum of understanding between the SIU and the police services should set out the mechanics of the

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investigations. When there is a parallel civil investigation, the investigation should stand down at the discretion of the SIU.

102. (Recommendation 9.2) At the conclusion of the SIU's case, the SIU should deliver a copy of its investigative file to the OIPRD on request, subject to any privacy and confidentiality conditions.
103. (Recommendation 9.3) Section 11 reports should be made public, subject to the same considerations for SIU director's reports set out in recommendation 6.9.
104. (Recommendation 9.4) Police services should provide section 11 reports to the OIPRD for review. The OIPRD should have the discretion to publicly comment on a section 11 report and the authority to direct further investigation, require further explanation or amplification, and lay conduct charges.
105. (Recommendation 9.5) The requirement to commence a section 11 investigation "forthwith" should be eliminated. The section 11 investigation and report should be completed as soon as reasonably practicable.
106. (Recommendation 9.6) The legislation should authorize the SIU to comment on and refer conduct matters to the OIPRD and policy and service matters to the chief of police of the relevant force. Any cross-referral should be noted in the SIU's public report.
107. (Recommendation 9.7) The legislation should authorize the OIPRD to refer matters potentially falling within the SIU's jurisdiction to the SIU.
108. (Recommendation 9.8) In addition to conducting all first instance hearings from public complaints, the OCPC should adjudicate any other proceeding as directed by the Ministry of Community Safety and Correctional Services and the Ministry of the Attorney General.
109. (Recommendation 9.9) The OCPC's authority to approve the establishment, maintenance, and regulation of municipal detention facilities under section 16.1 of the Police Services Act should be eliminated.
110. (Recommendation 9.10) The OCPC's powers relating to the adequacy and standards of police services under sections 9, 23, and 24 of the Police Services Act should be eliminated.
111. (Recommendation 9.11) The OCPC's investigative, inquiry, and reporting powers under sections 25 and 26 of the Police Services Act should be eliminated.
112. (Recommendation 9.12) The OCPC's powers regarding budgetary disputes and the structure of police services under sections 5(1)(6), 6, 8, 9, and 40 of the Police Services Act should be eliminated.
113. (Recommendation 9.13) The OCPC's power to hear appeals from employees of a police force discharged or retired for becoming disabled under section 47 of the Police Services Act should be eliminated.
114. (Recommendation 9.14) The OCPC's appointment, suspension, and termination powers with respect to First Nations Constables under section 54 of the Police Services Act should be eliminated.
115. (Recommendation 9.15) The OCPC's power to direct internal complaints under section 78 of the Police Services Act should be eliminated.
116. (Recommendation 9.16) The OCPC's powers to conduct employment status hearings and approve the creation of different bargaining units under sections 116 and 118 of the Police Services Act should be eliminated.



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117. (Recommendation 9.17) Requests to the OCPC for review of decisions concerning complaints relating to incidents which occurred before 2009 must be made to the OCPC within the next two years, after which time they can no longer be made.
118. (Recommendation 10.1) The oversight bodies should develop and deliver in partnership with Indigenous persons and communities mandatory Indigenous cultural competency training for their staff. This training should be a permanent and ongoing commitment within each organization, and include the following:
1. A substantial course about Canada's Indigenous communities, with a focus on Ontario's Indigenous communities, including, but not limited to their history, culture, spirituality, language, and current issues. This training must be consistent, comprehensive, and available to all staff, especially those coming into contact or working with Indigenous peoples; and
  2. Key performance indicators to track outcomes and success.
119. (Recommendation 10.2) The oversight bodies should increase outreach to Indigenous communities and establish meaningful and equitable partnerships with Indigenous organizations.
120. (Recommendation 10.3) There should be ongoing recruitment and development of Indigenous persons at the oversight bodies, including in senior and leadership positions.
121. (Recommendation 10.4) The oversight bodies should implement a culturally-competent approach to service delivery.
122. (Recommendation 10.5) The oversight bodies should develop an ongoing audit process to assess the implementation and effectiveness of cultural competency and institutional change.
123. (Recommendation 10.6) Consideration should be given to expanding the mandates of the oversight bodies to include First Nations policing, subject to the opting in of individual First Nations.
124. (Recommendation 11.1) Ontario's police oversight bodies should collect demographic data on matters falling within their respective mandates. Relevant demographic data should include gender, age, race, religion, ethnicity, mental health status, disability, and Indigenous status.
125. (Recommendation 11.2) An advisory committee should be established to develop best practices on the collection, management, and analysis of relevant demographic data.
126. (Recommendation 12.1) The Ministry of Community Safety and Correctional Services should establish selection criteria for police services board appointees.
127. (Recommendation 12.2) The Ministry of Community Safety and Correctional Services should develop mandatory training for police services board members. This training should be developed in partnership with the Ontario Association of Police Services Boards and post-secondary institutions with expertise in the areas of public sector and not-for-profit governance.
128. (Recommendation 12.3) Consideration should be given to establishing a College of Policing similar to that in operation in England and Wales.
129. (Recommendation 12.4) Working with post-secondary institutions, a task force or advisory group should be created to evaluate, modernize, and renew police studies and law enforcement-related course offerings across post-secondary institutions. Consideration

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should be given to updating the Ontario Police College curriculum, including through the creation of a post-secondary degree in policing.

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### 2.2.11 Halifax, Nova Scotia: Street Checks Report (Nova Scotia Human Rights Commission, 2019)<sup>145</sup>

In the wake of public concerns about the role of race in police traffic stops in Halifax, the Nova Scotia Human Rights Commission commissioned this report by Dr. Scot Wortley of the University of Toronto's Centre for Criminology and Sociolegal Studies. Dr. Wortley consulted with members of Nova Scotia's Black community and police officials, conducted a community survey, conducted a literature review on racial profiling, police surveillance practices and police-community relations, and analysed "street check" data provided by the Halifax Regional Police.

Most participants in the consultations with members of the Black community considered "street checks" to include all situations in which police stop and question civilians, such as traffic stops or approaches on the street or in public places. Some participants were aware of the police practice of documenting encounters with civilians for intelligence purposes. They were concerned about the existence of this dataset, as it marks members of the Black community as "known to the police." Members of the Black community also reported a high frequency of involuntary contacts with police, either of themselves or of family and friends, and viewed them as random, arbitrary and unfair. They also reported stops of their young children and youth. Many identified racial bias or racial profiling as the cause of these stops. Participants also reported rude treatment by police during these stops, and reported open hostility and threats of arrest when they questioned the police about the grounds for these stops. They felt intimidated and complied with police directions out of fear of the consequences of non-compliance. Participants also noted that these unfair police stops of Black Nova Scotians had been happening for decades.

Black Nova Scotians said they were reluctant to report crime to the police or cooperate with investigations. They believed that the police would not investigate crime involving Black people, and worried that the police would then target the victim of the crime for harassment or arrest. Some participants reported positive interactions with police, and expressed appreciation for the difficulties involved in police work. However, few expressed any optimism that the situation would improve. Many participants also viewed the inquiry itself as a public relations exercise whose recommendations would be ignored. Older members of the Black community said they had seen many similar inquiries and reports, none of which had led to significant change.

Dr. Wortley and the Nova Scotia Human Rights Commission also conducted an internet-based community survey of Halifax residents in 2018. Most of the roughly 500 respondents were young or middle-aged white men. Black respondents had less trust and confidence in the local police than White respondents. Almost all Black respondents, and the majority of White respondents, believed that the police treat Black people worse than White people and that police racial profiling is a problem in the Halifax region. However, Black respondents were much more likely to believe that profiling is a "big problem" than White respondents. Black respondents, particularly men, were much more likely to report that they had recently been stopped and questioned by the police than White respondents. Black respondents were much more likely than White respondents to report that they themselves – and their family members and friends – had been victims of racial profiling by the police. Two-thirds of Black respondents reported that they had had at least one

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<sup>145</sup>"Street Checks Report" [https://humanrights.novascotia.ca/sites/default/files/editor-uploads/halifax\\_street\\_checks\\_report\\_march\\_2019\\_0.pdf](https://humanrights.novascotia.ca/sites/default/files/editor-uploads/halifax_street_checks_report_march_2019_0.pdf)

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negative experience with the police, compared to only one-third of White respondents. The vast majority of both Black and White respondents believed that policing in the Halifax region can be improved. However, White respondents were more likely to defend the police against allegations of racial bias and suggest that police reform is unnecessary. As with the community consultations, some respondents expressed doubt that meaningful reform would take place in the near future.

Halifax Regional Police and RCMP officers and officials generally identified street checks as a specific intelligence-gathering event, in which police record information that may be relevant to future investigations or crime prevention. They said these checks can be helpful to identify potential suspects, locate missing persons, discover breaches of parole, probation or release conditions, identify people who may be a threat to officer safety in future, or clear individuals of suspicion. They can also identify whether a person applying to be a police officer has associations with known offenders. They often do not involve any direct communication, as officers will enter information they observe into the data system without speaking to the person they are observing. Many officers admitted that street checks can be “low quality”, due to poor training, little feedback from supervisors, and pressure to complete a certain number of street checks regardless of the quality or relevance of the information obtained. The officers explained the over-representation of Black people in street checks as reflecting the “reality” that Black people are more likely to be victims of violent crimes, and are more likely to live in poor, high-crime communities. Police therefore spend more time patrolling Black communities. Some of the officers acknowledged that racial stereotyping and unconscious bias on the part of some individual officers could contribute to the over-representation of Black people in street checks.

Participants in the police consultations agreed that Black civilians have less trust and confidence in the police than white civilians and agreed that at the least, there is a perception of racism and racial bias within law enforcement. Some denied that there was racism in law enforcement, and expressed fear of false allegations when interacting with members of the Black community. Some blamed police leadership for failing to explain the purpose of street checks. Others understood that frequent police checks of a Black civilian would lead to mistrust and resentment, and acknowledged that some officers do not communicate respectfully during these encounters. Some participants also stated that there is some racism within the police and that some officers do violate civil rights during street checks. However, they said they would be ostracized if they reported these incidents.

None of the officers recommended a ban on street checks. They did make recommendations to improve the quality of street checks, including removing incentives to conduct them. Officers also made many of the same recommendations as the survey respondents and Black community consultation participants, including increasing diversity within policing, screening recruits for racial bias, improving police communications, empowering officers to report unprofessional or illegal conduct on the part of their colleagues, and improving community policing and outreach. None of the officers made any recommendations about improving police oversight.

The report concluded with a statistical analysis of the frequency, targets and utility of street checks in Halifax. This analysis concluded that within the Halifax region, Black people, particularly young Black men, were grossly over-represented in police street check statistics. Although overall street check numbers had declined significantly in recent years, racial disparities had not diminished. Black individuals with no criminal record are twice as likely to experience a street check as whites with no criminal record, and Black individuals with extensive criminal charge histories are much more likely to experience multiple street checks than white individuals with similar records. Residential location does not appear to account for the over-representation of Blacks in police street check statistics. Racial disparities exist in all Halifax census tracts. There are more street

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checks of Black people in predominantly white communities than there are in communities with a relatively high Black population. Dr. Wortley also concluded that there was very little evidence that street checks lower crime. Dr. Wortley also noted that over the previous decade, the number of Black men in Halifax who were charged with a crime was staggering – the equivalent of one third of the entire Black male population of the city.

Dr. Wortley was unable to determine what proportion of these racial disparities are caused by racial profiling rather than racially neutral police practices. He concluded that overt racism only explains a small proportion of these disparities, while unconscious racial bias can influence officers' beliefs as to who deserves police attention or appear to be suspicious. Officers also target the poor, the young, men, and members of racial minorities as being more likely to be involved in crimes. Police deployment practices can also have a disproportionate impact on Black communities. Dr. Wortley questioned whether racial differences in police practices, including street checks, contribute to the grossly disproportionate rates at which Black men are charged with crimes in Halifax. Given that street checks also erode trust in the police and have little effect on crime or public safety, he concluded that the costs of street checks are greater than the benefits.

Dr. Wortley made recommendations to enable either an outright ban on street checks, or new regulations and practices to reduce the potential for profiling and breaches of civil rights while maintaining the practice. He did not make a recommendation as to which of these options would be preferable.

Dr. Wortley briefly referred to concerns raised by consultation participants about the police complaints process, which he set out in the body of his recommendation on that issue.

The Halifax District RCMP published an interim report (undated) in response to the report setting out its efforts to meet the recommendations.<sup>146</sup> In October 2019, the Government of Nova Scotia issued an update on the implementation of the recommendations<sup>147</sup> and ultimately issued a directive banning all forms of street checks in the province.<sup>148</sup>

### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- [Assuming street checks are banned] A committee, consisting of both police officials and community members, should be formed to assess the impact of the street check ban on police-community relations and public safety. This committee should also explore the possible re-branding or re-naming of street checks or the shifting of street check information into other data fields (i.e., general occurrence reports).
- The HRP and RCMP should develop a protocol that will screen new recruits for both cultural competency and racial bias. The importance of this recommendation is reinforced by new research which suggests links between right-wing extremist groups and law enforcement and the possible infiltration of White supremacists into both policing and the military.

<sup>146</sup>"Halifax District RCMP Interim Report on Recommendations in the Halifax, Nova Scotia: Street Checks Report" (undated) <https://www.rcmp-grc.gc.ca/en/ns/publications/halifax-district-rcmp-interim-report-recommendations-the-halifax-nova-scotia-street-checks-report>

<sup>147</sup> <https://novascotia.ca/just/publications/docs/Wortley-Report-Update.pdf>

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<https://novascotia.ca/news/release/?id=20211202001#:~:text=The%20Province%20has%20strengthened%20the,is%20subjected%20to%20the%20practice.>

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- The HRP and RCMP should continue to develop and implement mandatory anti-bias, cultural competency and race relations training.
- The HRP and RCMP should continue to develop and implement training modules designed to educate police officials about local Black history and the contemporary social and law enforcement concerns of the Black community. These modules should be delivered, on-site, by Black community members. Such efforts will give members of the Black Nova Scotian community a stake in police training strategies and could help build mutual understanding, empathy and compassion.
- Although mandatory, a potential weakness with current anti-bias training strategies is the lack of officer performance evaluation. In other words, officers only have to “take” these training courses, they do not have to “pass” them. Anti-bias training can, therefore, be viewed as a box that must be ticked rather than a skill-set or knowledge-base that must be learned. Thus, it is recommended that the HRP and RCMP develop a testing or evaluation strategy for all anti-bias, cultural competency or race relations courses. Such a testing strategy will ensure that officers take these training opportunities seriously and increase the likelihood that teaching objectives will be met.
- It is recommended that both the HRP and RCMP continue to hire police officers from diverse backgrounds and that police services continue to reflect the racial/ethnic makeup of the communities they serve. It is recognized that the Halifax Regional Police is already more racially diverse than the population it serves. This trend should be both celebrated and continued.
- It is recommended that Black and other minority officers be promoted to positions of upper management within both the HRP and Halifax region RCMP. Both community members and police participants maintained that minority officers must be promoted to upper management before they can have a positive impact on police culture and police practices. It was suggested that appointments to the police executive would also have great symbolic value and could contribute to an improve police-community relationship.
- It is recommended that both the HRP and RCMP devote more time and resources to community policing efforts. Both community members and police officials stressed that the police should get to know better the people they are policing, and that the community should get the chance to know the police. It was stressed that this could be accomplished if officers were stationed in the same communities for sustained periods of time (i.e., several years). It is also recommended that the police, in conjunction with community leaders, organize more social opportunities in which community members and police officers can interact and learn about each other. Individual police officers are also encouraged to participate, off duty, in community activities (i.e., church, sports events, festivals, etc.) so that they could develop relationships with community members. Such participation will likely send a positive message to community members and “humanize” the police profession.
- It is recommended that the police establish more community-level detachments like the one recently developed in North Preston. Such local detachments should operate seven days a week, twenty-four hours a day. In the absence of local detachments, it is recommended that both the HRP and RCMP deploy more community liaison officers to cultivate local relationships, develop local knowledge and act as mediators between the community and regular patrol officers.
- It is recommended that a committee – consisting of community members, police officials and government stakeholders – be formed to study the strength and integrity of the current police complaints process. Both the HRP (Police Complaints Commission) and the RCMP

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(Commission for Public Complaints) have independent police complaints bodies. However, during consultations, community members expressed serious doubts about these organizations.

Community concerns included:

1. A lack of community awareness about how to file a complaint;
2. The inability to file verbal complaints;
3. The inability to file 3rd party complaints;
4. The six-month time period for filing;
5. A lack of independent complaint investigation and adjudication (i.e., the fact that complaints are returned to the police service in question for internal investigation, deliberation and disciplinary decisions);
6. A lack of transparency with respect to the investigative process and the rationale behind complaint decisions, and
7. A confusing, convoluted appeals process.

Some community members expressed that they had previously filed a complaint against the police and found the process to be confusing, frustrating and unfairly biased in favour of the police. All stated that, as a result, they would never file a complaint against the police again. The proposed committee should examine these issues and make recommendations for improving the current police complaints system and increasing community confidence in the complaints process.

As part of the police oversight process, the government should also consider creating and funding an African Nova Scotian Legal Advocate or Legal Clinic. Such an organization would help Black youth and adults negotiate the police complaints process and provide them with legal advice on other criminal justice matters. The creation of such a body might also serve to increase confidence in the overall criminal justice system.

- It is recommended that the HRP and RCMP develop additional training modules that will improve officer adherence to the principles of procedural justice and ensure respect for civil rights during all civilian encounters. Such training should focus on developing officer communication skills and their ability to explain lawful police actions to civilian actors.
- It is recommended that the HRP and RCMP develop new policies to address the police code of silence and empower officers who challenge the illegal or unprofessional activities of their colleagues. Officers should receive continual training with respect for both existing and emerging departmental regulations. Punishment for the violation of these regulations should be clearly communicated and consistently enforced.
- It is recommended that the HRP and RCMP develop a new performance evaluation system that explicitly rewards officers for their community policing efforts, their ability to work effectively with diverse communities and their ability to develop relationships of trust with community members from various backgrounds. Performance indicators should be clearly articulated and communicated to all police officers and further entrenched in the promotion process.
- It is recommended that the HRP and RCMP fully engage in efforts to evaluate the effectiveness of all anti-bias initiatives and community building strategies – including anti-bias training and community policing protocols. Evaluation should take the form of continued data collection on street checks and other policing outcomes. Changes with respect to public trust and confidence in the police should be monitored through ongoing community consultations and periodic surveys. The police should engage with objective, outside experts to develop

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evaluation methodologies and analytic strategies. The results of evaluation projects should be fully disseminated to the public.

- It is recommended that a committee – consisting of community members, police officials and government officials – be formed to monitor progress towards the implementation of the recommendations produced by this report, or additional policy initiatives that emerge post-release. This committee should report to the Police Board of Commissioners by September 2020.
- Finally, it is recommended that the Government of Nova Scotia, and the Nova Scotia Human Rights Commission, extend their examination of racial bias beyond police street checks to other aspects of policing and the broader criminal justice system. Statistics reveal that Black Nova Scotians are significantly over-represented in both the provincial and federal correctional systems. It is important to determine the extent to which this over-representation reflects possible biases at each stage of the criminal justice process: from police surveillance and charge practices to remand decisions, plea bargaining, conviction rates, sentencing and parole outcomes. A small degree of racial bias at each stage of the criminal justice funnel can result in gross racial disparities within the correctional system. This inquiry could begin by mandating the collection of race-based statistics within policing, the criminal courts and corrections.

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#### 2.2.12. Independent Review of the Manitoba Police Services Act (2020)<sup>149</sup>

This review was conducted in accordance with the provisions of Manitoba's Police Services Act (2009), which requires that the Minister of Justice undertake a comprehensive review of the Act within five years of its enactment. The Minister of Justice retained the Community Safety Knowledge Alliance to conduct the review. The review explored whether the Police Services Act (PSA) supports the delivery of police services in a professional, transparent, and effective manner; and considered whether amendments should be made. The review conducted a literature and documentation review, focusing on the context of policing; an analysis of the Act and regulations and comparisons with legislation and police oversight in several other provinces; stakeholder consultations; and qualitative and quantitative data analyses.

The Report identified increasingly complex and interconnected trends in the context of Canadian policing, including the changing nature of crime, emerging technologies, increasing complexity of criminal investigations, a move toward multidisciplinary collaborative approaches to community safety, and escalating police costs. It also noted that calls for improved police accountability, responsiveness, and transparency are magnifying longstanding social justice and equity problems in Canada, including economic disparities, mental health, and addictions, gender-based violence, racial discrimination, and the overrepresentation of Indigenous people in the justice system.

The Report identified the expanding role of communities and other actors in providing for their own safety. Crime-prevention strategies involving community and inter-agency collaboration are now preferable for forward-looking policymakers.

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<sup>149</sup> "Final Report: Independent Review of the Manitoba *Police Services Act* (2009)." Community Safety Knowledge Alliance (September 2020), [https://www.manitoba.ca/asset\\_library/en/proactive/2020\\_2021/Independent-Review-Manitoba-Police-Services-Act-Sept2020.pdf](https://www.manitoba.ca/asset_library/en/proactive/2020_2021/Independent-Review-Manitoba-Police-Services-Act-Sept2020.pdf).



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Increasingly, policing services and community safety are no longer the purview of isolated institutions; they have instead become part of a wider network of government services, community groups, and non-profit and private organizations, often involved directly in crime prevention and local safety initiatives.<sup>150</sup>

The Report discussed the differences in urban and rural policing, as well as the differences in crime in urban and rural areas. Rural crime rates are 30% higher than urban crime rates across Canada, and higher still in the prairies. Indigenous people are also disproportionately likely to be homicide victims and to be accused of murder. Costs of policing are rising. Manitoba residents are significantly less likely than residents of other parts of Canada to state that police are effective at ensuring the safety of residents, responding promptly to calls, treating people fairly, or enforcing laws. They are also less likely to have confidence in the RCMP or their local municipal force than other Canadians. Members of Indigenous and visible minority communities have less confidence in police than other parts of the population. Manitoba also has a very high rate of Criminal Code incidents per officer compared to other Canadian jurisdictions. The associated workload may prevent officers from engaging in crime prevention efforts. The Report emphasized the need for police to be structured and organized so as to be able to respond and adapt to change and challenges, as illustrated by the recent demands on policing of the COVID-19 pandemic.

The Report noted the significant effect that policies and legislation enacted by governments have on policing reform. The Reviewers cited a 2018 study which found that political cycles are key drivers of change in policing and which identified “the typical four-year political cycles where decisions made by these governments can impact the operations of the police, courts, and corrections for generations unless overturned by the next government” as a key challenge.<sup>151</sup> The Report also identified a number of barriers to change in police agencies, including workplace demographic factors, resource limitations, organizational culture and inertia, resistance to change, inadequate police leadership, and police associations. The Report identified the following additional obstacles to police reforms:

Many police reforms fail because they were not properly conceptualized or communicated, were inadequately funded or supported, or were poorly implemented (Schafer & Verano, 2017). Some reforms are based on ideas developed by civilians that do not account for the nature of police work or organizational culture (Skogan, 2008). Other changes are launched by politicians who lose interest in supporting these reforms several years after their introduction, and these reforms flounder.

As a result, some police leaders are reluctant to engage in changes, which leads to organizational inertia. Canadian research has found that organizational inertia and resistance to change were among the most significant barriers to reforms identified by police officers and agency stakeholders (Duxbury et al., 2018).

One reason why there is such a history of failed changes is the lack of a clear vision for the future of policing, although many academics and police contend that policing needs to be reimagined, reinvented, or transformed (Gascon & Fogelson, 2010; Lum & Nagin, 2017; Millie & Bullock, 2012). For example, a growing number of scholars and policymakers believe the police need to engage more in partnerships in order to respond to the

<sup>150</sup> “Final Report: Independent Review of the Manitoba PSA,” p. 3.

<sup>151</sup> “Final Report: Independent Review of the Manitoba PSA,” p. 33, citing L. Duxbury, C. Bennell, M. Halinski, & S. Murphy. (2018) “Change or Be Changed: Diagnosing the Readiness to Change in the Canadian Police Sector” *Police Journal: Theory, Practice and Principles* 91(4): 316–38.



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entrenched social problems that are the source for individuals and families at risk of harm or engaging in crime.<sup>152</sup>

The Report noted that one form of community partnership, the “hub” model of co-location and collaboration of services<sup>153</sup>, was well entrenched in Manitoba as well as in other parts of Canada.

The Manitoba Police Services Act was enacted in 2009 partly in response to an inquiry into the police-involved death of Crystal Taman and the subsequent investigation.<sup>154</sup> The new Act, which replaced legislation in place since 1987, was intended to modernize police governance and oversight. It established the Manitoba Police Commission, municipal and First Nations police boards, and the Independent Investigation Unit (IIU). After reviewing the legislative framework for policing in Ontario, British Columbia, and Saskatchewan, the Independent Reviewers considered the feedback from their consultations as to the effectiveness of the Police Services Act. Although it was generally seen as a significant improvement on the old legislation, the Reviewers identified the following areas for improvement:

Under the PSA, the minister is responsible for ensuring “adequate and effective policing” in the province. That standard of “adequate and effective policing” is also the standard that police services, police boards, and policing standards must meet. The Director of Policing, who acts under the general direction of the minister, is responsible for the oversight and supervision of police services and coordinating policing across Manitoba. The Director may also issue standards, directives, or guidelines to promote “adequate and effective policing.” However, the term “adequate and effective policing” was not defined in the Act or its regulations. This made it difficult to establish standards. Indigenous stakeholders also raised concerns about the ambiguity and lack of relevance of the term in their communities. Other jurisdictions used the same term but provided more specific definitions.

The Report identified serious deficiencies in the development of police standards under the PSA. The existing standards were outdated, and there were no standards relating to evidence and disclosure, police equipment, use of force, critical incidents and emergency response teams, police pursuits, major case management, and training. The report stated:

The importance of creating a fulsome and comprehensive legislative and standards framework cannot be overstated. An effective structure will support and promote the delivery of adequate and effective policing; reduce overall risks, including unnecessary litigation; and enhance public trust in the police. An effective standards framework will also contribute to improving police legitimacy and help police services adapt to an increasingly complex operating environment.<sup>155</sup>

The Report noted that New Brunswick and Alberta had comprehensive and up-to-date policing standards, which were also easy to use.

<sup>152</sup> “Final Report: Independent Review of the Manitoba PSA,” p. 34.

<sup>153</sup> For more information on hub models in the policing context, see <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/nvnr/dtis-en.aspx?i=10015>

<sup>154</sup> Crystal Taman was a 40-year-old mother of three who was killed in Winnipeg when her car was hit by a truck driven by an off-duty police officer. The officer was charged with several offences, including impaired driving causing death. The Crown’s agreement to a guilty plea to dangerous driving causing death, and a mild sentence, led to an inquiry. See “Taman Inquiry into the Investigation and Prosecution of Derek Harvey-Zenk” (2008), <http://www.tamaninquiry.ca>.

<sup>155</sup> “Final Report: Independent Review of the Manitoba PSA,” p. 53.

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There was also no uniform code of conduct for municipal officers. The provisions of the Act providing for compliance inspection had also not been enacted. The role of the Manitoba Police Commission (MPC), which is designed to provide advice to the minister on regulations, including prescribing standards for police services and officers, was also unclear. Its budget and signing authority were directly controlled by the ministry, limiting its independence. Its advice on modernizing standards and regulations had been largely ignored. Stakeholders suggested that the MPC should have an independent inspection or audit function for police boards.

The establishment of police boards under the Act was seen as a positive development, although there was some concern about conflict between the police service and police board, or between the police board and municipal council. Municipal councils designate the chair and vice chair of the police board and can revoke the appointments of chairs and council members on the boards at any time, raising concerns about the boards' independence from councils. The boards' actual power was seen as limited, as was their ability to create community safety plans. The Report noted that stakeholders identified Ontario's recent requirement that municipalities develop community safety plans as a positive development and "repeatedly pointed to the evolving nature of threats to community safety and the important role that more strategic and collective plans can play in addressing such risks."<sup>156</sup> Municipal stakeholders, in contrast, thought that police boards should be abolished or at least not be mandatory.

Police service delivery resources were over-extended, particularly in rural communities facing methamphetamine problems. Although RCMP delivery was outside the scope of the Report's work, the Reviewers noted that stakeholders in communities where police services were provided by the RCMP believed that constrained resources within the RCMP had an adverse effect on the sense of safety in their communities. They also raised concerns that the recent shift in the RCMP policing model, whereby resources were centralized, would lead to greater problems with police coverage and response time. The development of alternative community safety resources was therefore a major concern. Funding models for policing did not address rising policing and community safety costs. Stakeholders, particularly municipalities, identified a number of alternative forms of service delivery that could relieve the pressure on police. First Nations Safety Officers were in place in First Nations communities. Community Safety Officers had been established in one municipality, Thompson, and had authority to assist police in noncriminal matters such as implementing crime prevention initiatives, connecting social service providers with members of the public in need of their assistance, and maintaining community presence. The Report recommended that they be permitted to assist in criminal matters that did not involve enforcement, such as guarding crime scenes. The Report also recommended that Manitoba adopt a program similar to Alberta's Peace Officer Program, which allows the provincial government and municipalities to employ peace officers for a range of duties including highway traffic enforcement, prisoner transport, fraud investigations, school security, bylaw enforcement, nonurgent calls for service, property damage, assisting police investigations, and conflict resolution. They are subject to provincial standards and training and have distinctive uniforms and vehicle markings. Their salaries are significantly lower than those of sworn police officers. The Report also recommended that municipalities be required to incorporate Community Safety and Well-Being Planning for inter-agency cooperation to reduce risk and harm, as had been successfully implemented in other jurisdictions.

Although the PSA confirms First Nations policing arrangements and includes provisions for community safety resources such as First Nation Safety Officers, the PSA does not directly affect

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<sup>156</sup> "Final Report: Independent Review of the Manitoba PSA," p. 42.

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policing in Indigenous communities. The only First Nation police service in the province operates with its own legislative and regulatory framework. The MPC is required under the Act to have a Métis member, but the Act does not require Métis involvement in any other institution or body responsible for police oversight such as police boards. There was a strong view among stakeholders that there should be more Indigenous representation on police oversight bodies. Stakeholders raised concerns about the rigidity and complexity of funding models for First Nations policing. Those models made it difficult to launch new community safety programs or plan and pay for critical infrastructure and capital programs. First Nations Safety Officers are critical to ensure the safety of First Nations communities, particularly in the north, but are not adequately funded. They have no clear governance or oversight structure, which is particularly problematic given that their training and equipment allow them to use force and potentially harm a member of the public. They are often required to stretch the limits of their authorities, given the absence of other policing resources in northern and remote communities. They were given increased authority to respond to COVID-19-related directives, such as enforcing physical distancing guidelines.

The Law Enforcement Review Agency (LERA), which handles public complaints about police, was considered by most stakeholders to be ineffective. It was thought to place a disproportionate burden on complainants, could not initiate investigations in the public interest or arising from patterns in complaints, and is underfunded and understaffed. LERA itself had consistently called for changes to its legislation over the previous eight years to address what it identified as a significant advantage to officers, including the facts that complainants rarely had counsel, while officers were represented; officers are not compellable; the standard of proof was “clear and convincing evidence,” which was too high a standard; and complaints had to be filed within 30 days of an incident rather than the usual six to twelve months. The number of findings against officers was extremely low in proportion to the number of complaints filed.

The Report recommended the development of dispute resolution mechanisms for police complaints through a diversity and inclusivity lens, noting that the majority of structures for addressing allegations of misconduct by police in Canada are colonial and bureaucratic. Mechanisms similar to those used in Indigenous communities, such as healing circles and peacemaker courts, might engage more members of those communities to engage with the complaints process.

The Independent Investigation Unit was generally considered effective. However, there was confusion about the officers’ duties to cooperate, the distinction between “subject” and “witness” officers, and the designation of officers’ notes and reports. Stakeholders also noted the need for continuing public education about the IIU mandate and independence. The Report recommended that the IIU be governed by a separate act in order to reinforce its independence from the police, citing Justice Tulloch’s recommendation to that effect in Ontario (summarized at section 2.25, above). It also recommended amendments to clarify an officer’s duty to cooperate in order to allow the IIU impose sanctions on officers who failed to comply and to allow the minister to broaden the IIU mandate to include other peace officers.<sup>157</sup> It also recommended requiring chiefs to inform the IIU when it suspects that an officer may have broken the law. The Reviewers stated that they had no view as to whether allegations of intimate partner violence or sexual assault should be included within the IIU mandate. Following Justice Tulloch, the Reviewers recommended that former police officers continue to be allowed to work as investigators, but

<sup>157</sup> The Report noted that the duty to cooperate for witness officers had been clarified by a recent decision of the British Columbia Court of Appeal: *Independent Investigations Office of British Columbia v Vancouver (City) Police Department*, 2020 BCCA 4 (CanLII), <https://canlii.ca/t/j4c9b>, retrieved on 2022-02-14.

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current officers should be prohibited from being seconded to investigate. The Report recommended recruitment of more civilian investigators and investigators from diverse backgrounds, particularly Indigenous backgrounds.

In cases where an officer may have caused the death of a person, the PSA required the IIU civilian director to appoint a civilian monitor to monitor the IIU investigation. The director had the discretion to appoint a civilian monitor in other cases. Manitoba is the only province to require these civilian monitors. The civilians who had been appointed to date were all in a civil service internship program for future managers, and none had a background in investigations. There had been no Indigenous monitors. There was no evidence that these monitors, even if properly qualified, could significantly improve the oversight provided by the IIU. The Report therefore recommended that the civilian monitor program be abolished. Instead, it recommended that the civilian director be able to appoint a community liaison or observer to work with the investigation unit during an investigation.

### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- (Recommendation 1) That Manitoba Justice adopt accountability frameworks for both police personnel and police organizations, whereby the Director of Policing is responsible for defining and issuing expectations; and independent agencies (e.g., LERA, IIU, and MPC) are responsible for verifying the maintenance of such expectations.
- (Recommendation 2) That Manitoba Justice establish in regulation how it defines and will measure adequate and effective policing. It is further recommended that in doing so, Manitoba Justice adopts the language utilized by both Alberta and New Brunswick, with the only variation being the inclusion of a clause pertaining to the adherence to the Canadian Charter of Rights and Freedoms and the Manitoba Human Rights Code.
- (Recommendation 3) That, using regulations as sparingly as possible, Manitoba Justice develop a consolidated policing standards framework that is based on the Alberta and New Brunswick models and that contains content similar to those models.
- (Recommendation 4) That a risk-based approach be taken to develop policing standards, with priority for immediate development given to:
  1. use of force and arrest;
  2. investigations (major case management);
  3. disclosure of evidence;
  4. critical incident response;
  5. motor vehicle pursuits;
  6. intimate partner violence investigations; and
  7. missing persons (aligned, as appropriate, to the report on the National Inquiry into Missing and Murdered Indigenous Women and Girls).
- (Recommendation 5) That the Ministry of Justice develop a Major Case Management regulation that defines what constitutes a “major case” and that establishes the foundation for the local development of related policies by police boards, from which police chiefs can develop internal policies and procedures.
- (Recommendation 6) That the Ministry of Justice develop a provincial Major Case Management manual, using the Ontario and RCMP manuals for useful and appropriate comparison.

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- (Recommendation 7) That appropriate standards regarding the disclosure of evidence be incorporated into the Major Case Management standard.
- (Recommendation 8) That Manitoba Justice should, as a matter of priority and within a broader Policing Standards framework, develop a critical incident response standard.
- (Recommendation 9) That the government consider designating the Manitoba Police Commission as an Independent Office of the Legislative Assembly.
- (Recommendation 10) That the Manitoba Police Commission be authorized to manage its own finances once that budget is approved.
- (Recommendation 11) That the Manitoba Police Commission be assigned the additional duties of auditing police services' and police boards' compliance with standards that are developed by the Director of Policing.
- (Recommendation 12) That municipal police boards continue to be mandatory.
- (Recommendation 13) That the Police Services Act clarify the importance of police board independence in their relationships with municipal councils and establish a budget dispute arbitrator such as the Manitoba Police Commission.
- (Recommendation 14) That the Police Services Act be amended to replace two municipal appointees with two provincial appointees.
- (Recommendation 15) That the Police Services Act be amended to provide that permissible reasons for early termination of police board appointments be restricted to: (1) voluntary departure, (2) incapacitation, or (3) serious violation of the Board Member Code of Conduct prescribed in regulations.
- (Recommendation 16) That before a person is appointed to a municipal police board, the appointing authority consider the results of the potential appointee's recent police record check and that the record check be conducted by an agency other than the police service governed by the board for which that person is being considered.
- (Recommendation 17) That the legislated responsibilities of police boards include:
  1. the provision of policing in the jurisdiction;
  2. the overall adequacy and effectiveness of policing; and
  3. establishing strategic plans for policing in the jurisdiction, taking into account provincial policing priorities and local community safety and well-being plans.
- (Recommendation 18) That the police board's duty to "act as a liaison between the community and the police service" be removed from legislation and discontinued.
- (Recommendation 19) That police boards become the employer of their police chiefs and all sworn and civilian police employees and be responsible to direct and oversee collective bargaining undertaken by agents on their behalf.
- (Recommendation 20) That police governance performance standards be developed by the Director of Policing and articulated in regulations.
- (Recommendation 21) That all board members be required to complete training on their responsibilities prior to voting in a board meeting. Also, as a condition of remaining on the board, that board members complete further training on strategic planning, policy development, performance evaluation of police chiefs and police programs, establishing a mandate of collective bargaining, and financial planning within the first 2 years of their appointment.

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- (Recommendation 22) That the Manitoba Police Commission develop and implement a risk-based inspection system of police boards performance relative to performance standards and direct corrective police board action where and when it is needed.
- (Recommendation 23) That the Police Services Act be amended to incorporate Community Safety and Well-Being Planning as a mandatory requirement for municipalities.
- (Recommendation 24) That police board policies be revised to specifically state the requirement to have a board composition that is reflective of the wider community and which specifically encourages the membership of representatives of First Nations, Métis, and newcomer communities.
- (Recommendation 25) Given the prominence of Métis communities in the history of Manitoba, that Métis representation on and engagement with policing governance and oversight bodies be encouraged
- (Recommendation 26) That Manitoba Justice adopt a layered model for policing in Manitoba and engage key stakeholders in refining some of the particular details of the model.
- (Recommendation 27) That in order to better align CSO and FNSO authorities, Section 77.6 be amended to read: "...Community Safety Officers may provide general assistance to the local policing authority when requested to do so by a member of the local police authority, as long as the assistance does not involve any criminal law enforcement activities."
- (Recommendation 28) That the Government of Manitoba adapt the Alberta Peace Officer model to the Manitoba context and that authorities within each level should be granted based on the needs of the community or hiring organization.
- (Recommendation 29) That the Manitoba Peace Officer Program be established through its own legislation—The Peace Officer Act—and corresponding regulations.
- (Recommendation 30) That the Manitoba Peace Officer Program encompass all current peace officers appointed under various provincial legislation.
- (Recommendation 31) That Level 1 MPOs be employed only through the Ministry of Justice and Manitoba Infrastructure (as pertaining to motor carrier enforcement and investigations) to complement the work of the police in:
  1. ensuring safe roadways throughout Manitoba;
  2. providing prisoner transport and courthouse security; and enforcing such provincial statutes and sections of the Criminal Code pertinent to their mandates.
- (Recommendation 32) That other government ministries' investigative and enforcement personnel fall under the MPO Level 2 categorization.
- (Recommendation 33) That the Community Safety Officer, First Nation Safety Officer, and Institutional Safety Officer programs, together with any other public-facing non-bylaw enforcement peace officers employed by municipalities or First Nations, fall under the new Community Peace Officer Level 1 designation, thereby ensuring symmetry in programming, standards, and compliance.
- (Recommendation 34) That the ministry work closely with municipalities, First Nations, and the police boards and police services of jurisdictions to determine the appropriate balance of enforcement responsibilities between the police and Level 1 CPOs in such jurisdictions.
- (Recommendation 35) That in order to ensure role clarity, joint planning, and mutually reinforcing deployment strategies, standards in both the Police Services Act and the proposed Peace Officer Act establish the requirement for the creation of memoranda of understanding

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to address such matters as information-sharing, communications, joint planning, and coordination of enforcement activities.

- (Recommendation 36) That Level 2 CPOs comprise such functions as parking enforcement officers, police exhibit custodians, and animal control specialists.
- (Recommendation 37) That a set of standards governing the use of force (with a strong emphasis on de-escalation) be developed to apply to all levels of MPO/CPOs and that align with the use of force standards in place for the police.
- (Recommendation 38) That Part 8 (Special Constables) of the Police Services Act be repealed.
- (Recommendation 39) That the government adopt more contemporary language in the legislation to describe the responsibilities of police chiefs with regards to conduct and discipline. As one example, section 22(1) (c) of the PSA should be amended to read, “the maintenance of police professionalism.”
- (Recommendation 40) That Manitoba Justice draft a new Oath of Allegiance that will apply to all municipal police officers and peace officers to follow, and to display it prominently in legislation.
- (Recommendation 41) That Manitoba Justice develop a uniform Code of Conduct based on existing models, such as the RCMP model, that will apply to all municipal police officers in Manitoba.
- (Recommendation 42) That Manitoba Justice also develop a Code of Conduct that applies to all peace officers in Manitoba.
- (Recommendation 43) That the government define levels of misconduct and thresholds between minor and major misconduct either in legislation or subsequent regulations, such as a uniform Code of Conduct.
- (Recommendation 44) That LERA legislation remains separate from the Police Services Act and that, as a first step, the government consider LERA’s internal analysis as a guide to how its legislation might be amended (at least in the short term) in order to make the public complaint system more efficient and equitable.
- (Recommendation 45) That Manitoba Justice develop language and guidance for chiefs of police to establish flexible and responsive dispute resolution mechanisms that bring diverse and marginalized communities into the process to address allegations of police misconduct and to address and repair harm in the relationship with those communities. The government should also offer chiefs of police the opportunity to resolve less serious allegations with more appropriate means of dispute resolution.
- (Recommendation 46) That the government adopt prescriptive time requirements similar to those proposed by the Supreme Court of Canada in *R v Jordan* (2016), for the meaningful conclusion of investigations of allegations of misconduct.
- (Recommendation 47) All public complaints be reported to LERA in real time, including their complaint type, disposition, and resolution. LERA should report the aggregate public complaints data to the government and to the people of Manitoba annually.
- (Recommendation 48) That the government embed the requirement for chiefs of police to establish workplace harassment programs. Where appropriate, these should serve to thoroughly and safely address workplace harassment concerns outside the police misconduct system.

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- (Recommendation 49) That there be separate legislation to govern the Independent Investigations Unit.
- (Recommendation 50) That the Act be amended to provide specific direction concerning the requirement for police chiefs, police services, and police officers to comply with all reasonable requests made by the IIU director or investigators.
- (Recommendation 51) That legislation pertaining to the IIU be amended to provide for the sanctioning of those who fail to meet the duty to comply with IIU investigations.
- (Recommendation 52) That legislation be amended such that the minister may designate any class or individual peace officer to fall under the relevant provisions compelling their cooperation with the IIU.
- (Recommendation 53) That the IIU Regulation be amended as follows:
  - 12(1) An investigator may make a written request to a police chief to interview a police officer. The request must set out the time and location of the interview.
  - 12(2) A subject officer is not required to be interviewed by an investigator, but the officer may voluntarily agree to be interviewed.
  - 12(3) Subject to subsection (4), an interview with a witness officer must take place at the time and location specified in the request.
  - 12(4) In response to a written request from the police chief, the civilian director may, by written notice, grant the requested postponement of an interview or refuse to postpone an interview.
  - 12(5) The police chief must ensure that the witness officer attends an interview as required by this section.
- (Recommendation 54) That the Act be amended to provide that the civilian director, in consultation with the director of public prosecutions, may designate a Crown attorney to act as the acting director while the director is absent or otherwise unable to perform the duties of his or her office.
- (Recommendation 55) That section 73(1)(b) be revised so that a police chief must immediately notify the IIU when a police service has any suspicion or is conducting an investigation into the conduct of a police officer and where there is evidence that the officer may have contravened the Criminal Code or any other federal or provincial enactment, other than the provisions prescribed under clause 65(1)(c).
- (Recommendation 56) That Part 7, Division 3 of the Act be amended to also apply to off-duty officers.
- (Recommendation 57) That the term “immediately” be used in Sections 66(1), 66(2), and 73(1).
- (Recommendation 58) That the term “formal complaint” be replaced by “complaint” in sections 66(2) and 73(1).
- (Recommendation 59) That the definitions of “incident notes” and “record” be included in the PSA or in the IIU regulations.
- (Recommendation 60) That the PSA includes a duty for officers to complete their incident notes as soon as possible with respect to an IIU incident.
- (Recommendation 61) That public safety reports no longer be required and that Sections 8(1) and 8(2) be repealed.



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- (Recommendation 62) That the definition of “serious injury” be expanded to include fractures to the clavicle, pelvis, and hip, and any injury that requires admission to a hospital or health care facility on an in-patient basis.
- (Recommendation 63) That the IIU continue to allow former police officers to work as investigators but be encouraged to continue to recruit investigators who do not have a police background. The secondment of serving police officers to the IIU should be discontinued.
- (Recommendation 64) That the IIU be encouraged to recruit investigators from diverse backgrounds with a particular emphasis on people with Indigenous backgrounds.
- (Recommendation 65) That Manitoba Justice terminate the Civilian Monitor Program.
- (Recommendation 66) Should the CMP be retained, that:
  1. Civilian monitors be subject to more specific qualifications, preferably with a minimum of investigative or related experience.
  2. Civilian monitors be subject to background checks prior to their engagement.
  3. A pool of qualified potential candidates (including of Indigenous descent) be engaged on a casual contract basis to ensure that qualified civilian monitors are available at short notice.
  4. The civilian monitor reports also be provided to the civilian director, as well as to the minister.
- (Recommendation 67) That civilian monitors be provided contemporaneous access to investigations materials.
- (Alternatively: Recommendation 68) That Manitoba Justice provide the civilian director with the authority to engage a civilian monitor for the purposes of acting as a liaison to the community, particularly for particularly high-profile or sensitive investigations or those involving members of Manitoba’s racialized communities.
- (Recommendation 69) That the Police Services Act (or in IIU-specific legislation as proposed in this Report) be amended to provide that the civilian director may appoint a community liaison or observer to work with the Independent Investigations Unit in the course of an investigation.
- (Recommendation 70) That Manitoba Justice develop the capacity of the office of the Director of Policing to monitor and analyze complaints and conduct-related reports from LERA and IIU, as well as results of standards compliance monitoring inspections to develop a whole-of-system perspective on relevant trends. Furthermore, that the ministry issue an annual report on this matter.

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### 2.2.13. Broken Dreams, Broken Lives: Implementation of the Merlo Davidson Settlement Agreement (RCMP, 2020)<sup>158</sup>

As part of the settlement of the sexual harassment class action against the RCMP, the Honourable Michel Bastarache, CC, QC, was appointed to assess the individual claims for compensation made by women who had experienced sexual harassment and discrimination based on gender or sexual orientation since 1974 while working for the RCMP. Mr. Bastarache was also asked to

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<sup>158</sup> “Broken Dreams, Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP—Final Report on the Implementation of the Merlo Davidson Settlement Agreement” (“Bastarache Report”). RCMP (November 2020), <https://www.rcmp-grc.gc.ca/en/final-report-implementation-merlo-davidson-settlement-agreement>.

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write a report of his observations and recommendations. The conduct that he and his co-assessors confirmed ranged from the use of sexist and homophobic language to refusal to provide backup to female members in dangerous situations to shockingly high numbers of sexual assaults—all of which had profound and long-lasting effects on the claimants.

After he and his co-assessors interviewed 644 women and considered more than 3,000 claims, Mr. Bastarache found that “the RCMP is imbued with a toxic culture that tolerates misogyny and homophobia within its ranks and leadership.”<sup>159</sup> Among the conclusions Mr. Bastarache drew from these interviews were the following:

- The RCMP “is not recruiting the right kind of person to serve in a modern policing organization”,<sup>160</sup> there are problems with low entry requirements, low salary, poor screening of applicants, and high turnover.
- The paramilitary style training given to cadets contributes to the continuation of a toxic culture in the RCMP, and hazing and sexual abuse of female recruits is common.
- The traditional, paramilitary, male-dominated culture of the RCMP, which gave rise to this toxicity, requires a wholesale change of the culture. There are strong reasons to doubt the RCMP has the capacity or will to make these changes.<sup>161</sup>
- The RCMP culture around mental health stigmatizes post-traumatic stress disorder (PTSD) and other mental health issues, punishes members who seek assistance or show “weakness,” fails to respect members’ privacy, and leads members to self-medicate with alcohol—although the Report acknowledged that the force was making changes to its approach to members’ mental health.
- Although the force has made changes to its practices around promotion, more needs to be done to ensure effective leadership at all ranks and to prevent promotions based on the “old boys’ club.”
- Women had brought claims of sexual harassment and discrimination for over 30 years, and there had been at least fifteen reports that had highlighted related issues and made recommendations; however, the implementation of these recommendations was not effective. “The systemic discrimination that prevailed for years has been tolerated.”<sup>162</sup>

Mr. Bastarache noted that in response to some of these reports and reviews, the RCMP created a Gender and Respect Action plan to improve the culture and composition of the RCMP. He noted that in 2014, the RCMP Code of Conduct was amended to state, “Members treat every person with respect and courtesy and do not engage in discrimination or harassment” (s. 2.1).<sup>163</sup>

Mr. Bastarache noted that the 2007 Brown Task Force report on the culture of the RCMP (“Rebuilding the Trust”) had raised the possibility that some or all of the solution to the issues confronting the RCMP “rests in breaking it up.”<sup>164</sup> Mr. Bastarache stated:

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<sup>159</sup> “Broken Dreams, Broken Lives,” p. 45.

<sup>160</sup> “Broken Dreams, Broken Lives,” p. iii.

<sup>161</sup> “Broken Dreams, Broken Lives,” p. 56.

<sup>162</sup> “Broken Dreams, Broken Lives,” p. 36.

<sup>163</sup> “Broken Dreams, Broken Lives,” p. 40.

<sup>164</sup> “Broken Dreams, Broken Lives,” p. 58, quoting “Rebuilding the Trust,” which is summarized at section 2.2.2. above.

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Such a fundamental restructuring may be necessary to resolve entrenched issues of misogyny, racism, and homophobia. To do so will require an in-depth review and examination which is clearly beyond my mandate. In my view, however, it is time to discuss the need to make fundamental changes to the RCMP and federal policing. I am of the view that cultural change is highly unlikely to come from within the RCMP. It has had many years and many reports and recommendations and yet the unacceptable behaviour continues to occur. Women who were favourable to a fresh start were of the view that they, as women, would be better accepted.<sup>165</sup>

[...]

The time has come to ask some hard questions about the structure and governance of federal policing in Canada. The past has demonstrated that change cannot come from within the RCMP. There must be a rigorous review of the RCMP followed by changes that will ensure that federal policing is delivered efficiently in a manner compliant with the Charter value of equality and with the Government of Canada's commitment to gender equality, including in the workplace.<sup>166</sup>

### Recommendations Relevant to the Mandate of the Mass Casualty Commission

1. (Recommendation B1) Perform a careful analysis of what will constitute "merit" in the recruitment of RCMP members, considering the need to remove systemic barriers and to allow for specialized roles and functions.
2. (Recommendation B2) Require a minimum level of two years of post-secondary education or training to apply to the RCMP. The RCMP should study the changes to recruitment recently adopted in the UK, which give options for varying ways to meet this requirement.
3. (Recommendation B3) Encourage applications from diverse groups, including women, LGTQ2S+ people, and racialized communities, and implement programs to assist them in meeting the entry requirements where necessary.
4. (Recommendation B4) Conduct effective and detailed background checks on applicants' views on diversity and women. Eliminate those who are not able to function with women, Indigenous people, racialized minorities, or LGTQ2S+ persons and are unwilling to accept the principles of equality and equal opportunity for all. Screening must consider all incidents of harassment and domestic violence.
5. (Recommendation C1) The RCMP should appoint an external expert to review the training program at Depot to ensure that it meets the requirements of a modern police force and promotes a positive police training that addresses issues of harassment and discrimination and teaches recruits about the Charter value of equality.
6. (Recommendation C2) During the time required for the external study, the RCMP should establish and enforce a zero-tolerance policy for harassment and discrimination at Depot with meaningful consequences.
7. (Recommendation C3) The RCMP should ensure an effective anti-harassment and discrimination course is taught at Depot that includes role-playing as well as participation by members who have experienced harassing conduct.
8. (Recommendations F1–3) There must be transparency in allocating [training] courses. The RCMP must implement an early and effective career plan for all members that continues

<sup>165</sup> "Broken Dreams, Broken Lives," p. 58.

<sup>166</sup> "Broken Dreams, Broken Lives," p.105.

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throughout their career with appropriate accountability for ensuring that the member is effectively supported. This plan should determine the allocation of training and postings. The RCMP should centralize the allocation of training so that the discretion to grant courses no longer rests with a member's direct supervisor.

9. (Recommendations H2–5) The Government must provide sufficient funding to maintain effective human resource levels in all detachments, including when women take maternity leave. The RCMP must ensure that it has a system to ensure that resource levels required for operational duties are always maintained—on an organization-wide basis, not on a division-by-division basis—over the next 2–3 years. Positions should be backfilled so that women are not resented for having children. The idea of floaters—members that can be deployed where necessary to ensure appropriate coverage—should be endorsed.
10. (Recommendations M1–2) Leadership training should begin at Depot and be continually emphasized throughout a member's career. Members should be required to recommit to upholding the Code of Conduct every time they are promoted.
11. (Recommendations M4) Ensure that all leadership training is done in-person and involves role-playing exercises, which are key adult learning programmes. Online courses or non-participatory classes are insufficient.
12. (Recommendations M5) Require a complete evaluation of commissioned officers every 3–5 years and in any event before they are promoted again.

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#### **2.2.14. Chairperson-Initiated Complaint and Public Interest Investigation into the RCMP Investigation of the Death of Colten Boushie (Civilian Review and Complaints Commission for the RCMP, 2021)<sup>167</sup>**

This review investigated the RCMP's work in the death of Colten Boushie, a young Indigenous man who was shot and killed by Gerald Stanley in Saskatchewan in 2016. Mr. Stanley was acquitted of second-degree murder and manslaughter in 2018.

The Ford Escape in which Mr. Boushie and four friends were driving home had a flat tire. They turned into Mr. Stanley's driveway and stopped in Mr. Stanley's yard. Two of Mr. Boushie's friends got out of the car and interacted with a truck on the property. Mr. Stanley and his adult son yelled at Mr. Boushie's friends, and they got back in the car and tried to drive away. Mr. Stanley's son chased them and hit their windshield with a hammer. They collided with another vehicle and got stuck. Two of the friends fled on foot. Mr. Stanley approached the driver's side door with a gun in hand. The gun discharged, shooting Mr. Boushie in the head. (Mr. Stanley claimed at trial that the gun discharged in a "hang-fire" incident.)

Mr. Stanley's son called 911 at 5:27 PM. RCMP members arrived between 6:10 and 6:35 PM. They arrested Mr. Stanley, his wife, and his son. They cleared the residence and outbuildings by 6:52 PM. Emergency medical services personnel examined Mr. Boushie and declared him deceased.

The RCMP did not obtain a search warrant for the Stanley property until the evening after the shooting, and the search started the morning after the search warrant was obtained. The RCMP

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<sup>167</sup> "Final Report: Chairperson-Initiated Complaint and Public Interest Investigation into the RCMP's Investigation of the Death of Colten Boushie and the Events that Followed." Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (January 2021), <https://www.crcc-ccetp.gc.ca/en/commissions-final-report-cic-pii-ColtenBoushie-Events>.

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did not appear to consider numerous options available to them to obtain the warrant sooner. They also chose not to start the search immediately after obtaining the warrant. They took no steps to cover the Ford Escape, despite the delay in obtaining the warrant and a forecast of rain. The rain destroyed the bloodstain patterns in the car and altered evidence. The CRCC Report noted that it will never be known what difference the loss of this evidence may have had on the outcome of the case. The CRCC found that this was a significant error in the investigation into Mr. Boushie's death, which showed a lack of appreciation or concern for the integrity of the evidence. The Commission attributed this error in part to a lack of communication between the various officers and units involved in the investigation. The Report also noted that two of the officers failed to adequately document their handling of physical evidence in their notes.

No member of the Major Crimes Unit attended the crime scene in the initial days after the shooting, despite having opportunity to do so. The CRCC noted that if they had attended the scene, they could have significantly improved the investigation. For example, their input at the scene might have led the officers to obtain the search warrant earlier and to protect the Ford Escape from rain. A Forensic Investigation Service technician who had no training as a Forensic Investigation Specialist was left on scene to process the crime scene on his own for three hours. This was unreasonable and contrary to RCMP policy.<sup>168</sup>

The CRCC found there was an issue with staffing at the detachment. It also found that a mobile command centre could have improved crime scene management and communications. It otherwise found that the RCMP investigation of Mr. Boushie's death was generally professional and reasonable. The initial response was timely, the interview with Mr. Stanley was reasonably conducted, and the investigative team was adequately staffed.

While on their way to Mr. Stanley's farm, RCMP officers had encountered three of Mr. Boushie's friends. They were arrested for mischief and lodged in cells overnight. The CRCC found that the arrests of Mr. Boushie's friends were unreasonably conducted. Their continued detention after they gave their statements was also unreasonable and not legally justified.

By contrast, Mr. Stanley's wife and son were released from custody following their arrest and permitted to take a vehicle from the crime scene and travel together on their own to a detachment to provide voluntary witness statements. They were not asked not to speak with each other. The CRCC found that it was unreasonable for the RCMP to allow Mr. Stanley's wife and son to remove their vehicle from the crime scene. The RCMP also should have separated them before they provided their statements.

A significant issue addressed by the CRCC was the RCMP's communication with the family of the deceased. The CRCC said, "The importance of effective communication with families in the context of major case investigations cannot be overstated."<sup>169</sup> RCMP members who notified Ms. Baptiste of her son's death treated her with profound insensitivity. Immediately after they told her that Mr. Boushie was deceased, one member asked her if she had been drinking; when she showed distress, a member told her to "get it together." One or more of them smelled her breath. When Ms. Baptiste said she had put Mr. Boushie's dinner in the microwave when he didn't come home for dinner, a member checked the truth of that statement by looking inside the microwave.

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<sup>168</sup> The CRCC Report noted that in its response to the CRCC preliminary report, the RCMP Commissioner disagreed with this finding based on a differing interpretation of its policy. The CRCC concluded that this was not sufficient ground for rejecting a CRCC finding.

<sup>169</sup> "Final Report into the Death of Colten Boushie," p. 19.

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The CRCC noted the impact of colonialism and its collective traumas and noted that this history affected the current relationship between Indigenous peoples and the RCMP. It concluded that the RCMP's conduct toward Ms. Baptiste with respect to her sobriety and credibility was discriminatory on the basis of her race, national or ethnic origin. Although other aspects of the RCMP's conduct could be indications of discrimination, the CRCC concluded that there were other plausible explanations for the conduct.

RCMP members also attended the funeral hall where Mr. Boushie's wake was being held; they said they did so in order to provide an update about the investigation. The CRCC found that this was unreasonable and further harmed the relationship between the family and the RCMP. It noted that the criminal investigation had already prevented the family from having access to Mr. Boushie's body, impeding their ability to follow their cultural practices. The arrival of the RCMP members at the funeral hall intruded on their grief and upset Mr. Boushie's mother at a moment of "acute emotional vulnerability."<sup>170</sup>

The CRCC noted that Indigenous-related training is not mandatory for RCMP members, despite the RCMP being responsible for policing 40% of the Indigenous population in Canada. The CRCC noted that its recommendation of cultural awareness training for all employees "is not a new recommendation in the context of policing"<sup>171</sup> and emphasized that such training should be done in accordance with recommendations made in other inquiries over the past 30 years, including that it be ongoing through an officer's career, trauma-informed, experiential, with Indigenous, Inuit, and Metis police officers as course leaders, and knowledgeable about traditional restorative justice principles.

The RCMP Commissioner accepted all of these findings, including the discriminatory treatment of Ms. Baptiste, and accepted all the recommendations. However, the CRCC expressed concern that the RCMP response focused on minor and technical points rather than the issues at the heart of the case and was therefore a "missed opportunity for the RCMP to take responsibility for the manner in which Mr. Boushie's family and friends were treated." It recognized that the RCMP expressed a clear commitment to provide enhanced cultural awareness and Indigenous-related training and had referred to numerous training programs and resources being put in place to address this issue. The CRCC stated:

Achieving the deeper change to the RCMP's organizational culture that will prevent the type of discrimination found in this case from reoccurring will require more than cultural awareness training. However, the CRCC notes the positive steps the RCMP is taking and hopes that this case and the present report can be part of the catalyst for the RCMP to further engage in a necessary process of change.<sup>172</sup>

In addition to its findings regarding the RCMP's investigation into Mr. Boushie's death, the CRCC raised serious concerns with the RCMP's approach to the CRCC investigation. First, the RCMP was slow to provide requested material to the CRCC, and the CRCC was required to make several requests for relevant material.

Second and more significantly, the RCMP had destroyed recordings and transcripts of telephone calls and radio communications two years after their creation, after deciding they had no evidentiary value to the criminal investigation. This was done pursuant to the RCMP's

<sup>170</sup> "Final Report into the Death of Colten Boushie," p. 81.

<sup>171</sup> "Final Report into the Death of Colten Boushie," p. 23.

<sup>172</sup> "Final Report into the Death of Colten Boushie," p. 2.

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documentary retention policy, which allows for the destruction of certain investigative records after two years. The CRCC noted that in addition to the public interest investigation, the family had made a separate complaint; the destroyed material was relevant to both these investigations, which had each started prior to the close of the two-year window.

Third, the RCMP conducted an Independent Administrative Review Report (IAR) into its investigation of Mr. Boushie's death.<sup>173</sup> The RCMP did not disclose the existence of the IAR or relevant materials it obtained during its investigation, including witness interviews, to the CRCC until after the CRCC issued its interim reports on the matter. The CRCC stated that these materials were "undoubtedly relevant" to the CRCC investigation and were clearly covered by the CRCC's ongoing request for relevant materials. The CRCC was especially concerned about the RCMP decision to have the IAR interview witnesses, many of whom were also interviewed by the CRCC, without disclosing its plans to the CRCC in order to ensure there was no interference with the CRCC investigation. The CRCC also noted that although the IAR was described as "independent," it was led by RCMP members, and only RCMP members were consulted as experts. The IAR did not interview members of the Boushie family. The CRCC stated that it expects the RCMP to inform the CRCC in future cases when it conducts internal reviews into matters being investigated by the CRCC.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. That Corporal Fee and Constable Teniuk be provided with operational guidance with respect to RCMP policy regarding the interviewing of witnesses.
2. That Corporal Fee and Constables Wright and Teniuk be directed to review the RCMP national policy OM 24.1. ("Interviews/Statements: Suspect/Accused/Witness").
3. That the RCMP ensure that adequate resources are available in a timely manner for the investigation of major crimes.
4. That RCMP senior management in "F" Division consider acquiring a Mobile Command Centre.
5. That in future cases, the Major Crime Unit Commander ensure that a member of the Unit attend the crime scene in a timely fashion.
6. That Constables Doucette and Park be directed to review the policy OM 25.2. ("Investigator's Notes").
7. That cultural awareness training be provided for all RCMP employees bearing in mind the factors identified in recent inquiries.

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#### **2.2.15. Systemic Racism in Policing in Canada (Standing Committee on Public Safety and National Security, 2021)<sup>174</sup>**

The House of Commons Standing Committee on Public Safety and National Security (SECU) issued this report in June 2021. Its mandate was to study systemic racism in policing services in

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<sup>173</sup> Inspector Daniel Almas, Superintendent Darcy Fleury, "Independent Administrative Review of the 'F' Division RCMP Investigation Relating to the Homicide of Mr. Coulton Boushie," January 13, 2020 COMM0063045 exhibited within the Mass Casualty Commission's proceedings at P-004214.

<sup>174</sup> "Systemic Racism in Policing in Canada: Report of the Standing Committee on Public Safety and National Security." House of Commons (June 2021), <https://www.ourcommons.ca/Content/Committee/432/SECU/Reports/RP11434998/secur06/secur06-e.pdf>.

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Canada, particularly within the RCMP. It was also required to consider relevant sections of the Final Report on the implementation of the Merlo Davidson Settlement Agreement (the “Bastarache Report,” summarized above in section 2.2.7.). The Standing Committee heard from 53 witnesses, including community organizations, advocates, academics, and police representatives.

The Committee noted that “systemic racism is both a social and legal concept connoting a particular type of racism which occurs within social systems and is reproduced by them.”<sup>175</sup> It quoted Senator Murray Sinclair’s explanation of how systemic racism works:

Systemic racism is when the system itself is based upon and founded upon racist beliefs and philosophies and thinking and has put in place policies and practices that literally force even the non-racists to act in a racist way.<sup>176</sup>

Systemic racism includes structural racism, whereby policies, practices, and norms perpetuate racial inequality, and institutional racism, whereby policies and practices produce outcomes that work in favour of some groups to the disadvantage of others. Systemic racism is premised on white supremacy, which rewards privileges to white people and denies those privileges to Black, Indigenous, and other people of colour. Systemic racism is deeply embedded in Canada’s colonial history.

The Committee noted the role of accountability, oversight, and transparency in addressing systemic racism in policing. Witnesses had identified a lack of accountability within the RCMP for systemic racism and discriminatory misconduct by its members toward the public and between members. They also raised concerns about the resources, powers, and structure of the Civilian Review and Complaints Commission for the RCMP (CRCC).<sup>177</sup>

The RCMP is required to respond to CRCC findings and recommendations, explaining what actions it is taking or will take or, if it decides not to act on any of the findings, its reason for making that decision. However, the RCMP is not required to provide this response within any particular timeline. The average response time is seventeen months, and in one case had extended to two years. The RCMP and CRCC have entered into a memorandum of understanding regarding timelines<sup>178</sup>, but it is not legally enforceable.

Moreover, there is no mechanism to ensure that the RCMP implements CCRC recommendations. The CCRC cannot sanction the RCMP or order it to implement any of its recommendations, and the RCMP is not required to report on the status of implementation of recommendations it undertakes to implement.

The CRCC also lacks sufficient funding and resources to fulfill its mandate, including public interest investigations and reports on systemic issues. Its process is also overly complex, making it inaccessible for many who might file complaints. The CRCC chairperson, Michelaine Lahaie,

<sup>175</sup> “Systemic Racism in Policing,” p. 17.

<sup>176</sup> “Systemic Racism in Policing,” p. 17, quoting Senator Murray Sinclair in S. Bein, “Morning Update: RCMP Commissioner ‘Struggles’ with Definition of Systemic Racism, but Denies It Exists on Force” *Globe & Mail*, 11 June 2020, <https://www.theglobeandmail.com/canada/article-morning-update-rcmp-commissioner-struggles-with-definition-of/>.

<sup>177</sup> Many of these concerns were noted by the CRCC Chairperson, Michelaine Lahaie, in her testimony before the Committee. See Evidence, SECU (43-1) - No. 10 (24 July 2020) House of Commons, <https://www.ourcommons.ca/DocumentViewer/en/43-1/SECU/meeting-10/evidence>

<sup>178</sup> This Memorandum of Understanding is available here: <https://www.crcc-ccetp.gc.ca/en/mou-crcc-and-rcmp>



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told the Committee that the process can be bureaucratic and difficult to navigate. Indigenous community members often reported not being aware of the CRCC or a lack of trust in it. Although the CRCC has taken some steps to improve accessibility, such as translating its complaint forms into additional languages, including Inuktitut, and making staff available to help complainants, it needs to do more. Although its staff was found to be fairly diverse, it does not have adequate Indigenous representation.

Some witnesses also suggested improvements to internal RCMP management, including making all disciplinary decisions public and more accountability for middle managers who do not take appropriate steps in response to claims of harassment and discrimination. The RCMP Commissioner has the option but is not required to seek the advice of the RCMP civilian Management Advisory Board and is not required to follow that advice when they do seek it. That process is not transparent. The Committee also noted that witnesses, including the Honourable Michel Bastarache, testified that the RCMP “does not appear to be capable of addressing systemic discrimination within the organization itself, suggesting change must be imposed and overseen externally.”<sup>179</sup>

Although a number of police leaders told the Committee that they were committed to implementing structural reform to address systemic racism, others were of the view that because of the paramilitary structure of some forces, including the RCMP, they would require civilian oversight to ensure they engaged in the necessary reforms. The RCMP senior management structure has not changed for decades. Some witnesses suggested that the leadership be replaced with civilians rather than uniformed members, which would improve its diversity and provide expertise in policy, communications, human resources, and finance. Witnesses suggested that the RCMP requires a professional rather than paramilitary model.

Witnesses also expressed concerns about the mandatory training of all RCMP recruits at Depot Division in Regina. This training makes RCMP members less flexible and adaptable to the diverse communities that the RCMP serves and instills a “command and control” mindset. The Hon. Michel Bastarache said that claimants in the Merlo Davidson class action experienced sexual abuse, harassment, and discrimination during Depot training, and they considered it worse than other police training because it was designed to break the cadets down and rebuild them. Alternatives to this training suggested during the Committee’s hearings included community-based training to ensure RCMP members understand the needs of the communities they serve; or a national policing college that delivers professional, evidence-based training and could set policing standards, similar to the College of Policing model in the United Kingdom.

Witnesses also expressed concern about whether the RCMP contract policing arrangements, which involve a top-down governance model rather than local governance, could provide policing services that are responsive to each community’s unique issues and needs.

The Committee also heard evidence about Indigenous policing services. The First Nations Policing Program, through which First Nations and Inuit communities can manage their own police services, lacks stable funding and is chronically underfunded compared to other police services. Indigenous police services have been declining rather than growing, possibly due to the lack of funding. The Committee noted some innovative Indigenous policing structures designed to provide service that is more responsive to community needs, such as Community Safety Officers (CSOs) in the Kwanlin Dun First Nation. These officers are trained in conflict resolution and work

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<sup>179</sup> “Systemic Racism in Policing,” p. 25.

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alongside police officers to de-escalate situations and provide culturally responsive services. Community members can call these CSOs rather than involve the RCMP, which has reduced calls for service to the police and allows the community to resolve issues on their own. However, the CSO program faces funding challenges.

Witnesses explained the lack of trust in the police felt by First Nations, Métis, and Inuit communities, referring to police participation in enforcing the residential schools program and child apprehensions during the Sixties Scoop, forcibly relocating families and communities, slaughtering Inuit sled dogs, and failing to prevent and properly investigate the disappearances and murders of Indigenous women and girls. Witnesses also spoke to the current evidence of systemic racism against Indigenous people in the justice system, noting that First Nations people are more likely to be detained, are detained longer, are sentenced to longer prison terms, are more likely to be imprisoned for nonpayment of fines, and more likely to be killed during police actions than are other Canadians. Inuit witnesses explained that Inuit Nunangat, the homeland of Inuit people,<sup>180</sup> is almost entirely policed by the RCMP. They described the RCMP as lacking any significant connection to the communities they serve and failing to understand their culture or language. They also identified a lack of services to assist victims of gender-based violence in Inuit communities, such as shelters. The Committee noted the existence of several previous reports dealing with policing in Indigenous communities: “Witnesses expressed dismay that many of the recommendations contained in previous reports have not yet been actioned and demanded these recommendations be acted upon.”<sup>181</sup> Witnesses also noted that Indigenous communities had a long history of justice and public safety prior to colonization and must be provided with jurisdiction over policing in their own communities, with an emphasis on self-determination. In urban communities, police need more education about the lived experience of colonization, mental health, and addiction. Urban police services also need more Indigenous staff, including Elders.

The Report addressed the impact of racism in policing on Indigenous women and girls in particular, in the form of excessive use of force, unwarranted strip searches, harassment and sexual assault by police, racial profiling, failure to assist victims of sexual violence, and failure to protect them from gender-based violence and homicide. The failure to properly respond to the disappearance and murder of Indigenous women and girls, highlighted in the report of the National Inquiry into Missing and Murdered Indigenous Girls and Women (summarized in section 6.2.7. below), was also considered by the Committee. The Report noted the evidence of government and RCMP witnesses as to steps they were taking in light of that report, such as reviews of policing practices and a national RCMP office of investigative standards and practices.

The Committee considered the role of systemic racism in police responses to people experiencing mental health crises. Racialized people may lack access to services, leaving the police as their only source of assistance; the trauma of racism experienced by Indigenous and other racialized people can also cause or exacerbate mental health problems. Police witnesses, including RCMP Commissioner Brenda Lucki, said that calls to police resulting from mental health crises are growing exponentially and make up a significant proportion of all calls to police. However, police are not trained to properly address mental health issues, and research has shown that traditional police responses are ineffective. A number of witnesses called for a shift in funding to support community organizations to provide services for Indigenous and other racialized people, including mental health responses. Programs such as the Community Safety Officer program in Kwanlin Dun First Nation, which allows specially trained Indigenous people to respond to and de-escalate

<sup>180</sup> Inuit Nunangat includes parts of the Northwest Territories, Nunavut, Quebec, and Newfoundland and Labrador.

<sup>181</sup> “Systemic Racism in Policing,” p. 37.

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crises instead of police, can reduce police-involved deaths and the use of police force against racialized people during responses to mental health calls.

Police street checks, carding,<sup>182</sup> and over-policing (heightened police presence in racialized and Indigenous communities) were identified as mechanisms by which the discretionary powers of police can be exercised in discriminatory ways, leading to the over-representation of Indigenous and racialized people in the justice system. The Report identified police checks and carding as forms of racial profiling, the conscious or unconscious application of stereotypes about racial groups when police stop, arrest, or charge people, and noted statistics regarding the gross overrepresentation of Black men among the people subjected to these practices.

The Committee considered options for reducing the over-representation of Indigenous and other racialized people, including restorative justice programs, diversion, anti-discriminatory, and culturally specific services for African Canadian offenders, and decriminalization of drug possession.

Indigenous and other racialized people are over-represented among victims of police use of force and police-involved deaths. Some witnesses suggested that laws on self-defence and police use of force should be reformed. The current Criminal Code provisions on self-defence do not concretely define the “reasonable use of force,” leading to the creation of different police policies on the use of force across the country. Witnesses suggested the creation of a clear federal standard for the use of force, with input from civilians, women, Indigenous, and other racialized groups. They also suggested that more emphasis should be placed on developing police skills on de-escalation and interacting with the public.

Training was a frequent topic during the Committee’s study. One witness suggested, “A complete re-education of the entire police system is required. This training must go beyond a tick box of cross-cultural training [and] must cause the system and participants to fully examine their biases, both overt and unconscious.”<sup>183</sup> RCMP Commissioner Brenda Lucki testified that cadets engage in the “blanket exercise” to learn about the history of Indigenous cultures, as well as a mandatory online cultural awareness course and trauma-informed approaches to dealing with victims of crime. She also said that RCMP members complete a one-week course on “Indigenous perspectives,” specific to the province in which they have been assigned. The Committee noted examples of suggestions witnesses had made for improvements to existing training but also noted that some witnesses were skeptical about the extent to which training can address systemic racism.

RCMP Commissioner Lucki testified that the RCMP is working to remove barriers to diversity in recruitment. Currently its officers are 78% male, 21% female; 11.5% visible minority; 7.5% Indigenous; and 1.6% are people with disabilities. Witnesses identified serious problems with the representation of Inuit communities among the RCMP and noted that the itinerant nature of RCMP service, whereby members are not allowed to remain in their home communities, contributes to this problem. The internal identity struggle required by Indigenous people to join a force that has historically harmed their communities was also identified as a barrier to increased Indigenous

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<sup>182</sup> A police street check occurs when an officer obtains information about a person outside a police station, unconnected with an investigation. Carding occurs when an officer asks a person to provide identifying information when there is no reason to believe the person is involved in a crime or has information about a crime. The terms are often used interchangeably.

<sup>183</sup> “Systemic Racism in Policing,” p. 64, quoting Melanie Omeniho.

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membership in the RCMP. Racialized members of police services also report experiencing rejection by the police subculture and being passed over for assignments and promotion.

The Committee heard evidence about the importance of promoting the comprehensive collection of disaggregated race-based data to identifying problems with the practices or policies of police agencies and to evaluate the success of reforms. Witnesses did, however, express concern about the potential for misuse of this data to reinforce racist stereotypes.

### **The Bastarache Report**

As noted, the Committee was required to consider “Broken Dreams, Broken Lives,” also known as the “Bastarache Report,” and heard evidence from Mr. Bastarache. Mr. Bastarache testified that many of the complainants told him that the harassment and abuse detailed in his report was still ongoing. He described the internal culture of the RCMP as toxic and how even the “good” members of the RCMP feel no choice but to stay silent rather than speak up against that culture. The Committee noted the disturbing findings set out in the Bastarache Report, in particular its skepticism that internal change is possible at the RCMP. It also referred to the Report’s recommendation for the establishment of a commission of inquiry to examine options for the future of the RCMP, including its replacement by a new federal police agency.

The Committee concluded its study by stating that “systemic racism in policing in Canada is a real and pressing problem to be urgently addressed”<sup>184</sup> but acknowledged that although many previous studies on the issue had made findings and recommendations, the resulting changes had failed to remedy the harms felt by Indigenous and other racialized people in Canada.

### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 1) That the Government of Canada clarify and strengthen the mandate, independence and efficacy of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (CRCC) by:
  - a. substantially increasing its annual funding to ensure sufficient resources for both complaint reviews and systemic reviews;
  - b. amending the Royal Canadian Mounted Police Act to:
    - empower the CRCC to, when conducting investigations of the Royal Canadian Mounted Police (RCMP) that raise a reasonable belief that the matter involves criminal conduct, refer cases to the appropriate body responsible for criminal investigations of police conduct or recommend to the relevant authorities that criminal charges be laid;
    - create statutory timelines for responses by the RCMP Commissioner to CRCC reports, codifying the schedule established in Appendix A of the Memorandum of Understanding between the CRCC and the RCMP;
    - require the Commissioner of the RCMP to report annually to the Minister of Public Safety and Emergency Preparedness, describing steps taken to implement CRCC recommendations and require this report to be tabled in Parliament; and
    - require the CRCC to publish its findings and recommendations or a summary thereof in respect of all complaints in a manner that protects the identity of the complainant.

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<sup>184</sup> “Systemic Racism in Policing,” p. 75.

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2. (Recommendation 2) That the Government of Canada increase the accessibility and transparency of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police review process by:
  - c. reforming the process for initiating a complaint with the CRCC to make it easier to navigate;
  - d. ensuring the independent review process is explained in a detailed and accessible format, including information about when the CRCC has completed its interim report and when the RCMP's review of the report began and was completed;
  - e. making sure the progression of a review and the reports involved in it are transparent and publicly available with few exceptions; and
  - f. publicly specifying the conditions for all exceptions to public accessibility and transparency.
3. (Recommendation 3) That the Government of Canada ensure the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police review process allows for meaningful and engaged Indigenous participation and holds the RCMP accountable for wrongful, negligent, reckless, or discriminatory behaviour towards Indigenous people by requiring the CRCC to:
  - g. consult with local Indigenous groups where complaints or systemic reviews involve Indigenous complainants;
  - h. include Indigenous investigators and decision-makers in the CRCC; and
  - i. ensure Indigenous investigators are involved where the complaint involves Indigenous people.
4. (Recommendation 4) That the Government of Canada appoint Indigenous, Black and other racialized people, and residents of Northern communities to the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, and to investigations and leadership positions within that organization.
5. (Recommendation 5) That the Government of Canada mandate that the Royal Canadian Mounted Police implement effective ongoing training and disciplinary policies for RCMP officers in order to prevent excess use of force, systemic racism and racial profiling, and require the RCMP to publish and publicly disclose all disciplinary decisions.
6. (Recommendation 6) That the Government of Canada in collaboration with the Royal Canadian Mounted Police introduce requirements for management at all levels to report and act on internal harassment complaints, with clear and appropriate consequences for failing to do so, and to provide appropriate supports, including mental health supports, for officers who come forward with a complaint.
7. (Recommendation 7) That the Royal Canadian Mounted Police provide to Parliament, annually for three years, a report on the progress of the implementation of the recommendations in this report.
8. (Recommendation 8) That the Royal Canadian Mounted Police be transitioned away from a paramilitary force into a police service model with civilian oversight through a new national oversight board with a legislated mandate to make this transition and the changes required to ensure that policies, practices, procedures, and operations are free from systemic bias and discrimination and that individual acts of discrimination and racism are not tolerated.
9. (Recommendation 9) That the Government of Canada, in consultation with Indigenous, Black, and other racialized people, create a National Police College to provide preparation,

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training and education necessary for modern, professional and bias-free policing, including:

- j. course offerings for continuing education, professionalization and specialization;
  - k. the provision of high-quality cultural diversity training for Royal Canadian Mounted Police recruits and other interested police services members; and
  - l. mandatory crisis resolution and psychology courses.
10. (Recommendation 10) That the Government of Canada explore the possibility of ending contract policing within the Royal Canadian Mounted Police and that the Government work with the provinces, territories and municipalities to help those interested establish their own provincial and territorial police services.
11. (Recommendation 11) That the Government of Canada provide funding to all Indigenous communities who are interested in Community Safety Officer programs based upon the Kwanlin Dün First Nation model.
12. (Recommendation 12) That the Government of Canada work with Indigenous peoples to prioritize action on all recommendations by commissions and inquiries regarding systemic racism against Indigenous peoples in policing and the justice system with the aim of implementing the unfulfilled recommendations, with attention to the recommendations from the Truth and Reconciliation Commission: Calls to Action and Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls that relate to policing.
13. (Recommendation 13) That the Government of Canada, through consultation and partnership with First Nations, Inuit and Métis communities, and recognizing that decisions surrounding policing must be community driven, develop an Indigenous Police Services Framework designed to promote self-determination and self-governance over policing to Indigenous communities; this framework should include:
- m. the designation of Indigenous police services as essential services and a requirement that they are adequately resourced;
  - n. provision for the co-development, in consultation and cooperation with Indigenous peoples, of a model of civilian oversight for Indigenous police services, with the authority to audit such services and investigate claims of police misconduct; and
  - o. a commitment for the provision of sufficient funding and support to enable all interested Indigenous communities to develop Indigenous police services.
14. (Recommendation 14) That the Government of Canada in collaboration with First Nations, Métis and Inuit communities and through negotiation, and in consultation with Indigenous leaders and organizations, offer to create specialized training rooted in Indigenous cultural knowledge and history.
15. (Recommendation 15) That with the financial support of the Government of Canada, Indigenous policing models be developed in urban communities with significant Indigenous populations, in consultation and cooperation with local Indigenous people and local police authorities, to cooperate in policing, with:
- p. advisory bodies resourced and financed appropriately;
  - q. Indigenous policing units within the urban police services;
  - r. special patrols with Indigenous officers or community support;
  - s. or such other models or arrangements that are appropriate to the local circumstances as may be agreed upon.

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16. (Recommendation 16) That the Government of Canada provide necessary resources and work with Inuit stakeholders on an Inuit-led consultation within Inuit communities on the most appropriate and effective model of policing of Inuit communities, should they desire to undertake such consultations.
17. (Recommendation 17) That the Royal Canadian Mounted Police ensure that in all jurisdictions where they are the police service responsible for First Nations, Métis and Inuit communities, that a family liaison officer, and wherever reasonably possible, one female officer is available to address gender-based violence.
18. (Recommendation 18) That the Government of Canada encourage the Royal Canadian Mounted Police to develop an action plan with concrete measures to address systemic racism and violence against Indigenous women using an intersectional approach, taking into account the different types of discrimination Indigenous women face and how these types of discrimination intersect.
19. (Recommendation 19) That the Royal Canadian Mounted Police establish programs and review and revise policies to encourage officers who are stationed in First Nations, Métis, Inuit and Northern communities to accept longer postings in order to better establish ties with the communities they are serving.
20. (Recommendation 20) That the Government of Canada work with the provinces and territories, municipalities and Indigenous communities to ensure adequate funding and service responsibilities related to mental health response and victim services.
21. (Recommendation 21) That the Government of Canada work with the Royal Canadian Mounted Police, and provincial and municipal police services to encourage the use of persons specialized in victim services and mental health who would be available with first responders in situations requiring de-escalation.
22. (Recommendation 22) That the Government of Canada properly resource the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police to conduct an independent review of RCMP operational policies and practices such as “wellness checks” and develop a timeline for corrective action to end police violence and ensure the safety and security of those in need of mental health support.
23. (Recommendation 23) That the Government of Canada work with the provinces and territories to create an Indigenous-led working group to better examine the service needs related to mental health and victim services of the rapidly growing urban Indigenous population and ensure that mental health responses, victim services and community safety and policing programs serving Indigenous people living in urban areas are adequately resourced.
24. (Recommendation 26) That the Government of Canada adopt a national policy that prohibits racial profiling and other forms of selective identification and recording of the presence of members of the public other than for investigative purposes and denounces such practices as discriminatory and contrary to the Canadian Charter of Rights and Freedoms.
25. (Recommendation 29) That the Government of Canada develop a national strategy to address and correct the disproportionately high rates of Indigenous and Black people in the criminal justice system and ensure anti-discriminatory and culturally specific services for Indigenous and Black people.

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26. (Recommendation 30) That the Government of Canada work in consultation with civilians, Indigenous peoples, and Black and other racialized Canadians, to review the federal use of force framework to ensure that it:
  - t. defines permissible use of force in greater detail;
  - u. provides requirements for the operational use of de-escalation tactics;
  - v. prioritizes de-escalation in use of force philosophy, tactics and training;
  - w. respects as a guiding principle that officers use the least force necessary in the circumstances; and
  - x. requires adequate ongoing training of officers.
27. (Recommendation 31) That the Government of Canada request that the Royal Canadian Mounted Police create a nationwide database of police use of force incident data disaggregated by race, colour, ethnic background, national origin, gender and other identities; regularly collect this data by implementing a mandatory reporting policy, and regularly publicize the data collected.
28. (Recommendation 32) That the Government of Canada work with provinces, territories, police services and chiefs of police across the country to develop a similar national database including all Canadian police services.
29. (Recommendation 33) That the Royal Canadian Mounted Police enforce its zero-tolerance policy for excessive use of force and that there be serious consequences for excessive use of force regardless of whether the threshold is met to lay criminal charges against the officer involved.
30. (Recommendation 34) That the Government of Canada ensure that the Royal Canadian Mounted Police work in collaboration with First Nations, Métis and Inuit communities to establish advisory committees composed of elders, community leaders and cultural facilitators to ensure police practises and procedures address community needs.
31. (Recommendation 35) That the Royal Canadian Mounted Police improve training to ensure that it includes enhanced de-escalation, implicit bias, gender-based violence, cultural awareness, and the history of colonialism and slavery in Canada.
32. (Recommendation 36) That the Royal Canadian Mounted Police mandate that officers receive specific cultural competency training developed in collaboration with the racialized, First Nations, Inuit, and Métis communities they intend to serve.
33. (Recommendation 37) That the Government of Canada in collaboration with First Nations, Métis and Inuit communities prioritize the recruitment of Indigenous people and women into Indigenous police services.
34. (Recommendation 38) That the Government of Canada encourage the Royal Canadian Mounted Police to ensure diversity in hiring for all levels within the police service so that it better reflects the communities that it serves, specifically with a goal of hiring more Indigenous and racialized people, and women.
35. (Recommendation 39) That the Royal Canadian Mounted Police be encouraged to review their screening process for new recruits to ensure that those with biases against Indigenous and racialized people and women be rejected.
36. (Recommendation 40) That the Royal Canadian Mounted Police be encouraged to take into consideration Inuit language skills and community knowledge when evaluating candidates and making decisions surrounding deployment of officers.



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### **2.2.16. Missing and Missed: Independent Civilian Review into Missing Person Investigations in Ontario (Toronto Police Services Board, 2021)<sup>185</sup>**

Between 2010 and 2017, serial killer Bruce McArthur murdered eight men with ties to Toronto's Gay Village. All of the victims were gay or bisexual, and six of the eight were men of colour. Six of the eight victims were reported missing and their disappearance investigated by the Toronto Police Service (TPS), but the perpetrator was not identified until his last victim, a white man, disappeared. In early 2018, the TPS arrested Mr. McArthur. Several other people from vulnerable communities, not linked to Mr. McArthur, went missing during this period.

The Toronto Police Services Board appointed retired Ontario Court of Appeal justice Gloria Epstein to review the TPS investigations of missing persons. Ms. Epstein's terms of reference required her to examine the cases of Mr. McArthur's victims, as well as two women, one of whom was trans, who also disappeared during the same period.

Ms. Epstein's review found significant errors in the investigations of these missing persons, including:

1. The September 2010 disappearance of Mr. McArthur's first victim, Skandaraj Navaratnam, was not investigated as it should have been, given the obviously suspicious nature of his disappearance. For example, investigators failed to analyze his computer for years, which would have revealed messages from Mr. McArthur.
2. Toronto police took no steps to inform other regional forces of Mr. Navaratnam's disappearance. Ms. Epstein referred to the conclusion of Justice Archie Campbell in his report on the Paul Bernardo investigation (summarized below in section 3.3.) that "the siloing of information between police services prevents the identification of a serial predator."<sup>186</sup>
3. No serious assessment of the disappearances of two other victims, Abdulbasir Faizi in December 2010 and Majeed Kayhan in October 2012, was conducted, despite obvious red flags that the disappearances involved foul play, nor did investigators draw connections between these disappearances for several years.
1. Mr. McArthur had been convicted in 2001 of attacking a member of the LGBTQ2S+ communities with a lead pipe for no apparent reason. He pleaded guilty to two offences and was banned from the Village for three years.<sup>187</sup> In 2013, Mr. McArthur was interviewed during the investigation of three of the missing men, but the officer interviewing him did not review Mr. McArthur's history and was unaware of these convictions.
2. During the 2013 interview, Mr. McArthur disclosed significant connections to the three men whose disappearances were being investigated, but this did not raise flags with the investigators. Those connections were not entered into any of the police databases, nor was the fact of the interview itself. That failure strongly contributed to the fact that Mr. McArthur was not identified as a potential suspect in any of the disappearances until September 2017.
3. In 2016, Mr. McArthur was arrested for choking a gay man following a sexual encounter. The victim called 911 immediately following the assault. The investigator, Sergeant Paul Gauthier,

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<sup>185</sup> "Missing and Missed: Report of the Independent Civilian Review into Missing Person Investigations." Toronto Police Services Board (April 2021), <http://torontopolice.on.ca/missing-and-missed-implementation/the-report.php>.

<sup>186</sup> "Missing and Missed," volume I, p. 17.

<sup>187</sup> The Report noted that Mr. McArthur was not recognized as a predator, despite evidence to the contrary, and was determined to be of low risk of reoffending, despite there being no explanation for his attack.

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accepted that the victim had not consented to being choked. However, Mr. McArthur persuaded Sgt. Gauthier that Mr. McArthur had an honest but mistaken belief that the victim was consenting. Ms. Epstein concluded that it was premature for Sgt. Gauthier to draw this conclusion and suggested that the evidence did not support this conclusion. Sgt. Gauthier released Mr. McArthur without speaking to the victim about Mr. McArthur's account of the incident, even though there were serious conflicts in their statements. There was also no indication that Sgt. Gauthier took any steps to ascertain whether the victim consented to being choked, as required for the defence of honest but mistaken belief in consent to sexual assault.<sup>188</sup> The investigator was again unaware of Mr. McArthur's 2003 convictions or of Mr. McArthur's connections to three missing men. Mr. McArthur's 2003 convictions were not brought to the attention of investigators until 2017.

4. Andrew Kinsman, the one victim who was white, disappeared in June 2017. The investigation of his disappearance was done with commitment and skill, and the officers in this investigation showed sensitivity and compassion towards the affected families and communities. However, there were problems, including the failure to obtain videotape evidence showing Mr. Kinsman on the day of his last known sighting in a van connected to Mr. McArthur until almost two months after Mr. Kinsman's disappearance.
5. The investigators examining Andrew Kinsman's disappearance were initially unaware of Mr. McArthur's 2003 conviction for assault with a lead pipe. Once that came to light, the lead investigator felt he could not use that information in his investigation because it was dated and because Mr. McArthur had received a record suspension (pardon). Ms. Epstein concluded that the pardon did not prevent the police from using the information underlying the 2003 conviction.

The Report emphasized that some excellent work was done by officers and that some changes had already been made for the better. However, the Report identified serious flaws in the handling of missing persons cases in Toronto. There were suggestions that the Toronto police remained uninterested in the disappearances of the men of colour and only took the disappearances seriously once a white man went missing. Ms. Epstein concluded that there were a number of dedicated officers working tirelessly to solve the disappearances of those earlier cases, but the other victims were often given less attention or priority than they deserved. Some officers' stereotyping of LGBTQ2S+ communities impeded their work. Investigators failed to recognize or address the reality that the long history of mistrust of police by members of marginalized communities prevented some witnesses from coming forward.

The police failed to identify links between the missing persons cases in part because they did not use available search and linkage tools. They also failed to follow provincial standards for missing persons cases. For those cases that were identified as major cases, officers in charge were not always trained in major case management or the major case management software. Only a fraction of the information on the missing persons cases or on Project Houston (see below) was uploaded into that software, which was treated as a bureaucratic obligation rather than a case management system. The service had no centralized unit for examining all missing persons cases, no missing persons coordinator, and no dedicated missing persons case analyst. In

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<sup>188</sup> Sgt. Gauthier was charged under the Police Services Act of Ontario with insubordination and neglect of duty for his conduct with respect to this report. The Toronto Police Service's Disciplinary Hearings Office Tribunal acquitted him in August 2021. The hearing officer concluded that it had not been demonstrated that had Sgt. Gauthier complied with the policy for investigating domestic violence allegations, he could have formed reasonable grounds to charge Mr. McArthur. See M. Draaisma. 2021. "Police Officer Who Released Serial Killer Bruce Mr. McArthur in 2016 Cleared of Disciplinary Charges." *CBC News* (23 August 2021), <https://www.cbc.ca/news/canada/toronto/toronto-police-gauthier-not-guilty-bruce-mcarthur-1.6150748>. The Tribunal decision is not available online.

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addition, almost all the investigations into Mr. McArthur's victims failed to comply with requirements to report to the Ontario Provincial Police (OPP) Violent Crime Linkage Analysis System (ViCLAS) unit. Many of the investigators did not understand or effectively use the tools to obtain internet profiles of the missing men.

### **Civilian Oversight**

Ms. Epstein concluded that effective civilian oversight of the police, including a well-informed police services board, is essential to ensuring governance and accountability. However, the Toronto Police Services Board was never made aware of the two projects, Project Houston and Project Prism, that the police undertook to investigate the missing men. Project Houston was also not compliant with provincial standards on major case management, which created significant risks. This noncompliance was flagged in an audit early in the stages of the Project, but the Board was never made aware of these concerns.

### **Coordination and Communication between Police Divisions and Agencies**

There was poor coordination between two TPS divisions investigating a single missing persons case. This contributed to the failure to locate the body of Tess Richey, a woman from the Village who went missing during this period, for several days. (Ms. Richey's death was not connected to the Mr. McArthur murders.)

Workload demands led to missing persons investigations being passed from officer to officer and being given lower priority than other cases. There were also serious problems with the quality of communication between the police, affected loved ones, and the Office of the Chief Coroner. Incomplete or inaccurate information was provided to the TPS about existing unidentified remains.

### **Resistance to the Idea of a Serial Killer**

There was strong institutional resistance to the notion that a serial killer may have been preying upon members of LGBTQ2S+ communities. By December 2017, there was strong circumstantial evidence that Mr. McArthur was involved in the disappearances of all five men who had connections to the Village and were known to be missing. The police were intensely focused on him. Yet TPS Chief Mark Saunders stated during a press conference on December 8, 2017 that "the evidence today tells us there is not a serial killer based on the evidence involved." Ms. Epstein concluded that Chief Saunders did not deliberately mislead the public, but the Report noted that his comments further harmed the relationship between the TPS and the affected communities, given that Mr. McArthur was identified as a serial killer shortly after the press conference.

### **Lack of a Public Warning**

In mid-July 2017, a superintendent suggested that the TPS issue a public safety media release warning gay men who were using dating sites to arrange sexual encounters of possible risk. The Director of Corporate Communications refused to issue the warning. The justification for this refusal was that it could cause the public to connect the disappearances under investigation with their use of dating sites, when that had not been established. No warning was issued until December 2017. Ms. Epstein referred to the *Jane Doe* case (see section 4.1. below) and commended the officers who suggested the warning. The Review did not fully explore the decision-making surrounding the warning, but Ms. Epstein made the point that public safety should trump other considerations. The fact that there was no established link between the dating sites and the disappearances should not have prevented the warning from being issued. Ms.

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Epstein also expressed concern that Corporate Communications had the power to veto this warning over the wishes of the investigators involved in the case.

### Systemic Discrimination

Ms. Epstein did not conclude that the deficiencies in the Mr. McArthur-related investigations were caused by overt bias or intentional discrimination by individual officers. However, systemic discrimination was a factor. For example, the friends of Andrew Kinsman, a white man with a high profile in the LGBTQ2S+ community, fiercely advocated for a thorough investigation into his disappearance, and it was this advocacy that led to the creation of Project Prism and ultimately to Mr. McArthur's arrest. Mr. McArthur's other victims also had loved ones who wanted the police to investigate their disappearances with vigour, but those family and friends did not have the resources or connections to pressure the police effectively. "That differential treatment is unacceptable. The quality of a missing person investigation should not depend on who is best situated to demand the attention of the police."<sup>189</sup> The investigators' unfamiliarity with the LGBTQ2S+ communities and the victims' other communities was also a systemic contributor to the differential treatment of the victims. Another systemic problem was the focus on the personal problems of the victims, such as debt or mental illness, as explanations for their disappearances. "The police must remain vigilant to ensure that the potential victimization of marginalized and vulnerable missing persons not be obscured by overemphasis on those circumstances that make these persons marginalized and vulnerable in the first place."<sup>190</sup>

The historical and continuing criminalization of members of LGBTQ2S+ communities and other communities to which those members belong (such as immigrants, Black and Indigenous people, people with HIV/AIDs, and users of illegal drugs) also meant that going to the police is the last resort for many when they are in danger, for fear of being arrested or targeted themselves. Ms. Epstein referred to this as the "vicious circle of overpolicing and underprotection."<sup>191</sup>

### Communication with the Public and Affected Communities

The police did a poor job communicating with the public about their investigations and undervalued the affected communities' ability to assist in advancing the investigations. The police service's decision to keep Project Houston secret out of concern that transparency would harm the investigation "set the Service up for heightened mistrust when community members later learned they were misled... or, at a minimum, shut out. Inaccurate or unnecessarily censored statements by the Service and/or its senior command undermine respect for the Service and, ultimately, future investigations."<sup>192</sup>

Ms. Epstein stated that too much emphasis is placed on maintaining the integrity of police investigations. She said, "If affected communities do not trust the police because they feel the police do not trust them, investigations will inevitably suffer, and public confidence and support for the police will be eroded."<sup>193</sup> After Mr. McArthur's arrest, Chief Saunders also told the press

<sup>189</sup> "Missing and Missed," volume I, p. 59.

<sup>190</sup> "Missing and Missed," volume I, p. 61.

<sup>191</sup> "Missing and Missed," volume I, p. 79.

<sup>192</sup> "Missing and Missed," volume I, p. 25.

<sup>193</sup> "Missing and Missed," volume I, p. 37.

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that the investigation was well executed, which was clearly wrong. This too affected the affected communities' trust in the police.

Participants in the Civilian Review's community consultations viewed the TPS as "having a militaristic culture where conformity is valued over systemic change."<sup>194</sup> Oversight mechanisms were seen as largely ineffective, as demonstrated by the lack of discipline for officers who engage in discriminatory conduct and the lack of transparency over police discipline. Some participants advocated for mandatory training on issues relevant to the mandate of the Review, while others said training would have little effect on changing police culture.

The support given to those affected by the disappearances of Mr. McArthur's first three known victims was at best uneven. There were acts of kindness by individual officers, but support was not provided in a consistent or ongoing manner.

The Report commended the internal review of the TPS missing persons investigations and the resulting efforts to create an effective Missing Persons Unit. The Report identified a number of further improvements to be made. It noted that the trust between marginalized communities and police in Toronto had been so severely eroded that some suggested that "the situation is beyond repair" and that much of the work of the TPS should be transferred to new or other institutions. Ms. Epstein stated she was more optimistic, referring to "significant measures the Service has undertaken in recent years to address bias and discrimination in policing while acknowledging that much work must still be done to repair relationships."<sup>195</sup> She agreed that what is needed is "truly transformational change."<sup>196</sup>

Ms. Epstein recommended a number of measures to improve communication between the TPS and the affected communities, including:

1. the creation of a "missing person support worker" position, to be filled by civilians with experience and training in victim support and cultural sensitivity;
2. that promotions be tied to an officer's demonstrated ability to form and maintain relationships with vulnerable and marginalized communities;
3. changes to policies and practices governing communication with victim's loved ones, which would not give undue priority to preserving the integrity of an investigation and which would require a trauma-informed approach to the interviews of missing persons' loved ones; and
4. mechanisms to encourage reporting and information-sharing from members of communities who are fearful of communicating with the police, such as a "distance" reporting system that would designate trusted communities or agencies to transmit missing person reports or information from members of the community, without necessarily identifying the source.

### Training

Ms. Epstein noted that there had been more training and education on issues relevant to the mandate of the Review than community members realized. However, she noted that there had been no specialty training and education for missing person investigators. In addition to

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<sup>194</sup> "Missing and Missed," volume I, p. 54.

<sup>195</sup> "Missing and Missed," volume I, p. 80.

<sup>196</sup> "Missing and Missed," volume I, p. 86.

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recommendations regarding specific training on missing persons investigations, Ms. Epstein recommended the following:

5. identification of measurable outcomes for training, and audits or other mechanisms to evaluate training effectiveness;
6. regular involvement of officers trained in major case management in major cases, so their training is not forgotten;
7. training on critical thinking, problem-solving, and empathy; and
8. the creation of a regional centre for policing excellence, housed within an academic institution.

### Implementation of Recommendations

The Review's terms of reference specifically required the identification of a framework for measuring, monitoring, and publicly reporting on whether the recommendations have been adopted, and where they have not been adopted, why; they also required the Review to ensure LGBTQ2S+ participation in the monitoring and implementation of recommendations. Ms. Epstein noted that "Recommendations for more training or greater diversity in policing ranks are important but of limited value. They no longer represent an adequate response to the issues this Review has identified."<sup>197</sup>

### Recommendations Relevant to the Mandate of the Mass Casualty Commission

1. (Recommendation 1) The Toronto Police Services Board and any future chief of police should publicly commit to the robust oversight by the Board recommended in the Independent Civilian Review into Matters Relating to the G20 Summit, conducted by the Hon. John W. Morden (June 2012).
2. (Recommendation 2) The Toronto Police Services Board should adopt a policy clearly defining the types of information that the chief of police should share with the Board, including what constitutes a "critical point." The policy should specify when and how those types of information should be shared. This policy should be prepared by the Board in consultation with the Toronto Police Service and as originally recommended in the Independent Civilian Review into Matters Relating to the G20 Summit.
3. (Recommendation 3) The policy outlined in Recommendation 2 should identify criteria that must be applied in determining when a "critical point" has been reached. At a minimum, such criteria should include:
  - a. a policing operation, event, or organizationally significant issue requiring command level approval (i.e., by the chief of police or deputy chief of police) or command level advance planning;
  - b. operations that may have a material impact on the Toronto Police Service's relationship with and servicing of marginalized and vulnerable communities, including those communities in which significant numbers of community members mistrust the police. These include racialized, Indigenous, LGBTQ2S+, homeless or underhoused, and others identified in this Report, as well as the intersection of these communities. Included here are operational decisions that may have a material impact on future relationships with these communities;

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<sup>197</sup> "Missing and Missed," volume I, p. 1.

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- c. operations that may impact in a material way on the Service's reputation or its effectiveness;
  - d. operational matters, even ones involving an individual case, if they raise questions of public policy;
  - e. internal audits or analogous documents that identify systemic issues within the Service;
  - f. complaints against individual officers and the Service and findings about discrimination by other tribunals that raise systemic issues.
4. (Recommendation 4) The Toronto Police Service Board's "critical point" policy should also consider the non-exhaustive list Judge Sidney Linden set out in the 2007 Ipperwash Report of operational decisions that might require policy intervention by government. According to this list, an operational decision is one that may require some kind of policy intervention if it:
- a. requires unexpected financial or other resources;
  - b. could affect third parties or issues not directly involved in the situation/issues;
  - c. is necessary to vindicate or balance legal/democratic principles or rights with policing priorities and practices;
  - d. raises interjurisdictional issues;
  - e. could set a precedent for similar operational situations in the future;
  - f. requires intervention of higher levels of authority to resolve the operational issue;
  - g. must be made in a police or operational vacuum, where operational decision-makers do not have existing policies or protocols to guide them.
5. (Recommendation 5) The Toronto Chief of Police should establish corresponding procedures to the policies outlined in Recommendations 2 and 3 for sharing information with the Toronto Police Services Board.
6. (Recommendation 6) The Toronto Police Services Board should ensure that initial and ongoing training and education of its current and future members includes mandatory continual education not only on the role of the Board but on how it can be effective in its governance and oversight role. Emphasis should be on topics such as the sharing of information (including "critical points"), constructive dialogue with the Chief of Police, systemic issues to be explored, and the scope of and limitations to "directions" to the Chief of Police.
7. (Recommendation 7) The Toronto Police Services Board and the Toronto Police Service should ensure that initial and continual training and education of current and future chiefs of police, deputy chiefs, and senior officers should include what information should be provided to the chief of police and deputy chiefs to enable them to fulfill their responsibilities, including sharing information on "critical points," with the Board.
8. (Recommendation 8) The Toronto Chief of Police should establish procedures specifying what types of projects or operations have to be approved by senior command (see Recommendation 3(a)).
9. (Recommendation 9) [A] regulation permitting a chief of police to decline to provide information in accordance with a direction from a police services board is unnecessary, given the statutory prohibitions that already exist against inappropriate intervention by a board. The Toronto Police Services Board should urge the Ministry of the Solicitor General not to create such a regulation in the circumstances. If such a regulation is created, the scope for denying a board information about operations should be restricted, as it is, for example, in Victoria, Australia, to information whose disclosure would prejudice an investigation or prosecution or endanger the life or safety of a person.

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10. (Recommendation 10) The Toronto Police Services Board should be allocated sufficient funding to ensure it can perform its extensive governance and oversight responsibilities under the Police Services Act and the new Community Safety and Policing Act 2019.
11. (Recommendation 11) The Toronto Police Services Board should re-examine all its existing policies as they pertain to the matters addressed in this Report and ensure that they provide meaningful policy direction to the Chief of Police and the Toronto Police Service, consistent with the recommendations made in this Report.
12. (Recommendation 12) The Toronto Police Service should commit itself through concrete measurable outcomes to complying with existing provincial adequacy standards respecting major case management and the use of PowerCase, the mandated case management software, for its intended purpose. Senior command must support and drive this commitment
13. (Recommendation 14) The Toronto Police Service and the Toronto Police Services Board should work in partnership with the Ministry of the Solicitor General and the Office of the Inspector General of Policing (once Part VII of the Community Safety and Policing Act 2019 is proclaimed) to support periodic independent monitoring of the Service's compliance with the provincial adequacy standards respecting major case management and the use of PowerCase.
14. (Recommendation 17) The Toronto Police Service's Chief Information Officer is currently reviewing the "interoperability of systems" and the software being used by the Service. Through expert assistance and having regard to the issues identified in this Report, this review should consider whether data must be loaded onto three separate systems (Versadex, a P Drive, and PowerCase) in major cases and, in any event, whether data can be uploaded in ways that reduce the time expended in this uploading. The review should also consider whether some of the current functions can be performed automatically.
15. (Recommendation 20) The Toronto Police Services Board and the Toronto Police Service should request that the Ministry of the Solicitor General revisit the need for province-wide compatible records management systems.
16. (Recommendation 21) The Toronto Police Service should ensure through its procedures that information collected during a major case is available on its records management system to other officers. This availability is subject to categories of information (such as that pertaining to confidential informants) that must or should be restricted.
17. (Recommendation 22) The Toronto Police Service should commit itself through concrete measurable outcomes to comply with existing provincial adequacy standards respecting ViCLAS submissions.
18. (Recommendation 23) The Toronto Police Service should ensure that its Audit and Quality Assurance Unit evaluates, on a regular basis until compliance is the norm, the extent to which the Service has become compliant with provincial adequacy standards respecting ViCLAS submissions.
19. (Recommendation 24) The Toronto Police Service should ensure that its Audit and Quality Assurance Unit's reports on ViCLAS compliance are provided to the Toronto Police Services Board.
20. (Recommendation 25) The Toronto Police Service and the Toronto Police Services Board should work in partnership with the Ministry of the Solicitor General and the Office of the Inspector General of Policing (once Part VII of the Community Safety and Policing Act 2019 is proclaimed) to support independent monitoring of the Service's compliance with the provincial adequacy standards respecting ViCLAS submissions.



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21. (Recommendation 43) The Toronto Police Service should amend its Missing Persons procedures and practices in consultation with its own and external Victim Services agencies and relevant not-for-profit missing persons organizations to ensure that the following points are implemented.

- Information about an ongoing investigation is regularly provided to those directly affected by the disappearances of missing persons.
- The Service does not erect unnecessary barriers to providing such information based on an overly broad interpretation of what must be withheld to preserve the integrity of an investigation.
- Absent exceptional circumstances, a communication plan is created for every missing person investigation, in consultation with those directly affected, that includes
  - i. the name and contact information of the liaison person assigned to assist those directly affected, whether a missing person coordinator or a missing person support worker;
  - ii. the names and contact information of persons designated to be updated on the progress of the investigation;
  - iii. the frequency and type of information to be provided to the persons designated in the communication plan (e.g., the affected persons' wishes and schedule for contact, updates on the progress of the investigation, significant developments in the investigation);
  - iv. the type of information that is to be provided to the liaison person by the persons designated in the communication plan; and
  - v. the means by which information is to be provided.
- Generally, the directly affected persons are advised of details pertaining to the investigation that will be released to the media; they are given an opportunity to review and consent to any information or photos released to the media, unless these steps would jeopardize the investigation;
- Those interviewing directly affected persons use, where appropriate, a trauma-informed approach and are mindful of the ways in which the disappearance of a loved one may affect them. Interviewers should also be non-judgmental in their responses to a Missing Person Report and avoid appearing to blame the reporting individual for any delay in reporting.
- The Service's members have a clear understanding, based on human rights principles, of who represents a missing person's families, loved ones, or those directly affected and how they should communicate with them. This understanding means, among other things, that
  - the individuals who are to communicate with directly affected individuals are competent to ascertain those with whom they should be communicating;
  - they do so in a sensitive and appropriate way;
  - they are respectful of sexual orientation, gender identity and expression, and other relevant identifiers of the missing person and those directly affected; and
  - communication takes place, whenever possible, in the language of choice of those directly affected.
- Service members provide emotional or logistical support as may be needed to those directly affected or facilitate their access to other resources. Such support might include
  - contacting those directly affected on the anniversary of someone's disappearance and/or on other special dates, such as the missing person's

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- birthday; such support, recommended in the National Centre of Missing Persons and Unidentified Remains Best Practices Guide, does a great deal to reassure those directly affected that the police have not forgotten about their loved ones; and
- working in partnership with social service, public health, victim-service, and community agencies and non-profit organizations, including relevant charities, to facilitate access to needed resources.
22. (Recommendation 44) The Toronto Police Service should develop, in partnership with diverse communities, a guide to missing person and unidentified remains investigations for those directly affected as well as the public at large.
  23. (Recommendation 45) The Toronto Police Service should comply with the provincial adequacy standards respecting the assignment of a victim liaison officer to major cases, including missing person cases. The Service's procedures should be amended and/or a Routine Order issued to reinforce this requirement. In the context of missing person or bodily remains investigations, the victim liaison officer will generally be the missing person support worker or a missing person coordinator.
  24. (Recommendation 46) The Toronto Police Service's Missing Persons Procedure should be amended to include the following requirement. In every missing person or unidentified remains case, the lead investigator or, in major cases, the major case manager should ensure that any support that has been or is being provided on an ongoing basis to those directly affected by an individual's disappearance is documented.
  25. (Recommendation 48) The Toronto Police Service, in partnership with academic institutions and its own analysts, should continually work on developing the most sophisticated risk assessment tools. This work must include evaluating and testing the existing risk assessment tools with measurable outcomes to ensure they are evidence-based.
  26. (Recommendation 49) Risk assessments should be done by those with specialized training and education in missing person investigations and risk assessment. Such experts should include, at a minimum, the members of the Missing Persons Unit and missing person coordinators, whether civilians or sworn officers.
  27. (Recommendation 50) The Toronto Police Service should build capacity to have risk assessments performed in missing person cases 24/7 so they can be done as soon as practicable and promptly reviewed. It should also ensure that risk assessments are regularly re-evaluated as new information comes forward.
  28. (Recommendation 51) The Toronto Police Service should ensure that the officials who conduct risk assessments meet regularly with each other and with non-policing agency partners to collaborate on current cases and to promote consistent approaches to assessments and quality control.
  29. (Recommendation 52) The Toronto Police Service should develop, in partnership with social service, public health, and community agencies, a risk assessment-based triage protocol that enables appropriate cases to be diverted to non-policing agencies or addressed through a multidisciplinary approach, including referral to FOCUS tables.
  30. (Recommendation 53) The Toronto Police Services Board and the Toronto Police Service should work with the City of Toronto, provincial and federal governments, and public health, social service, and community agencies to build capacity for non-policing agencies to share or assume responsibilities for missing person cases in ways consistent with the proposed mid-term and long-term models outlined in this Report.

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31. (Recommendation 54) Risk assessments should identify and document:
1. the types of risks, if any, associated with a person's reported disappearance;
  2. existing factors that elevate or diminish these risks, while recognizing that a single factor that elevates risk may determine the level of response to a person's disappearance;
  3. the recommended investigative or other response to a person's reported disappearance;
  4. whether and to what extent the disappearance should be addressed by the police, social service, public health, or community agencies or through a multidisciplinary response, including but not limited to referral to a FOCUS table.
32. (Recommendation 55) In amending the current Risk Assessment forms, the Toronto Police Service should continue to design them to be user-friendly so as to enable types of risk and risk factors to be identified, with the ability to supplement them as needed.
33. (Recommendation 56) The Toronto Police Services Board and the Toronto Police Service, with their agency partners and the City of Toronto, should consider whether to create a dedicated missing person FOCUS table or dedicated FOCUS tables or to build added capacity more generally for FOCUS tables to enable them to play a more active role in missing person-related situations. If such a dedicated missing person FOCUS table or dedicated FOCUS tables are created, the Service and its partners should develop different but analogous criteria for intervention in missing person-related situations, based in part on the issues identified during this Review.
34. (Recommendation 57) The Toronto Police Services Board policies and the Toronto Police Service's Missing Persons Procedure and related Risk Assessment forms should be re-evaluated and upgraded in the light of the systemic issues identified by and the lessons learned through this Report. Explicit reference to the issues and lessons should be incorporated into these documents and/or into training and education. The list includes the following issues and lessons.
- In accordance with the National Centre of Missing Persons and Unidentified Remains Best Practices Guide, the need to treat missing person cases as presumptively high risk unless and until a risk assessment or available information reasonably supports an alternative approach.
  - The need to incorporate a clear definition of the "strong possibility of foul play," together with specific direction to address continuing misconceptions about when the strong possibility of foul play exists.
  - The need to provide direction, including lists on potential "red flags" of foul play or exposure to serious bodily harm, informed by the deficiencies identified in this Report.
  - In accordance with Recommendations 61–62, the need to provide further direction as to when missing person cases should be treated as major cases, whether or not mandated by provincial adequacy standards.
  - The need to provide clear direction and lists on the types of risks to be considered, apart from foul play, again informed by the deficiencies identified in this Report.
  - The need for risk assessments to be informed by the disproportionate number of marginalized and vulnerable people who go missing; by how those people are also disproportionately the victims of violence and criminal exploitation; and how, as a result, their marginalization and vulnerabilities may and often do elevate the risks associated with their disappearances; merely directing officers to determine whether missing persons are members of certain communities, without more information, is inadequate.

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- The need to ensure that the fears and concerns of those who report someone missing or are directly affected by their disappearances are taken seriously, given their familiarity with the missing persons, and that their fears and concerns are not responded to in a dismissive or insensitive way.
  - The need to ensure that the affected communities' concerns—for example, about community safety and perceived patterns of disappearances or the possibility of a serial killer—are taken seriously and inform any investigative response.
  - On a related point, the need specifically to consider patterns of disappearances, where potentially correlated, as part of a risk assessment, rather than focusing exclusively on a single disappearance.
  - The need to avoid a mindset that unreasonably discounts the possibility of foul play or serious bodily harm.
  - Similarly, the need to ensure that risk assessments are not based on institutional or systemic reluctance to elevate the risk assessment because of extraneous concerns about resource implications.
  - As partially reflected in the Service's current Missing Persons Procedure, the need to ensure that risk assessments are not based on or influenced by stereotypical assumptions or misconceptions about missing persons with certain personal identifiers, such as sexual orientation, gender identity, and gender expression, or missing persons who have certain perceived or actual lifestyles. In this regard, examples of such stereotypical assumptions or misconceptions should be informed by this Report.
  - The need to ensure that risk assessors are provided direction or guidance not only on the questions to be asked but also on how the answers bear on risk.
  - Though not currently articulated in the Service's Missing Persons Procedure, the need to ensure that the contents of Missing Person questionnaires are used in making risk assessments.
  - The need to ensure that risk assessors are provided examples of scenarios that elevate or reduce risk.
  - The need to ensure that clear direction is provided as to the need constantly to re-evaluate risk as an investigation progresses. When and if a lead investigator or major case manager is assigned, this ongoing re-evaluation should take place collaboratively with these officers.
35. (Recommendation 60) The Toronto Police Services Board and the Toronto Police Service should support continuing research on risk assessment, including the creation of predictive models, based in part on disaggregated data collected by the Service and on analytical work.
36. (Recommendation 65) The Toronto Police Service's procedure that defines which division or service investigates a missing person case is outdated and, in partnership with the Ministry of the Solicitor General, should be revisited. Among other things, revised procedures should be informed by the following considerations:
- Where the police reasonably believe that the focus of the investigation will largely although perhaps not exclusively be within the jurisdiction where the person was last seen (if known), and the investigation is not to be conducted by the Missing Persons Unit, it should generally be conducted by the division where the person was last seen. This approach is subject to a determination by the Missing Persons Unit that the particular circumstances warrant a different approach.
  - In the above circumstances, where the missing person resides in the jurisdiction of another police service, the relevant police services should liaise with each other to determine jointly the most appropriate service to lead the investigation. That

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determination should be documented and should be made based on where the investigation would most effectively be conducted rather than on extraneous considerations.

- Where more than one division or service must perform the actual investigative work, efforts should be made to avoid duplication and other inefficiencies. There should be clear lines of reporting and coordination, and in cases involving more than one police service, the province should create a process for facilitating these investigations, even if they do not meet the criteria for multi-jurisdictional joint investigation.
37. (Recommendation 66) The Toronto Police Services Board and the Toronto Police Service should urge the Ministry of the Solicitor General to adopt province-wide guidelines on jurisdiction to be exercised in missing person and unidentified remains investigations. Consideration should be given to the National Centre of Missing Persons and Unidentified Remains Best Practices Guide respecting jurisdiction; the guide treats the place a missing person is last seen (if known) as the lead criterion for assuming jurisdiction.
38. (Recommendation 69) The Toronto Police Service should amend its Missing Persons Procedure to ensure full continuity in missing person investigations when lead investigators go off-shift. Such continuity means
- investigations should continue even in the absence of the lead investigator;
  - an officer assumes carriage of the investigation in the lead investigator's absence; and
  - changes in the identity of the lead investigator are documented in the investigative file and made known to those closely associated with the missing person's disappearance.
39. (Recommendation 70) The Toronto Police Service should amend its Missing Persons Procedure to ensure full continuity in missing person investigations when lead investigators are reassigned or retire. Such continuity means
1. the investigation should be reassigned promptly;
  2. the reassignment should be documented in the investigative file and made known to those closely associated with the missing person's disappearance; and
  3. when feasible, the former lead investigator should take steps to familiarize the new lead investigator with the investigation and document the fact that this step has been taken.
40. (Recommendation 71) The Missing Persons Unit or, on adoption of the mid-term model proposed in this Report, missing person coordinators should assume responsibility for continuity and consistency of file management. Missing person coordinators should have lines of reporting within their division or quadrant as well as to the head of the Missing Persons Unit.
41. (Recommendation 72) The Toronto Police Service should amend its applicable procedures, in accordance with the recommendation contained in the 2019 116 Independent Civilian Review into Missing Person Investigations Inspection Report of the Ministry of the Solicitor General, to require
1. the officers assuming the responsibilities of the command triad in major cases to be clearly identified, and
  2. the assigned officers in missing person and unidentified remains investigations, or the officers who assume the responsibilities of the assigned officers in their absence, to be easily accessible to the public, most particularly those closely associated with the missing persons or, potentially, to the unidentified remains.

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42. (Recommendation 73) The assignment of investigators or interviewers to a missing person investigation should be informed by their individual skills and competencies. In making such assignments, supervisors should be mindful of and informed by the dynamics in individual cases. These dynamics may include (a) the nature of the investigation; and (b) the personal identifiers relevant to the missing person, those who report that person missing, or those being interviewed.
43. (Recommendation 74) The Toronto Police Service should strengthen its existing Missing Persons Procedure to ensure that the investigators make themselves aware of existing community resources that can advance their missing person investigations and fully use those resources as needed. The Service should work proactively with community groups and leaders to establish processes for community partnership and engagement in missing person investigations.
44. (Recommendation 75) The Toronto Police Services Board and the Toronto Police Service should develop, in partnership with community groups and leaders, an information-sharing strategy that institutionalizes ongoing communication with community leaders and groups and with the public at large about the Service's missing person investigations. The information-sharing strategy should draw upon the systemic issues this Review identifies and the related lessons learned. In particular, the strategy should promote:
1. Information-sharing about specific investigations with affected communities and the public at large;
  2. community partnership in how and what information is shared, including use of community resources for messaging;
  3. a process for decision-making around public warnings that includes, to the extent possible, confidential input from community leaders or groups;
  4. police participation in community meetings and town halls, both to inform communities about existing missing person processes and specific investigations of concern to those communities and to address potential barriers to information-sharing;
  5. ongoing feedback from communities about the Service's successes or failures in its communication strategy and, more generally, in its ongoing relationships with diverse communities;
  6. consideration of the impact on marginalized and vulnerable or disadvantaged communities in failing to communicate information;
  7. the development of a user-friendly missing person and unidentified remains webpage;
  8. the development of a coherent and comprehensive approach to the use of posters and both social and traditional media to share information;
  9. recognition that not every community member has equal access to the internet or electronic communication, as well as the need to address linguistic barriers, and to accommodate those with disabilities; and
  10. the creation of missing person awareness days.
45. (Recommendation 77) The Toronto Police Service should amend its procedures relating to both missing person and unidentified remains investigations to ensure that, where appropriate, timely media releases are issued in relation to such investigations.
46. (Recommendation 81) The Toronto Police Service should re-evaluate its existing decision-making processes for issuing public safety warnings. At a minimum, in relation to major case investigations, the major case manager should make the ultimate decision, in consultation with the Service's Corporate Communications, as to whether a public safety warning is required. These types of decisions should be made whenever possible in partnership or in consultation with community leaders.

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47. (Recommendation 83a) The Toronto Police Service should fully use its liaison officers and its neighbourhood community officers to advance missing person and unidentified remains investigations.
48. (Recommendation 83b) The Toronto Police Service should revise its Missing Persons Procedure, as well as relevant job descriptions, to explicitly recognize that its liaison and neighbourhood community officers may
- ii. facilitate information being made available, particularly from marginalized and vulnerable community members otherwise reluctant to come forward;
  - iii. create a safe and welcoming environment for those who want to report a person missing and for potential witnesses who want to come forward;
  - iv. dispel existing mistrust and provide needed assurances;
  - v. familiarize investigators with the significance of information they are being provided;
  - vi. correct stereotypical assumptions or preconceptions that can infect investigations;
  - vii. access street-level community members otherwise inaccessible to investigators, who may be well situated to assist an investigation;
  - viii. address concerns about the potential misuse of information provided to police, including privacy issues around sexual orientation, gender expression, or identity; and
  - ix. ensure that appropriate language is employed in media releases and by investigators in their interactions with community members.
49. (Recommendation 91) The Toronto Police Service should amend its procedures, including the Missing Persons Procedure, and disseminate a Routine Order to address the systemic issue represented by the Service's failure to respond to the attempts of another police service to interest the Service in a potentially connected investigation. More specifically, the procedures should require that a Toronto police officer advised of a potential connection between a case in Toronto and another jurisdiction document the information provided and ensure that it is followed up on, and that the follow-up is documented in the relevant investigative file.
50. (Recommendation 92) The Toronto Police Services Board and the Service should request that the Ministry of the Solicitor General draw the issue of lack of communication between services to all Ontario police services and identify a contact person (or position) at the Ministry in the event that any officer or service is concerned about the failure to respond appropriately to such information being communicated.
51. (Recommendation 96) The Toronto Police Service should amend its Missing Person Procedure to address in a more helpful and thorough fashion the need to interview key witnesses pertaining to the report of a missing person and the subsequent investigation.
52. (Recommendation 103) The Toronto Police Service should evaluate the continuing use of officer memobooks, having regard to the issues identified during this Review.
53. (Recommendation 104) The Toronto Police Service should reinforce, through its procedures and Routine Orders, that all memobooks are Service property and must be retained as its property. All memobooks relating to specific investigations must be preserved in the investigative files pertaining to those investigations.
54. (Recommendation 109) The Toronto Police Service should commit itself to the professional use of multidisciplinary case reviews or case conferences, as contemplated by the Major Case Management Manual, to evaluate investigations objectively and thoroughly. In some circumstances, as is the case in the United Kingdom, serious issues in the conduct of an investigation should lead to an independent review accompanied by a public report. This

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recommendation calls upon the Service to be far more introspective about its own failings and to correct them.

55. (Recommendation 110) The Toronto Police Service should evaluate whether existing supervision and oversight of major investigations should be reexamined. This evaluation involves a more fundamental and introspective questioning of the lines of supervision within the Service and whether they are serving its needs.
56. (Recommendation 111) The Toronto Police Services Board and the Toronto Police Service should re-evaluate, in partnership with the City of Toronto, what protections currently exist for those with precarious legal status who wish to report people missing or provide information about them; whether the Service has misinterpreted its existing enforcement obligations, particularly under immigration legislation; and whether its current procedures and practices are consistent with the city's sanctuary city policy and related directions. This re-evaluation, supported by an independent legal opinion, should lead to enhanced, well-communicated protections that will assist in reducing barriers to reporting or information-sharing with the police.
57. (Recommendation 112) The Toronto Police Service should consider incorporating into its Missing Persons Procedure a third-party or "distance" reporting system (where trusted community leaders, organizations, or agencies are designated to transmit, anonymously if necessary, missing person reports or information to the police).
58. (Recommendation 113) The Toronto Police Service and the Toronto Police Services Board should consider whether they wish to acknowledge the deficiencies identified in this Report, together with the adverse impact they have had on those communities and individuals directly affected. Such an acknowledgement should be made only if heartfelt, if it is accompanied by a detailed action plan for change that is subject to independent monitoring, and if the content of the acknowledgement and the action plan is developed in partnership with communities. Any such acknowledgement should form part of a comprehensive reevaluation by the Service and the Board of the urgent need to improve relationships with Toronto's diverse communities, including those who suffer intersecting and overlapping grounds of systemic discrimination and disadvantage.
59. (Recommendation 114) The Toronto Police Service should consider whether to acknowledge the problems associated with Chief Saunders's statements on December 8, 2017 and later to the *Globe and Mail* and how they contributed to the elevated mistrust that followed the McArthur-related investigations.
60. (Recommendation 115) The Toronto Police Services Board and the Toronto Police Service should reflect in their recruitment policies the following standards:
  1. recruits must have a minimum of 30 credits of post-secondary education (or such higher minimum as the Board and Service might determine);
  2. post-secondary education need not include policing-related courses but may well include courses that promote communication, problem-solving, and relationship-building skills and cultural understanding and humility; and
  3. diversity and equity in hiring continue to be supported.
61. (Recommendation 116) The Toronto Police Services Board and the Toronto Police Service should commit the Service to becoming a recognized national if not global leader in police training, education, and professional development both for recruits and the Service's sworn officers and for its civilian employees, with particular emphasis on those who perform functions relevant to this Review's mandate, such as community engagement, equity, inclusion, and human rights.



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62. (Recommendation 117) The systemic issues identified by and lessons learned during this Review should inform the content of the training and education of the Toronto Police Service on the following topics:

- ii. risk assessment in missing person cases;
- iii. the use of technology to advance investigations and the importance of such use;
- iv. the use of existing internal resources and community partnerships to advance investigations involving diverse marginalized and vulnerable communities;
- v. communication strategies to ensure that investigations are to the fullest extent possible transparent;
- vi. interviewing techniques and appropriate preparation for interviews, including the nature and scope of work-ups for interviewees;
- vii. trauma-informed interview techniques for those emotionally traumatized by a disappearance or the discovery of a deceased person;
- viii. how and when to effectively access relevant electronic information, the internet, and social media personally, through the assistance of the Technological Crime Unit or the Cyber Crime Unit, or through legal process;
- ix. how and when to utilize the Missing Persons Act, 2018;
- x. how to determine whether a case meets the criteria for a major case, whether threshold or non-threshold, and what the designation as a major case means;
- xi. major case management and the use of PowerCase;
- xii. when the Homicide Unit should be advised that bodies or unidentified remains have been found;
- xiii. when the Homicide Unit should be consulted or engaged in relation to a missing person investigation;
- xiv. tunnel vision;
- xv. what is and is not available to officers on the Service's records management systems;
- xvi. the uses that can and cannot be made of underlying conduct relating to a record suspension (previously known as a pardon) for investigative purposes;
- xvii. the role of the Emergency Management and Public Order search managers and unit members insofar as they relate to urban canvassing and searching, and how they can be called upon to assist in missing person investigations; and
- xviii. the criteria that define when missing person investigations become major cases subject to major case management, as well as how to interpret those criteria.

63. (Recommendation 118) The Toronto Police Service should develop specialized training and education on missing persons and unidentified remains investigations. Such specialized training and education should:

- a. be made available at a minimum to those who become members of the Missing Persons Unit, including the analyst and missing person support workers, all missing person coordinators, those who are expected to serve as lead investigators in missing person or unidentified remains investigations of any complexity, and supervisors expected to review risk assessments in missing person cases. The Service is best situated to decide how such training and education should be integrated into either the existing or any new training and education regime.
- b. be informed in part by the systemic issues identified during this Review and the lessons learned as a result, as well as the objectives of the strategic plan outlined above. Examples of the content of such training and education would include:

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- i. how to respond to, and take seriously, the concerns expressed by community members or those directly affected when someone has gone missing. It undermines confidence in the police for officers to minimize or dismiss, whether or not well-intentioned, the concerns expressed about a missing person;
  - ii. the heightened risks that are associated with marginalized and vulnerable groups and how that should inform an investigation;
  - iii. the availability of internal and community resources to assist in overcoming barriers to obtaining relevant information from marginalized and vulnerable community members in a safe environment, and “red flags” associated with possible foul play or factors that elevate risk of serious bodily harm or victimization.
64. (Recommendation 120a) The Toronto Police Service should place much greater emphasis on continuing education for its members that addresses reasoning and problem-solving skills, empathy and understanding, and cultural humility.
65. (Recommendation 120b) The Toronto Police Service should partner with those who work with marginalized and vulnerable communities and community members to design and provide mandatory social context education that can, where possible, be integrated into all forms of training and education. Social context education would include:
- the history of the Service’s relationship with the LGBTQ2S+ communities, and marginalized and vulnerable communities generally, and how that history should inform policing;
  - the diversity of Toronto’s communities, including its most marginalized and vulnerable members and the concept of intersectionality and its importance to policing; and
  - where possible, experiential, interactive, and place-based learning, which could include land-based learning about Indigenous people and placements with community agencies that work with marginalized and vulnerable groups.
66. (Recommendation 121) The Toronto Police Service should place much greater emphasis on evaluating the effectiveness of training and education through measurable outcomes. This emphasis might be reflected, for example, in auditing the extent to which officers have incorporated their training and education on discrimination-free policing into their interactions with community members.
67. (Recommendation 122) The Toronto Police Services Board and the Toronto Police Service should to a significant degree, through policy and procedures, link promotions to demonstrable competency in developing and sustaining community relationships, particularly with marginalized and vulnerable communities. The evaluation of such competencies can be based on prior activities, community support, and/or responses to case scenarios that raise issues around engagement with such communities.
68. (Recommendation 123) The Toronto Police Services Board and the Toronto Police Service should support the creation of a regional centre for policing excellence, housed within an academic institution. The centre would, through research and ongoing evaluation, promote excellence in policing through developing best practices on policing, including training, education, and professional development; itself provide some leadership training and education for senior officers and board members; offer “training the trainers” or “educating the educators” programming; create an environment for policing to be regarded as a profession; and, based on the research produced, recommend evidence-based statutory or regulatory changes. Ideally, the Centre would also be established in partnership with other regional police services and police services boards, the Ministry of the Solicitor General, and the Office

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of the Inspector General of Policing, and community, private sector, and not-for-profit stakeholders.

69. (Recommendation 124) The Toronto Police Service should publicize, at a minimum on its website, the mandatory and optional programming provided to its employees. Community members are often uninformed about the programming that is currently offered. Such transparency is also consistent with the treatment of policing as a profession.
70. (Recommendation 125) The Toronto Police Services Board and the Toronto Police Service should proactively explore additional partnerships with academic institutions to promote independent research on policing and on the systemic issues and research deficits identified in this Report.
71. (Recommendation 126) The Toronto Police Service should consider introducing recently developed psychological testing in hiring and recruiting in order to assist in eliminating applicants who have discriminatory views and attitudes.
72. (Recommendation 127) The Toronto Police Services Board and the Toronto Police Service should ensure that the Service develops a robust equity plan as soon as practicable. Whether included in the Service's equity plan or in an "equity framework" that guides the Service's internal operations and external relations, or both, such documents should, among other things,
- i. facilitate the use of an "inclusion lens" whenever the Service creates or amends procedures and practices,
  - ii. develop a tool for decision-making that considers the impact of procedures and practices on marginalized and vulnerable communities and on Toronto's diverse communities more generally,
  - iii. create a mechanism to ensure that the Equity, Inclusion and Human Rights Unit and the Community, Partnership and Engagement Unit play important roles in evaluating the Service's procedures and practices, insofar as they impact marginalized and vulnerable communities, and diverse communities generally,
  - iv. develop equity-based management strategies to embed equity, inclusion, and human rights throughout the organization, so that senior command and supervisors are responsible and held accountable for ensuring that equitable and inclusive practices are ingrained in their work and in the work of those they supervise. The Equity, Inclusion and Human Rights Unit should play a key role in developing, implementing, and evaluating equity-based management strategies, in consultation with a variety of stakeholders within and outside the Service, such as the Service's Internal Support Networks, and
  - v. explicitly recognize the important connection between equity within the Service and equity in the Service's interactions with the diverse communities it serves.
73. (Recommendation 128) The Toronto Police Services Board and the Toronto Police Service should consider whether the critical goal of advancing equity would be enhanced by merging or placing the Service's two units devoted to equity under the same chain of command. These units are the Equity, Inclusion and Human Rights Unit and the Community Partnership and Engagement Unit. The assignment of Toronto's senior officers to equity portfolios, as has been done, represents an important step in implementing this part of the recommendation.
74. (Recommendation 129) The Toronto Police Service should develop additional mechanisms to measure how community members, particularly members of marginalized and vulnerable communities, feel about their interactions with the Service. Such mechanisms might include equity audits of divisions or specialty units, through surveys, focus groups, and analytics, to

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determine how many people interacted with the Toronto police, how those people self-identify, and whether they felt they were treated in a respectful fashion. The audits should be designed to enable community members to provide their perspectives in a safe and confidential environment. Respondents should feel able to include suggestions for change and what worked well or poorly in their interactions with police.

75. (Recommendation 130) The Toronto Police Services Board and the Toronto Police Service should ensure that the Service's Equity, Inclusion and Human Rights Unit is adequately resourced to facilitate implementation of the recommendations respecting bias and discrimination contained in this Report and to build competencies within the unit to engage with LGBTQ2S+, trans, racialized, and Indigenous communities.
76. (Recommendation 131) The Toronto Police Services Board and the Toronto Police Service should ensure that the Service's Wellness Unit is adequately resourced to build competencies within the unit to provide culturally specific wellness resources and support to diverse members of the Service.
77. (Recommendation 132) The Toronto Police Services Board and the Toronto Police Service should take steps through a strategic plan or strategy to address issues around transparency and accountability in how conduct by the Service's members is addressed that raise concerns about discrimination, including harassment, and differential treatment based on human-rights personal identifiers. This recommendation applies regardless of whether the conduct raises concerns about discrimination against the Service's members or against members of the public. Such steps should include, at a minimum:
- vi. timely and transparent identification by the Service of complaints that raise concerns about discrimination, whether overt or intentional or systemic;
  - vii. timely and transparent identification by the Service of findings by courts or tribunals that raise concerns about discrimination;
  - viii. the creation or amendment of policies and procedures to provide for a consistent, comprehensive, and transparent strategy for dealing with these cases;
  - ix. involvement of the Equity, Human Rights and Inclusion Unit in developing and implementing such a strategy, advising the Professional Standards Unit, and monitoring compliance with relevant policies and procedures;
  - x. consideration of the enhanced role that marginalized and vulnerable communities that are the subject of discrimination can play in the investigative, resolution, and disciplinary processes, including feedback on resolution and community victim statements to be filed with the discipline tribunal, consistent with existing legislation and procedural and substantive fairness to those accused of misconduct; and
  - xi. regular reporting to the Board on implementation of the strategic plan or strategy, consistent with the role of the Board as described above.
78. (Recommendation 133a) The Toronto Police Services Board and the Toronto Police Service should ensure that Service-related disciplinary decisions (in addition to those appealed to the Ontario Civilian Police Commission) are easily accessible to and searchable by the public and/or indexed for the public's use. Lack of transparency in decision-making contributes to mistrust, particularly on the part of marginalized and vulnerable communities. It also undermines accountability of the Toronto Police Service for how discipline is being addressed.
79. (Recommendation 133b) The Toronto Police Services Board and the Toronto Police Service should also urge the Minister of community safety and correctional services to make regulations, pursuant to s. 148(2) of the Community Safety and Policing Act 2019, as yet unproclaimed, to ensure that all the decisions from adjudication hearings under the Act are published on the Internet and easily searchable.

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80. (Recommendation 134) The Toronto Police Services Board and the Toronto Police Service should facilitate, preferably together with the Ministry of the Solicitor General and the Office of the Inspector General of Policing, the publication of the ability of any person to make complaints under s. 107 of the Community Safety and Policing Act 2019.
81. (Recommendation 135) In the light of the issues this Report identifies, the Toronto Police Services Board and the Toronto Police Service should re-evaluate and rationalize, in partnership with the diverse communities they serve, the ways in which community consultation takes place, especially in relation to marginalized and vulnerable communities. In particular, they should take into consideration these points:
- The need to ensure that the intersecting requirements of Toronto's marginalized and vulnerable communities are fully addressed in the consultative process and that intersectionality should figure centrally in how the consultative process takes place. These goals might be accomplished through a process modelled on Seattle's Community Police Commission; a process whereby existing committees regularly interact and share information on common issues; and/or a process that ensures that intersectionality forms part of the selection criteria for each committee. The process might also involve greater inclusiveness to ensure that marginalized and vulnerable groups, such as the homeless and sex workers, are heard.
  - The need to avoid unnecessarily duplicative consultations that result in consultation fatigue, unwise use of limited human and financial resources, and diluted or unclear messaging from communities.
  - The need to ensure that the Board is able to provide appropriate civilian oversight of the Service, in part through reducing or eliminating the divide between community consultations with the Board and the Service. The Board must always be aware of "critical points" that may affect its policies and the Service's reputation.
  - The need to rationalize how communities that are spread throughout the city and those that are located in particular geographic sectors are consulted in relation to both city-wide and local divisional issues, while avoiding unnecessarily duplicative consultations.
  - The need to ensure that the consultative processes of the Service and the Board complement the development of the city's community safety and well-being plan and related consultations.
  - The need to build community confidence in the consultative process through measures such as
    - i. transparency in how committee members are selected (for example, through an advertised search);
    - ii. outreach to those not regarded as "pro-police";
    - iii. facilitating participation by those most marginalized and vulnerable through the provision of remuneration and/or accommodation;
    - iv. holding meetings in community spaces;
    - v. holding meetings in some instances in public;
    - vi. the ability and independence of committees to report publicly and to offer recommendations or commentary; and
    - vii. the ability of senior officers to participate in community consultative committees as members or invitees, but not as co-chairs.
  - The need to promote an effective consultation process through measures, in addition to those set out above, such as
    - i. fixed, renewable terms for committee members;
    - ii. appropriate administrative and research support;
    - iii. regular setting of goals, with measurable outcomes;

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- iv. a credible evaluation process; and
- v. a web and social media presence.

The Board and the Service might also consider, in this regard, features of the model for community policing committees proposed by the Commission on Systemic Racism in the Justice System.<sup>198</sup>

82. (Recommendation 136) The Toronto Police Services Board and the Toronto Police Service should develop a strategy specifically directed to communicating effectively with the public, particularly diverse communities, about what they are doing. This strategy should include the following:
- i. The initiatives the Board and the Service are making to build relationships, and independent evaluations of these initiatives should be well publicized in a variety of ways.
  - ii. Greater use should be made of town halls, which the Board has recently organized effectively, as well as interactive small-group discussions in community spaces.
  - iii. The Service's website should be completely redesigned (over and above the missing person webpage) to be truly user-friendly, having the users' needs foremost in mind, and to overcome barriers such as language and accessibility.
  - iv. Full-time and part-time liaison officers should have a greater social media presence.
83. (Recommendation 137) The Toronto Police Services Board and the Toronto Police Service should support and significantly enhance the liaison officer program in the following ways:
- v. increasing the number of liaison positions consistent with the full range of responsibilities this Report proposes and the critical importance of building relationships with Toronto's marginalized and vulnerable communities;
  - vi. using a combination of sworn officers and civilian members of the Service to fill additional liaison positions;
  - vii. including a cadre of part-time liaison positions at the divisional level within a strategy to embed relationship-building into all aspects of policing in Toronto;
  - viii. providing enhanced training, education, and professional development for full-time and part-time liaison officers and civilian members of the Service, to ensure that they can address issues of intersectionality through familiarity with a range of intersecting marginalized and vulnerable communities;
  - ix. developing additional strategies to enable liaison officers and civilian members of the Service to potentially serve multiple marginalized and vulnerable communities, including team approaches to intersecting communities;
  - x. regularly reallocating liaison resources to address evidence-based needs—for example, assigning several liaison officers and/or civilian members of the Service to address the needs of a particular community or communities otherwise underserved by the program, such as the homeless or the underhoused;
  - xi. expanding the Aboriginal Peacekeeping Unit and/or the current complement of a single liaison officer dedicated to the Indigenous communities. The current complement is inconsistent with existing Board policy and the priorities identified in the Community Safety and Policing Act 2019 (SO 2019, c 1, Schedule 1, not yet proclaimed);

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<sup>198</sup>The Report of the Commission on Systemic Racism in the Justice System (Toronto, Queen's Printer: 1995) recommended community policing committees which would be appointed and supported by police services boards. These committees would hold public meetings and develop policing objectives to be considered by the boards and police services. They are described in "Missing and Missed," volume II, p. 844.

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- xii. providing analytic support for the liaison program to enable it to allocate resources appropriately;
  - xiii. explicitly recognizing in the mandate and job descriptions relating to the liaison program, the responsibilities articulated in this Report over and above the current duties of liaison officers, including:
    - the responsibilities set out in Recommendation 56;
    - participation in equity-related issues within the Service, such as responding to internal discrimination or harassment that may affect the Service's ability to build better relationships;
    - assisting, where appropriate, in remedial or restorative measures associated with informal discipline;
    - assisting in designing and participating in the training and education of Service members and part-time liaison officers or civilian liaison members of the Service relating to the lived experiences of intersecting marginalized and vulnerable communities; and
    - in partnership with communities, assisting the Service in designing and offering training, education, and professional development relating to marginalized and vulnerable communities; in building relationships with such communities; and in identifying for investigators resources inside and outside the Service to advance investigations relating to these communities; this training, education, and professional development, some of which the current liaison officers are involved in, would also be provided to part-time liaison officers and civilian liaison officers.
84. (Recommendation 138) The Toronto Police Service should create part-time liaison positions in each division composed of officers and/or civilian members of the Service who receive special training and education in relation to their duties. Their responsibilities should be similar to those of full-time liaison members of the Service, with appropriate modifications to reflect their part-time status. They should also work with full-time liaison officers or civilian members of the Service on issues that arise at the divisional level.
85. (Recommendation 139) The Toronto Police Service should enable liaison officers, civilian liaison members, and neighbourhood community officers to spend modest amounts to promote relationship-building with marginalized and vulnerable communities. The Service should reimburse expenses that have been approved.
86. (Recommendation 140) The Toronto Police Service should arrange for an independent evaluation of the liaison program within a reasonable timeframe after modifications of the program have been introduced. The independent evaluation should assist the program in identifying underserved marginalized and vulnerable communities and reallocate resources commensurately. Such an evaluation should be made public.
87. (Recommendation 141) The Toronto Police Services Board and the Toronto Police Service should continue to support and expand the Neighbourhood Community Officer Program as an effective means of promoting community safety while also building relationships with marginalized and vulnerable communities.
88. (Recommendation 142) The LGBTQ2S+ and other internal support networks should be recognized as important assets in community engagement and in the Service itself. Network members, either individually or collectively, should participate in community outreach and other activities that serve their communities. Allowing the support networks to play an external role may help inform the public, the Toronto Police Services Board, and the Toronto Police Service of the problems confronted by minority groups within the Service and also advise



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them of reforms these officers propose based on their lived experiences. This approach will also contribute to a positive change in culture within the Service and signal greater support for the Service's own vulnerable members.

89. (Recommendation 143) The Toronto Police Services Board and the Toronto Police Service, in consultation with Toronto's Indigenous communities and agencies providing services to them, should develop a formal response to the call to action from the National Inquiry into Missing and Murdered Indigenous Women and Girls (see the summary in section 6.2.7. below).
90. (Recommendation 144) The Toronto Police Services Board and the Toronto Police Service, in order to improve relationships with marginalized and vulnerable communities and the groups that represent them, should recognize that such groups have expert knowledge, networks, and skills that the Board and the Service cannot replicate easily or cost effectively. They should consider partnerships with community agencies that can help fund promising community safety initiatives such as the Bear Clan and SAFE. They should also encourage research into the effectiveness of such community programs, with attention to having clearly articulated goals, gathering baseline statistics, and measuring the success of these programs in both quantitative and qualitative terms, as well as to identifying any improvements that can be made in them.
91. (Recommendation 146a) On or before June 30, 2021, an implementation team comprised of a diverse team of community representatives and Service members should be assembled. This team should be responsible for developing an implementation plan, to be modified as circumstances warrant, and for monitoring and reporting on progress in implementation.
92. (Recommendation 146b) The implementation team should be co-led by a community representative and a past or present member of the Service's senior command.
93. (Recommendation 146c) The implementation team's community members should be representative of the diversity of Toronto's communities, with appropriate attention given to the LGBTQ2S+ and marginalized and vulnerable communities addressed in this Report.
94. (Recommendation 146d) The implementation team may create subgroups with subject matter expertise and/or relevant lived experiences, although the team should always remain mindful of the significance of intersectionality in defining expertise and relevant lived experiences.
95. (Recommendation 146e) The community members should ideally include some individuals who have already acquired knowledge of the issues this Report identifies, either as members of the advisory group that recommended this Review and drafted its Terms of Reference or as members of the Review's Community Advisory Group.
96. (Recommendation 146f) The policing members should ideally include members of the Service's Missing Persons Unit Procedures Working Group.
97. (Recommendation 146g) Community members should be remunerated for their participation as members of the implementation team.
98. (Recommendation 147a) On or before September 30, 2021, the implementation team should complete its implementation plan and post it on the Toronto Police Service's website or some other suitable venue. The plan should specify goals, timelines, and measurable outcomes.
99. (Recommendation 147b) The implementation team should issue progress reports at least once a quarter that should be posted on the Toronto Police Service's website or some other suitable venue. The first progress report should be issued no later than December 31, 2021. The team might also consider the use of an online tracking tool for implementation, as has been used by the City of Toronto.



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100. (Recommendation 148) On or before April 30, 2022, the Toronto Police Services Board and the Toronto Police Service should publicly release a detailed report on the extent to which each recommendation has been implemented. If the Board and/or the Service decides that a particular recommendation should not be implemented or be delayed or modified, the report should set out why this decision has been made and how the underlying objectives of the recommendation are being met in another way.
101. (Recommendation 149) When Part VII of the Community Safety and Policing Act 2019 is proclaimed, the Toronto Police Services Board and the Toronto Police Service should support the role to be played by the Office of the Inspector General of Policing in independently monitoring the implementation of this Report's recommendations.
102. (Recommendation 150) The Toronto Police Services Board, the Toronto Police Service, and the implementation team should consult regularly with the Ontario Human Rights Commission in relation to the implementation of this Report's recommendations, insofar as they relate to the Commission's mandate.
103. (Recommendation 151) As a last resort, the civilian members of the implementation team should be made aware of the option to file a complaint under the Human Rights Code or under the Community Safety and Policing Act 2019, when proclaimed, to the Office of the Inspector General if they believe that either the Toronto Police Services Board or the Toronto Police Service are not prepared to make needed changes to address the systemic issues this Report identifies.

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### 2.2.17. Transforming Policing and Community Safety in British Columbia: the "Routley Report" (Special Committee on Reforming the Police Act, 2022)<sup>199</sup>

The Special Committee on Reforming the Police Act was appointed by the BC Legislature to inquire into policing issues, including oversight, systemic racism, the need for reform of policing legislation to comply with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP),<sup>200</sup> and the role of police in dealing with complex social issues such as addictions and mental illness. The Committee considered all police forces in British Columbia, including the RCMP. The Committee was chaired by Doug Routley, MLA for Nanaimo-North Cowichan, and the report is known as the "Routley Report." The Committee consulted with government officials, police oversight agencies, organizations, and experts. They also conducted a public consultation and a survey of personal and frontline experiences.

The report said the following about systemic racism in British Columbia:

Systemic racism, which consists of organizational culture, policies, procedures, and practices that create and maintain the power of certain racial groups over others or reinforce the disadvantage of certain racial groups, exists in policing in British Columbia. This was evident in the experiences shared with us and reflected in the recommendations we received. Throughout our consultation, we heard about a lack of trust between many

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<sup>199</sup> "Transforming Policing and Community Safety in British Columbia" (the "Routley Report"). Report of the Special Committee on Reforming the Police Act (April 2022), [https://www.leg.bc.ca/content/CommitteeDocuments/42nd-parliament/3rd-session/rpa/SC-RPA-Report\\_42-3\\_2022-04-28.pdf](https://www.leg.bc.ca/content/CommitteeDocuments/42nd-parliament/3rd-session/rpa/SC-RPA-Report_42-3_2022-04-28.pdf).

<sup>200</sup> UN Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly 13 September 2007, <https://www.un.org/development/desa/indigenouseoples/declaration-on-the-rights-of-indigenous-peoples.html>.

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individuals, communities, and the police, particularly Indigenous and racialized communities. To rebuild this trust, a significant shift in police culture is needed.<sup>201</sup>

The Committee also heard concerns about the simultaneous over- and under-policing of Indigenous communities. Efforts to enable Indigenous-led policing were ineffective, and policing in First Nations was funded on a program basis rather than treated as an essential service, as it is off-reserve. The Committee recommended that Indigenous communities have direct input into the policing arrangements that affect them. It noted that the Declaration on the Rights of Indigenous Peoples Act, which establishes the UN Declaration on the Rights of Indigenous Peoples as the framework for reconciliation in British Columbia, requires the informed consent of Indigenous people to legislative or administrative measures that affect them. It recommended the implementation of a new Community Safety and Policing Act, which would highlight anti-racism as a value. It also recommended the collection of race-based data, in consultation with racialized and Indigenous communities, in order to improve anti-racist policies in policing.

In rural communities and small municipalities in BC, the RCMP is responsible for policing. Larger municipalities can choose to use the RCMP or to create their own municipal police service. Municipalities with their own police services have municipal police boards, providing for local governance and accountability; those communities who use RCMP police services—roughly 75% of the population—do not. Governance decisions relating to the RCMP are made in Ottawa. There is also a lack of clarity in the Police Act as to the services to be provided by police, who pays for the service, and other issues. These inconsistencies have resulted in different levels of service in different communities. As well, smaller departments experience small fluctuations in resources more severely than other departments. It is also time-consuming to seek additional resources, and such requests are not always successful.

Another issue identified by the committee is the lack of access to policing data across the province. That in turn has made it difficult for the government to monitor trends in public safety and policing services and make appropriate adjustments to policy.

Although the Ministry of Public Safety and Solicitor General reported that the RCMP made every effort to meet and exceed policing expectations, there were governance challenges with respect to the RCMP's ability to meet policing priorities set by the federal, provincial, and municipal governments at the same time. This affected their ability to respond to the needs and priorities of local communities. Some bodies with which the Committee consulted stated that the RCMP does not align with BC norms and community culture as well as municipal police services do, and others described the contracting system as "unworkable." Numerous submissions suggested the creation of a new provincial police service, although cost and training of this force was identified as an issue.

Although polling showed that the majority of BC residents has a favourable view of police, and it was recognized that policing is an extremely stressful and dangerous job, the Committee's survey suggested that many people do not trust and even fear the police. Lack of trust in the police leads to fewer calls for assistance and makes the job of policing even more difficult. However, many felt that police do not have the time or resources to build community relationships. The Committee also heard concerns about police treatment of sex workers, including Indigenous and immigrant women, as well as concerns about the criminal-justice-centred approach to drug use and addiction.

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<sup>201</sup> "Transforming Policing and Community Safety in BC," p. 6.

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Several stakeholders emphasized the need for an approach to policing focused on community safety and well-being. This approach would include considerations of what safety and wellness look like for oppressed and marginalized people. These initiatives would focus on the root of crime, build trust between police and the communities they serve, and operate on a proactive rather than reactive model. The Report noted that concerns had been expressed about the RCMP and community policing:

Several individuals shared views that the RCMP is not appropriate for community policing, citing the history of colonization and discrimination towards Indigenous peoples, or questioning if the RCMP receive appropriate diversity, inclusion, and cultural training.<sup>202</sup>

The Report also noted the issue of transition from an RCMP detachment to a municipal police service. The Police Act does not allow for two services to have jurisdiction. For this reason, in Surrey, where they were transitioning to a municipal service, the Surrey Police Service was integrating with the RCMP, which was remaining the police of jurisdiction. Once the Surrey Police Service has a majority of officers, it will attain jurisdictional authority. While this arrangement was working well, allowing both services to have jurisdiction would allow the new municipal service to gradually take charge of districts within the municipality during a phased handover.

The Report examined the geographic structure of policing, noting that it impedes coordination and leads to both duplication and gaps in service. It referred to the Missing Women report (summarized below in section 3.5), which found that the lack of coordination between police services in the greater Vancouver area seriously affected the investigation into the missing and murdered Indigenous girls and women in the area, and recommended a regional police service to serve the Greater Vancouver Area. The Report noted that while greater regionalization of policing can bring efficiency, it can also lengthen police response times and affect the relationship between police and the local communities.

Each municipality and agency has the authority to create policies and standards for emergency communications, individually, but the RCMP manages this for many smaller communities. The Committee heard recommendations to create a provincial authority to set policies for 911 services and dispatch, which would allow for consistency across the province and ensure best practices in Indigenous, racialized, and other vulnerable communities.

The province has typically called on RCMP detachments rather than non-RCMP municipal police to assist in emergencies. That places an unequal burden on the RCMP, while also raising concerns about the RCMP's capacity to engage with First Nations communities appropriately during emergencies such as flood and wildfire evacuations.

The Report noted the challenges facing rural and remote communities, including low resources and high numbers of officers on sick leave or restricted duties. Officers typically serve short rotations in small communities to prevent burnout, which does not serve either the officers or communities well. Conservation officers provide backup to the RCMP in BC but are not mandated to do so. In Alberta and Saskatchewan, conservation officers in rural areas do have the mandated authority to respond to 911 calls. Residents in remote areas typically have little access to mental health and social work services, which requires police to take calls which would go to those services in more populated areas. That in turn places pressure on the already stretched police

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<sup>202</sup> "Transforming Policing and Community Safety in BC," p. 21.

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services. The Committee recommended changes to the funding model for policing costs that consider the reality of rural and remote communities.

The Committee recommended the establishment of a new provincial police service and an end to contracting with the RCMP. Municipalities could choose whether to use the provincial service or use their own force. It emphasized that “transitioning to a provincial police service is not a reflection on the work of individual RCMP officers; rather, it is a reflection of the challenges with governance and accountability with the current federal model.”<sup>203</sup> A provincial service would allow for consistent training, oversight, standards, and policies across the province and would allow for a more modern police force.

The Report described Community Policing Centres in which community members who staff the centre work with police to create programs to prevent crime and address local concerns. Kwanlin Dun in Yukon has a group of safety officers, trained in first aid, substance use, addictions, conflict resolution, and child and family dynamics, who patrol neighbourhoods, unarmed. Other policing models have peace officers or community safety officers who perform duties traditionally assigned to police but which require less training. Those officers can also have special training in mental health and social issues. The Committee commended these kinds of tiered policing programs. It also recommended the amalgamation of police services by region in certain areas of BC to address gaps in communication and administration and improve service delivery.

The Report also noted concerns among stakeholders with the municipal police boards, including a lack of provincial policy frameworks to assist the boards to meet provincial standards; difficulty measuring police performance; a lack of feedback from boards on provincial policy changes; and a lack of consistency across regions due to the fact that provincial policing priorities do not apply to all police services in the province. There were also concerns about the lack of accountability and transparency of police boards and limited opportunity for community engagement with and representation on local police boards. The lack of diversity (including racialized and Indigenous members) and people with lived experience on police boards was another theme of the consultations and submissions. There was also a need for training and guidance for board members on issues such as governance, finances, board responsibilities, and modern policing. The Committee also heard that due to resource constraints, board members are often volunteers who may be taking on a role that is too complex for an unpaid position. Finally, the conflict between police boards and city councils caused by police boards’ ability to approve police budgets without input from council even though councils are the taxation authority, was the subject of significant discussion in the Report. Local communities have limited power to shift or cap police service resources. Police boards can also appeal any attempts by local communities to shift or cap police service resources to the provincial government, which was described by some stakeholders as undemocratic.

The Committee concluded that the oversight framework in place was confusing to navigate. The Independent Investigations Office, which investigates deaths or serious injuries in which RCMP or municipal police are involved, appeared to be working well. However, there were concerns about the Office of the Police Complaint Commissioner (OPCC), which hears complaints related to municipal and provincially-appointed police officers, and the Civilian Review and Complaints Commission (CRCC), which hears complaints related to RCMP officers. These problems included a significant lack of trust in either body by Indigenous and racialized people and other vulnerable groups. The Committee heard that past inquiries and reviews had recommended that Indigenous

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<sup>203</sup> “Transforming Policing and Community Safety in BC,” p. 78.

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communities have more of a role in these oversight bodies. There was also overlap and fragmentation between the various agencies. With respect to the CRCC, the Committee noted,

Oversight of RCMP officers was another theme. The Committee heard from the Ministry of Public Safety and Solicitor General that CRCC oversight mechanisms are not as robust as those of the OPCC as the CRCC is dependent on the RCMP detachments to conduct its investigations and lacks the authority to step into the investigative process. The Ministry stated that long-standing concerns with respect to oversight of RCMP officers contributes to a perceived lack of trust and accountability in police oversight at large. The Hon. Wally Oppal further noted that the CRCC does not have the strict time limits for dealing with complaints that are present in the BC Police Act and does not have the authority to make binding decisions and was of the view that the RCMP has been an unwilling participant in BC's complaints process.<sup>204</sup>

The Committee determined that there should be a single, civilian-led, independent agency to provide oversight of all police in BC. All complaints should be received by this agency, which would then determine the appropriate approach, including investigation of criminal allegations, restorative approaches such as facilitated discussions to repair relationships, and triage of performance issues to the police board or union. Its work should be transparent, accessible, and trauma-informed, with navigation supports for complainants and reasonable time limits for complaints to be processed. Officers should be required to report misconduct by their colleagues, including racist and misogynistic conduct, and those who do should be protected from retaliation.

With respect to the staffing of this agency, some stakeholders opposed having investigators with policing experience conducting investigations of police, noting that this practice raises concerns about independence and can deter complainants from reporting. Other individuals who had served as police officers and representatives of policing organizations argued that investigators without a policing background are not qualified to assess police actions and cannot understand real-world judgment calls that officers have to make. Some suggested that having both civilian and police-trained investigators would ensure the integrity of investigations. Similarly, there were differing views on whether the director of the new agency should be a civilian or someone with a policing background.

The Committee also noted the need to ensure the proper funding of this agency. Stakeholders also emphasized the need for more transparency about police misconduct, including data collection and clear communication from the new oversight agency about the reasons for its decisions.

The Report also considered the use of force by police, including the overrepresentation of Indigenous and racialized people and people with mental health symptoms among those who die as a result of the use of force by police. Training and tools had been developed to focus on de-escalation techniques in response to these concerns. The Committee also noted concerns expressed by stakeholders about police use of weapons, including tear gas, and the increasing militarization of the police. Participants noted that military-style uniforms and vehicles can be intimidating and can affect police–community relations.

Stakeholders also called for provincial standards for police-based victim services, noting the difficulty victims experience trying to navigate services and resources following a crime and the unique ability to assist survivors and aid their recovery that police have as the first point of contact

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<sup>204</sup> "Transforming Policing and Community Safety in BC," p. 65.

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with the judicial system for most survivors. Community-based victim services are also of particular importance to survivors of gender-based violence, sexual violence, and crimes affecting racialized people. Victim services should be available to the families of victims.

Restorative and alternative justice was another theme of the report. Most referrals to these forms of justice come from police, so there is significant need for police awareness of these options. Reference was made to BC's First Nations Justice Strategy,<sup>205</sup> which takes a "presumption of diversion" approach at all stages of the criminal process. Access to services and support in the community is also essential to the success of restorative justice systems. These programs can generate significant cost-savings but are underfunded.

The Committee heard submissions on the need for increased diversity, as well as developing an organizational culture in police services fostering accountability, inclusion, and belonging. The Report noted the submission of the BC Association of Police Boards, which noted that "if police boards are to recruit and retain a diverse, highly skilled, and ethically minded police service, it must be made clear from both the provincial government and boards that a positive culture is expected and supported, and that policing is valuable and valued work is done on behalf of, and as part of, the communities they serve."<sup>206</sup> Police services had made efforts to increase diversity and train their members on unconscious bias and stereotyping, but those efforts alone can and have not overcome the entrenched problems of systemic racism. Diversity in leadership positions, both in policing and the justice system, is particularly important.

Screening recruits and candidates for promotion was another issue addressed by the Committee. Several individuals and organizations called for improved psychological screening and evaluation to identify bias and authoritarian tendencies.

An expert on police culture, Dr. Angela Workman-Stark, identified resistance to change, a cult of masculinity, and a competitive environment as some of the common traits of police culture. She said that conditioning through police culture is a much stronger cause of negative conduct by officers than inadequate screening or training. She and other experts suggested that good leadership can positively influence police culture. The emphasis on tactics rather than de-escalation and human relations as essential police skills keeps men in positions of authority. The phenomenon of harassment and bullying, particularly of female and minority members, also requires reform to leadership, training, and discipline to create a culture of diversity and acceptance within the police.

The Report noted calls for increased collaboration with mental health service providers in order to ensure effective police response to people in crisis. Suggestions included increased use of databases that allow police officers to access mental health information about individuals and receive immediate assessments to enable appropriate medical responses, programs that pair officers with mental health professionals or specially trained paramedics to respond to mental health calls, Mobile Crisis Response Teams, and allowing civilian response to mental health calls

<sup>205</sup> See the BC First Nations Justice Council website "The BC First Nations Justice Strategy," <https://bcfnjc.com/landing-page/justice-strategy>. The strategy was developed jointly by the BC First Nations Council, BC First Nation communities, and the government of British Columbia. The Report explains that the strategy "aims to make transformative changes to the justice system and address the lack of culturally appropriate justice services and over-incarceration of Indigenous peoples. The strategy mandates the justice system and its partners undertake work to reform the existing justice system to make it safer, culturally relevant, and more responsive to Indigenous peoples as well as undertake consistent and coordinated action to support the development of First Nations justice systems and institutions consistent with UNDRIP." "Transforming Policing and Community Safety in BC," p. 56.

<sup>206</sup> "Transforming Policing and Community Safety in BC," p. 30.

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where safety is not considered an issue. However, the lack of proper funding for these initiatives has meant that police still respond to calls even when others could provide a more appropriate response. Currently, police are the only service that is available 24 hours a day to conduct wellness checks and has the authority to breach doors and take other steps when a person's well-being is at risk. However, civilian-led wellness check programs could reduce the incidence of police use of force during wellness checks. Programs that support people living with addictions and mental health issues, including culturally appropriate services for Indigenous people, can also reduce the need for police calls. Many stakeholders noted that redirecting police funding from wellness and mental health checks could provide more funding for mental health and other social supports; however, it was also pointed out that police funding comes from municipal budgets, whereas health and addictions programs, for example, are paid for by the province. The Committee concluded that police should not be the primary responders to calls where mental health, addictions, or other social issues are the reasons behind the call. A continuum of response to these issues, focused on prevention and community-led initiatives, would be required to enable a civilian-first approach to mental health and addictions calls.

The toll of stress on officers, who experience hundreds of critical incidents over their careers and who themselves have a high incidence of mental health crises, can lead them to make unsafe decisions and have devastating effects on them and their families. However, the Report noted submissions to the effect that many RCMP officers do not make use of the mental health resources that are available to them, due to cultural norms that make them feel weak or vulnerable.

The Committee noted that calls to police relating to domestic violence had increased substantially since 2013, and calls to a Vancouver domestic violence crisis line spiked by 300% during the COVID-19 pandemic. However, survivors of domestic violence frequently state that they would not report to the police. One stakeholder said the police had failed survivors of sexual and intimate partner abuse. Another participant argued that it is inhumane to put survivors through the trauma of investigation, physical examination, and cross-examination when such efforts are often futile. Several organizations noted the lack of standard policies, mandatory training, or oversight for responses and investigations of sexual assault in British Columbia; instead, each police department has their own policies and regulations. One organization, Battered Women's Support Services, recommended a comprehensive review of the policing of intimate partner violence and sexual violence, and reported poor practices by police investigating these issues, including failing to interview neighbours and other potential witnesses. Stakeholders called for more training on gender-based violence and sexual assault and noted that the response of police to the first call affects a survivor's approach to the trauma for the rest of their lives. Unconscious bias may cause officers to imply blame to the victim or sympathy for the perpetrator. Organizations also called for improved community-based services for women, which are underfunded in relation to the prevalence of family and gender-based violence.

The organization that provides training for recruits and police officers differs depending on whether they are employed by a municipal department or the RCMP. There were suggestions to change the training approach to make the training standards in the Police Act less traditional, to provide annual professional development programs similar to other regulated professions, and to create a Centre for Policing Excellence within the Police Academy. There were also suggestions that rather than use the current piecemeal workshops, training should be comprehensive to ensure reinforcement of new practices. There were also suggestions to require university degrees prior to recruitment and a suggestion that degrees focused on policing, similar to social work degrees, be required. Concerns about funding and evaluation of training were also raised.



## 2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

The Committee concluded that enhanced and standardized training and education were required to shift police culture and build public trust. The effectiveness of this training should be assessed with reference to shifts in culture and behaviour rather than to the number of courses completed. Recruitment assessment should focus on diversity, including diversity of life experience; awareness of bias; humility; honesty; empathy; and sympathy. Performance assessment should also consider social skills and understanding of diversity. The Committee also recommended more regular psychological assessments of police officers, given their exposure to stress and trauma.

Noting that its recommendations would take years to realize with successive governments in place, the Committee recommended an all-party committee to oversee the implementation of the Committee's recommendations. That committee could also review the new Community Safety and Policing Act from time to time and work with government and stakeholders to address other policing issues in BC.

### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. Implement a new Community Safety and Policing Act to govern the provision of policing and public safety services based on values of decolonization, anti-racism, community, and accountability. This includes:
  - a. Ensuring Indigenous peoples and nations, and municipal governments, are engaged in the drafting of the legislation.
2. Transition to a new BC provincial police service that is governed by the new Community Safety and Policing Act. This includes:
  - a. Establishing a governance model, such as municipal or regional police boards or committees, that is representative of the community and provides opportunities for local input on policing and public safety priorities.
  - b. Ensuring municipal council representation on municipal police boards or committees, while not allowing the mayor to serve as board chair.
  - c. Amalgamating police services on a regional basis where there are opportunities to address fragmentation, ensure equitable access to policing and public safety, and improve efficiency and effectiveness.
  - d. Enabling two police of jurisdiction to facilitate the process of transitioning from one service to another.
3. Ensure all Indigenous communities have direct input into their police service structure and governance, including self-administered services which could provide policing to neighbouring non-Indigenous communities.
4. Create and appropriately fund a continuum of response to mental health, addictions, and other complex social issues with a focus on prevention and community-led responses and ensuring appropriate first response. This includes:
  - a. Increasing coordination and integration across police, health, mental health, and social services.
  - b. Integrating mental health within 911 call options.
5. Ensure equitable access to high quality police and public safety services across BC. This includes:
  - a. Ensuring all policing is responsive to and informed by the community.



2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

- b. Implementing and enforcing provincial standards, policies, and expectations for service with respect to responding to individuals experiencing a mental health crisis, conducting wellness checks, responding to sexual assault, and conducting trauma-informed interviews.
  - c. Adopting a dynamic and flexible approach to policing that provides for different categories of policing and public safety personnel who have clearly defined roles, responsibilities, and functions such as responding to nonviolent incidents and other situations that may not require uniformed police.
  - d. Expanding the use of culturally appropriate restorative justice programs throughout BC, including increased funding for these programs and education for police officers.
6. Create a fair and equitable shared funding model for municipalities. This includes:
- a. Consideration of local needs, health and social supports, and the geography of a service delivery area.
  - b. Exploring options to phase in or incrementally increase the municipal share of policing costs.
7. Enhance and standardize initial and ongoing police education and training to reflect key values and competencies in order to shift police culture. This includes:
- a. Ensuring police and public safety services are representative of the diversity of the communities served (including diversity of race, ethnicity, gender, and sexuality) via recruitment.
  - b. Implementing screening and performance evaluation for existing officers and new recruits that reflect desired values and principles, including humility, honesty, empathy, and lack of bias and prejudice, to ensure that these individuals are best suited for their current position or for advancement and are a good fit for the community.
  - c. Conducting regular mandatory psychological assessments for all police officers in BC.
  - d. Enhancing and standardizing training required for police recruits and implementing mandatory and meaningful ongoing education with respect to anti-racism, cultural competency, and trauma-informed practices.
  - e. Requiring police officers to complete training and education that are based on the historical, cultural, and socio-economic context of the communities in which they will be serving and are developed and delivered in consultation with the communities.
  - f. Developing benchmarks to measure the efficacy of police training and education with respect to a shift in police culture and conduct.
8. Require police services to collect and publicly report disaggregated race-based and other demographic data and conduct comprehensive reviews of and amend policies and procedures to address systemic racism in policing.
9. Establish a single, independent, civilian-led oversight agency responsible for overseeing conduct, complaints, investigations, and disciplinary matters for all police and public safety personnel with powers or authority under the new Community Safety and Policing Act. This includes:
- a. Prioritizing the creation of stand-alone legislation for police oversight.
  - b. Ensuring the oversight agency is reflective of the diverse population and cultures of BC.
  - c. Providing navigation and triaging services to assist complainants throughout the complaints process.

2. POLICE OVERSIGHT, TRAINING, PREPARATION, CULTURE

- d. Implementing a multi-stream approach to processing complaints, expediting minor performance and procedural matters, and offering multiple resolution pathways such as direct conversations, mediation, or restorative justice.
- e. Revising the definition of misconduct to include demeaning and discriminatory conduct, language, jokes, statements, gestures, and related behaviours.
- f. Establishing a duty to cooperate with investigations and a duty to report misconduct for all police and public safety personnel with protections for reporting.

The Committee recommends that the Legislative Assembly:

- 10. Immediately appoint an all-party parliamentary committee to undertake a broad review of the Mental Health Act with a view to modernizing the Act and ensuring it aligns with the recommendations in this report.
- 11. Establish an all-party select standing committee on policing and community safety to:
  - a. Oversee the implementation of changes recommended in this report.
  - b. Conduct regular reviews of the new Community Safety and Policing Act.
  - c. Examine standards, policies, and programs related to the provision of policing and public safety in BC and report annually on this work.
  - d. Work with key partners to address colonial structures and systemic racism in policing.
  - e. Receive and review annual updates from the Ministry of Public Safety and Solicitor General regarding emergent issues in policing and community safety and the effectiveness of police services in BC.

### 3.COMMUNICATIONS AMONG AND WITHIN LAW ENFORCEMENT AGENCIES

The Order in Council directs the Mass Casualty Commission to examine “communications between and within the RCMP, municipal police forces, the Canada Border Services Agency, the Criminal Intelligence Service Nova Scotia, the Canadian Firearms Program and the Alert Ready Program”(b)(vi)).

#### 3.1. Kaufman Commission on Proceedings Involving Guy Paul Morin (Ontario, 1998)<sup>207</sup>

Guy Paul Morin was wrongly convicted of first-degree murder of nine-year-old Christine Jessop, his next-door neighbour, who was abducted, sexually assaulted, and killed in 1984. Mr. Morin was acquitted after his first trial in 1986; the Crown successfully appealed, and in 1992 after a retrial, Mr. Morin was convicted. Mr. Morin appealed again, and in 1995, ten years after he was arrested, he was acquitted on the basis of DNA evidence. In 1996, the Ontario government appointed the Honourable Fred Kaufman, QC, to conduct a public inquiry into the investigation, the forensic evidence, and the criminal proceedings. Justice Kaufman’s report was released in March 1998. Justice Kaufman found serious problems with the reliability and use of forensic hair comparison and fibre comparison evidence at Mr. Morin’s trials. He also concluded that two in-custody informants who testified that they heard Mr. Morin confess to the crime had lied. Tunnel vision had strongly affected the investigation and prosecution of Mr. Morin, and some officers changed their evidence as the proceedings progressed in ways that assisted the prosecution. As well, some information that could have assisted Mr. Morin’s defence was not disclosed.

Justice Kaufman also made the following findings regarding the conduct of the York Regional Police, who initially investigated Christine Jessop’s disappearance:

1. York Regional Police did not have an adequate system to ensure that tips and investigative steps were followed to conclusion. There was no system to prioritize the steps in the investigation or to ensure that investigating officers were aware of what other officers had done or learned. This resulted in leads and tips falling through the cracks.<sup>208</sup>
2. Police failed to document important information. For example, witness statements that could have assisted Mr. Morin in establishing his alibi were not recorded and could not be confirmed when they came to light years later. As well, the system used by York Regional Police to index and file investigation reports, which Justice Kaufman described as “archaic,” did not allow officers to search by subject area. This prevented searches of all apparent sightings of Christine Jessop, for example.<sup>209</sup>
3. Before Christine Jessop’s body was found, York Regional Police were not mindful of the possibility that a serious crime had taken place, instead treating it as a missing person’s case. This led to an informal approach to collecting and protecting evidence, including a failure to properly canvass the homes in the neighbourhood.<sup>210</sup> They took this informal approach in spite

<sup>207</sup> “The Commission on Proceedings Involving Guy Paul Morin: Report” (the “Kaufman Report”) Government of Ontario (March 1998).

<sup>208</sup> “Kaufman Report,” p. 654.

<sup>209</sup> “Kaufman Report,” p. 655.

<sup>210</sup> In 2020, Toronto Police Service, which had taken over the investigation from Durham Regional Police, announced that DNA testing had identified a friend of the Jessop family, Calvin Hooper, as Christine Jessop’s likely killer. Media stories stated that police never spoke to Hooper about Christine Jessop’s disappearance, although police did speak to his wife. See, for example, J. Grimaldi. (2021). “Just Pure Evil: The Downfall of Christine Jessop’s Killer, Calvin

### 3. COMMUNICATIONS AMONG AND WITHIN LAW ENFORCEMENT AGENCIES

of evidence of damage to Christine Jessop's bicycle, her age, the lack of any history of family turmoil, and the lack of any trace of her in her small community.

4. A 1997 audit of the York Regional Police Service had identified significant deficiencies in officer training. The only area where training was satisfactory was an area where there were mandated provincial standards; however, policing in Ontario was mostly governed by non-mandatory guidelines. Despite the audit results, few improvements had been made to training of officers in York. Justice Kaufman said:

The lessons which may be learned from this Inquiry by police officers will mean little if the rank-and-file police officers are not taught them. The practices and procedures recommended by me in this Report will mean little if officers are not trained in their use. The dangers identified in the conduct of police investigations will have been identified for nothing if officers remain unaware of them.<sup>211</sup>

Traditional protocol in Ontario required that the police force in the area where a body is found take jurisdiction over the homicide investigation, regardless of where the abduction leading to the homicide took place. For this reason, the Durham Regional Police Service took over the investigation, although York Regional Police had been investigating Christine Jessop's disappearance for three months by the time her body was found in Durham Region. Justice Kaufman considered whether that protocol should be changed. Durham officers testified that they found it difficult to review the York investigation reports following the transfer and never did receive the entire file. However, Justice Kaufman found that the relationship between the two forces was good.

Justice Kaufman also identified numerous problems with the conduct and evidence of the Durham Regional Police, including improper shaping of witness testimony, an improper focus on innocuous comments and behaviour by Mr. Morin, overreliance on polygraph results, promotion of investigators who developed the "best suspect," and testimony by officers at the second trial that Justice Kaufman concluded may have been deliberately concocted in order to buttress the Crown's case. He concluded:

An investigation can be perfectly structured but flounder due to tunnel vision or "noble cause corruption" or loss of objectivity or bad judgment. Older techniques and thought processes are, at times, deeply ingrained and difficult to change. Police culture is not easy to modify. The failings which I identified were systemic and were not confined to several officers only. The challenge for Durham will be to enhance policing through an introspective examination of the culture. I am convinced that such an examination has commenced.<sup>212</sup>

Justice Kaufman heard evidence about the efforts of the Durham Regional Police to improve its investigations in the years following Mr. Morin's arrest. These efforts included the establishment of the Durham Police Learning Centre on the campus of Durham College, which led to far more continuing education for Durham members than had previously been feasible, and mandatory officer education on investigation techniques and ethics in policing. Durham had also adopted a case management model before the provincial model recommended in the Bernardo Review (summarized in section 3.3. below) was launched and had adopted approaches to improve multijurisdictional investigations.

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Hoover." Toronto.com News (25 January 2021), <https://www.toronto.com/news-story/10273374--just-pure-evil-the-downfall-of-christine-jessop-s-killer-calvin-hoover/>.

<sup>211</sup> "Kaufman Report," p. 676.

<sup>212</sup> "Kaufman Report," p. 41.

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**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. Skills, Training, and Resources:
  - a. Rank-and-file officers need be educated and trained on a continuing basis on a wide range of investigative skills. Their educators need themselves be fully trained in these skills and in their communication to others. Financial resources need be available, secure from erosion for operational purposes, to ensure that training for all Ontario police forces is state-of-the-art.
  - b. Attention should be given by the Government of Ontario, on a priority basis, to the specific concerns identified by the York Regional Police Association and the audit of the York Regional Police force. The Government of Ontario should publicly announce the measures being taken to address the concerns raised.
2. Education respecting wrongful convictions:
  - a. The Ministry of the Attorney General, in consultation with the Ontario Crown Attorneys' Association, should develop an educational program for prosecutors which specifically addresses the known or suspected causes of wrongful convictions and how prosecutors may contribute to their prevention. This program should draw upon the lessons learned at this Inquiry. Adequate financial resources should be committed to ensure the program's success and its availability for all Ontario prosecutors.
  - b. An educational program should be developed for police officers which specifically addresses the known or suspected causes of wrongful convictions and how police officers may contribute to their prevention. The Ministry of the Solicitor General should take a leading role in promoting this programming. This program should draw upon the lessons learned at this Inquiry. Its design should be effected through the cooperative assistance of prosecutors and defence counsel. Adequate financial resources should be committed to ensure the program's success and its availability for all police investigators, both new and established.
  - c. The Criminal Lawyers' Association should develop an educational program for criminal defence counsel which specifically addresses the known or suspected causes of wrongful convictions and how defence counsel may contribute to their prevention. This program should draw upon the lessons learned at this Inquiry.
  - d. The Centre of Forensic Sciences should develop an educational program for its staff, including all scientists and technicians, which specifically addresses the role of science in miscarriages of justice, past and potential. This program should draw upon the lessons learned at this Inquiry. Its design should be effected through the cooperative assistance of prosecutors and defence counsel. Adequate financial resources should be committed to ensure the program's success and its availability for all Centre staff, both new and established.
  - e. Ontario law schools and the Law Society of Upper Canada Bar Admission Course, should consider, as a component of education relating to criminal law or procedure, programing which specifically addresses the known or suspected causes of wrongful convictions and how they may be prevented.
  - f. The judiciary should consider whether an educational program should be developed which specifically addresses the known or suspected causes of wrongful convictions and how the judiciary may contribute to their prevention.

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3. Education respecting tunnel vision: One component of educational programming for police and Crown counsel should be the identification and avoidance of tunnel vision. In this context, tunnel vision means the single-minded and overly narrow focus on a particular investigative or prosecutorial theory so as to unreasonably colour the evaluation of information received and one's conduct in response to that information.
4. Police culture and management style: Police forces across the province must endeavour to foster within their ranks a culture of policing which values honest and fair investigation of crime and protection of the rights of all suspects and accused. Management must recognize that it is their responsibility to foster this culture. This must involve, in the least, ethical training for all police officers.
5. Case management system:
  - a. The standardized case management system recommended in the Campbell Report [the Bernardo Investigation Review, summarized in section 3.3. below] should be implemented as soon as possible.
  - b. Adequate resources should be made available to train sufficient senior police investigators to ensure that the case management system is used in all major crime investigations across Ontario.
  - c. There should be periodic review and updating of the case management system, incorporating best practices from around the world.
  - d. Audits should be conducted by "peer review" teams to ensure that the case management system is being applied properly and consistently.
6. Minimum standards for police:
  - a. The Ministry of the Solicitor General should consider setting minimum provincial standards respecting the initial and ongoing training of police officers on a full range of subjects, relevant to the issues identified at this Inquiry.
  - b. The Ministry of the Solicitor General should consider setting minimum provincial standards for the conduct of criminal investigations, relevant to the issues identified at this Inquiry.
  - c. The content of policing manuals which guide Ontario police officers in the performance of their duties, such as the Canadian Police College Manual, should be revisited to reflect the lessons learned at this Inquiry.
7. Structure of police investigation: Investigating officers should not attain an elevated standing in an investigation through acquiring or pursuing the "best" suspect or lead. This promotes competition between investigative teams for the best lead, results in tunnel vision and isolates teams of officers from each other.
8. Review of completed investigations: There should be an institutionalized requirement for review of all major crime investigations once completed.
9. Committee to Oversee Implementation of Recommendations: The Government of Ontario should constitute a committee to oversee the implementation of recommendations contained in this Report which are accepted. Such a committee should issue periodic reports, which are publicly accessible.

## 3. COMMUNICATIONS AMONG AND WITHIN LAW ENFORCEMENT AGENCIES

**3.2. Inquest into the Death of Jonathan Yeo: Verdict of the Jury (Office of the Chief Coroner of Ontario, 1992)<sup>213</sup>**

Jonathan Yeo had a long history of violence and was known to police and mental health service providers. In 1991, Yeo was charged with sexual assault, forcible confinement, and uttering threats after threatening a woman with a knife and a gun. He was released on bail with no weapons restrictions. He tried to leave the country; a US customs official in Niagara Falls refused him entry and reported him to the Niagara Regional Police and Hamilton-Wentworth Police. He had his rifle and live ammunition in his car, as well as a suicide note. However, police declined to arrest Yeo. Canadian border officials felt they had no legal right to seize his weapon, and they permitted him to return into Canada. An hour later, Yeo abducted and sexually assaulted a young woman, Nina de Villiers, and killed her using the same rifle he had used in the prior assault. He then went to New Brunswick, where he killed Karen Marquis. He shot himself in Hamilton while being pursued by police for these murders. A representative of the Attorney General said publicly that the Crown Attorney did everything possible to make sure Yeo was prohibited from possessing a weapon when he was granted bail. This statement has been publicly challenged.<sup>214</sup>

There was no commission of inquiry into the incidents, but a coroner's inquest into Mr. Yeo's death in Ontario heard evidence over 46 days and made 137 recommendations for the police services involved, the provincial Attorney General's office, and mental health service providers.<sup>215</sup> There were no written findings by the jury.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 19) The Chief of Police of the Hamilton-Wentworth Regional Police Service or his designate shall issue a special directive to all investigative personnel relating to offences which may involve the use of a firearm. [...]
2. (Recommendation 20) The directive shall list all powers of an investigator to search for and seize firearms. It shall include powers of search incidental to an arrest, and with or without a search warrant, pursuant to the provisions of the Criminal Code.
3. (Recommendation 21) The directive shall also provide that in every investigation which may involve the use of a firearm, the investigator shall:
  - a. Consider all of his powers of search and seizure and document the powers that were exercised to search for firearms and other reasons why other powers were not pursued. He shall also document the results of any search conducted;
  - b. Make such inquiries of the accused, family members, or other associates as may reasonably be practicable to ascertain whether weapons are available to the accused;
  - c. Make appropriate inquiries to ascertain whether or not the accused is in possession of a Firearms Acquisition Certificate [...]

<sup>213</sup> "Inquest into the Death of Jonathan Yeo: Verdict of the Jury." Office of the Chief Coroner of Ontario and Ministry of the Solicitor General (August 1992), [https://ia600100.us.archive.org/26/items/mag\\_00007542/mag\\_00007542.pdf](https://ia600100.us.archive.org/26/items/mag_00007542/mag_00007542.pdf).

<sup>214</sup> Because the jury made very limited factual findings, this information was taken from the website of CAVEAT (Canadians Against Violence Everywhere Advocating for its Termination). CAVEAT was created by Ms. de Villiers' mother, Priscilla de Villiers, to ensure that the jury's recommendations were implemented. Priscilla de Villiers is on the Advisory Committee on Victim Issues for the Policy Centre on Victim Issues at the Department of Justice, Canada. See [https://www.caveat.org/publications/sw/cav\\_1992\\_sep.html](https://www.caveat.org/publications/sw/cav_1992_sep.html) and <https://www.caveat.org/history/>.

<sup>215</sup> "This Day in History." *Hamilton Spectator* (13 April 2012), <https://www.thespec.com/news/hamilton-region/2012/04/13/this-day-in-history.html>.

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4. (Recommendation 24) The Solicitor General or his designate shall ensure that police services throughout the Province issue a directive in similar terms;
5. (Recommendation 32) Any police service in whose jurisdiction the accused is to reside or report [following release on bail] shall:
  - a. Establish a procedure for the receipt and storage of the information received from the police force which charged the accused and a procedure for using such information to protect the public;
  - b. Promptly report to the investigator, where practicable, and otherwise to the police service which charged the accused of any breach or "about to breach" situation which comes to its attention.
6. (Recommendation 33) The Solicitor General or his designate shall direct that all police services throughout the Province adopt the procedures set out in this section.
7. (Recommendation 34) Where a large police service has several divisions at different locations, the Solicitor General or his designate shall direct such a police service that these procedures apply with such modifications as may be required, i.e. where one division charges an accused who is to report or reside within another division of the same police service.
8. (Recommendation 37) Police must get full training concerning Canadian Police Information Centre [CPIC].
9. (Recommendation 38) The information on CPIC must be standard across Canada.
10. (Recommendation 40) The evidence at this Inquest has indicated that police services in the Province are not always able to obtain and use information in the hands of other police services. The evidence has indicated that such information, in particular prior police occurrences, may be essential to proper police preparation of bail briefs. Accordingly, the Solicitor General or his designate shall immediately consider the implementation throughout the Province of a uniform computer storage system of police information storage to ensure full and ready access to police records by all police services in the province.
11. (Recommendation 41) Until such time as the above uniform computer system is in place, the Solicitor General or his designate, shall endeavour to implement a system enabling a police service in one jurisdiction to ascertain on a computer search that prior occurrence reports in respect of a named individual exist in other police services and to ensure ready access to such prior occurrence reports.
12. (Recommendation 42) The evidence at this inquest indicated that the seriousness of an ongoing police investigation and all relevant police information is [sic] not in all instances adequately disseminated in police broadcasts to service members and to other police agencies. Accordingly, the Chief of Police of the Hamilton-Wentworth Regional Police Service or his designate shall direct that all officers with responsibilities for drafting all-cars bulletins, zone and provincial alerts receive immediate re-training as to the criteria required for each type of alert so that serious crimes will be broadcast on a priority basis.
13. (Recommendation 43) The Chief of Police of the Hamilton-Wentworth Regional Police Service or his designate shall further ensure that all officers with responsibilities for drafting all-cars bulletins, zone and provincial alerts receive immediate re-training as to the appropriate content of zone and provincial alerts in serious criminal investigations. This shall include re-training on matters such as:
  - a. Full description of the suspect;
  - b. Photograph of the suspect;
  - c. Suspect may be armed and dangerous;



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- d. Full description of any motor vehicle associated with the suspect;
  - e. Suspect may be suicidal;
  - f. Criminal charges have been laid or are soon to be laid against the suspect;
  - g. The suspect is at large on a recognizance and is in breach of a condition of the recognizance;
  - h. The need to update broadcasts from time to time to ensure that accurate and up-to-date information is being disseminated.
14. (Recommendation 86) The Attorney General or his designate shall ensure that, where victims of violent crime consult with Crown Attorneys or Assistant Crown Attorneys and indicate a reluctance or refusal to have cases prosecuted in Court, the Crown Attorney or Assistant Crown Attorney shall keep complete and detailed notes of such meetings. He shall further ensure that any decision not to proceed with a charge or to withdraw an already existing charge shall be made only after the matter is fully canvassed with input from the investigator assigned to the case and the victim. Any such decision shall be made only after a full review of all available evidence. The reasons for any decision not to proceed shall be recorded and signed by the Crown Attorney or a Senior Assistant Crown Attorney.
15. (Recommendation 87) Regional Director of Crown Attorneys for Central South Region shall discuss with the Attorney General or his designate the matter of communication by the Communications Branch of the Ministry of the Attorney General of inaccurate and misleading information concerning serious offences in the community. The Regional Director shall inform the Attorney General or his designate of the misleading and inaccurate information that was communicated in the Yeo case and the impact of this upon the victims of Mr. Yeo's crimes. The Regional Director shall consult with those persons within the Ministry of the Attorney General responsible for communication of information to the public in cases of this nature so as to ensure that no information is communicated by the Ministry without reasonable steps being taken to ensure its accuracy. In addition, the Regional Director shall, in the course of these discussions, consider whether or not as a matter of policy the victim and/or family should be consulted prior to the release of information to the public.
16. (Recommendation 130) The Solicitor General shall study "The Implementation of an Ontario Central Registry for Violence Sexual Assault Occurrences." The purposes of this Registry shall be to alert law enforcement agencies of previous occurrences of a violent sexual nature relating to person(s) of his/her ongoing investigation and the possibility that the investigated person(s) by their actions may be a serial violent sexual offender, dangerous to the community at large. Reporting such occurrence(s) to the Central Registry must be mandatory. The alleged use of any weapon(s) referable to violent assault or sexual assault occurrence(s) as information about an alleged perpetrator must be of paramount importance to investigators and prosecutors for the protection of the public and the complainant. All information in the Central Registry shall be "confidential," to be shared by all the law enforcement agencies in Ontario.

**3.3. Bernardo Investigation Review ("Campbell Report") (Ontario, 1996)<sup>216</sup>**

Paul Bernardo committed at least fifteen rapes in Scarborough and Mississauga over three years starting in 1987. He continued attacking and stalking women after moving to St. Catharines,

<sup>216</sup> "Report of Mr. Justice Archie Campbell." Bernardo Investigation Review. Ontario, 1996, <https://www.scribd.com/document/94231897/Paul-Bernardo-investigation-report-June-1996>

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Ontario. With his wife, Karla Homolka, he abducted, sexually assaulted, tortured, and murdered two teenage girls. They also sexually assaulted and caused the death of Ms. Homolka's sister. Mr. Bernardo was not caught until DNA testing confirmed he was the Scarborough Rapist, and Ms. Homolka told investigators about his role in the murders.

Following Mr. Bernardo's conviction, the Ontario government asked Justice Campbell to review the investigation of the rapes and murders. He made the following findings:

1. The Metropolitan Toronto police investigators assigned to the Scarborough Rapist investigation took considerable steps to identify and apprehend the perpetrator but did not have enough resources and did not have a case management system. Tips and information came in but were never followed up.
2. In 1988, a police officer from another Toronto district reported to the Scarborough Rapist investigators that a friend had told him about a man, Paul Bernardo, whom she had been seeing. The woman described Mr. Bernardo to the officer as a sexual sadist. He had assaulted her with a knife, commented "why do I keep doing this," and fit the Scarborough Rapist's description. That report was never followed up. No one from the police spoke to the officer or to his friend until Mr. Bernardo was arrested five years later.
3. In December 1990, Mr. Bernardo and Ms. Homolka drugged and sexually assaulted Ms. Homolka's teen sister, Tammy. She aspirated on her vomit and died. Justice Campbell found that police wrongly accepted Mr. Bernardo and Ms. Homolka's explanations for Tammy's death and failed to properly investigate, despite clear red flags.
4. In June 1990, a bank teller reported that her customer, Paul Bernardo, was a dead ringer for the composite photo of the perpetrator that had been posted in the city. She also said he had changed his appearance since those posters had gone up. That tip put Mr. Bernardo in the "A" list of suspects but was similar to many other tips about other potential perpetrators and was not followed up.
5. A few months later, after the Scarborough Rapes stopped, another tip came in from a woman who knew Mr. Bernardo and believed that he resembled the composite drawing of the perpetrator. This woman had heard that Mr. Bernardo would wait until a woman was drunk and then take advantage of her. Investigators did nothing in response. After the woman called again in late 1990, investigators interviewed Mr. Bernardo. They did not consider him a serious suspect. Mr. Bernardo provided blood and saliva samples, which police sent for serology and DNA testing.
6. Mr. Bernardo moved to St. Catharines, Ontario and in 1991 raped another woman within a mile of his house there. This attack was strikingly similar to the Scarborough attacks. The responsible agency, the Niagara Police, sent a CPIC "zone alert" to surrounding police forces, including Metropolitan Toronto. This alert described the attack and asked any department with similar incidents to contact the Niagara investigators. However, the alert did not appear to have come to the attention of the investigators working on the Scarborough rapes.
7. Two months later, in June 1991, Mr. Bernardo and Ms. Homolka abducted, raped, tortured, and killed Leslie Mahaffy. They abducted her from outside her home in Burlington, Ontario, and her body was found encased in cement in Niagara Region. A joint task force, the Green Ribbon Task Force, was created between the Niagara Region and Halton Region police forces. The two forces worked well together, and there were no problems with interjurisdictional policing during their investigation.
8. In July 1991, Mr. Bernardo followed a young woman around St. Catharines on two separate nights. The woman recorded his license plate number on the second occasion and reported

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it to a Niagara police officer on street patrol. The officer checked the plate and found that the car belonged to Mr. Bernardo. He did not file a written report or otherwise follow up. The officer said later that he got distracted by another incident and forgot about the report; he also did not think that what Mr. Bernardo was reported to have done was criminal.

9. In March 1992, two young women who were sisters reported being stalked by a man in a gold sports car. They could not clearly make out the license plate but had the correct first three numbers. The police recorded the report but could not tie the reported license plate number to the make of car the women had noted. Three weeks later, on what was likely the last night of Kristen French's life, one of the sisters saw the car again, followed it until she lost sight of it, and made another note of the license plate and specific make and model of the car. This time she was correct except for one digit of the license plate. She reported it to police and made reference to the original report. The officer who took the report did not make any record of the report or cross-reference it to the original report by the sisters. Justice Campbell concluded that the officer did not take the report seriously, and the report went into a "black hole." At the time, he noted, there had been only limited police and public awareness that stalking is a serious safety issue and can be terrifying in its own right and can also be the hallmark of a serial predator. He noted recent changes to the Criminal Code and recent training and protocols for police which were intended to change police responses to stalking.
10. Mr. Bernardo and Ms. Homolka abducted, raped, tortured, and killed Kristen French in April 1992. In May of 1992, the same acquaintance of Mr. Bernardo's who had reported suspicions about him in 1990 told the Green Ribbon Task Force that Mr. Bernardo might be responsible for the Mahaffy and French murders. An officer interviewed Mr. Bernardo and was aware he had been questioned about the Scarborough Rapes. Witnesses to the French abduction reported seeing a Camaro, which did not match Mr. Bernardo's car,<sup>217</sup> and the officer did not believe it likely that Mr. Bernardo would have abducted and murdered a woman within a week of being married, nor would he have willingly given hair and blood samples if he were guilty. The officer spoke to a Toronto investigator and learned they were waiting for DNA results from Mr. Bernardo and other suspects in the Scarborough rapes; he did not learn that there were only five suspects, including Mr. Bernardo, whose serology results matched the Scarborough Rapist. The officer classified Mr. Bernardo as an unlikely suspect. After the interview, Mr. Bernardo and Ms. Homolka hid the videotapes they had made of the murders and the knife they used to kill Lesley Mahaffy in the insulation in the rafters of their garage. Mr. Bernardo said he later moved the videos to a closet in the house.
11. Throughout their relationship, Mr. Bernardo had abused and dominated Ms. Homolka. The abuse became increasingly terrifying. She tried to leave him in June of 1992, but he threatened to expose her role in the murders. During the following months, she described the abuse as, in Justice Galligan's words, "nothing short of a horror story."<sup>218</sup> After a savage beating and at the insistence of her co-workers and family, Ms. Homolka finally left Mr. Bernardo in January of 1993. Before she left, she searched the house for the videotapes but could not find them. Mr. Bernardo later said that after Ms. Homolka left, he moved the videos to a space above a pot light in a bathroom. Mr. Bernardo was charged with assaulting Ms. Homolka; however, there was no indication in Justice Campbell's report that this assault

<sup>217</sup> As it turned out, the suspicious Camaro that witnesses noticed the day of Kristen French's abduction in the same neighbourhood was driven by a man, not Mr. Bernardo, who was stalking someone else.

<sup>218</sup> The relationship between Ms. Homolka and Mr. Bernardo, and Ms. Homolka's role in the investigation, are detailed in "Report to the Attorney General of Ontario on Certain Matters Relating to Karla Homolka" by the Honourable Patrick T. Galligan, QC (1996). See p. 41.

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charge caused investigators to consider him a more serious suspect in the Scarborough rapes or the Green Ribbon murders.

12. On February 1, 1993, Metropolitan Toronto police received the initial DNA test results showing that Mr. Bernardo was likely the Scarborough Rapist. The DNA testing process had not started until fifteen months after Mr. Bernardo's samples were sent, due to miscommunication between the lab and the investigators. The investigators did not follow up with the forensics lab to discover the misunderstanding. Staff shortages in the DNA lab led to a further ten-month delay before the testing was complete in February 1993.
13. Metropolitan Police began surveillance of Mr. Bernardo in St. Catharines but did not inform the Green Ribbon Task Force of this or of the DNA test results for several days. This led to an erosion of trust between the two forces and was ascribed by some Toronto police officers to a desire among some officers in Toronto to "call the shots."
14. Investigators then spoke to Ms. Homolka, who told them about the abuse she had suffered. She later disclosed her involvement in the murders and eventually pleaded guilty to manslaughter in exchange for her testimony against Mr. Bernardo.
15. Mr. Bernardo was arrested on February 17, 1993. He was interviewed jointly by an officer from Toronto and from the Green Ribbon Task Force; however, there were serious problems with cooperation between the two teams and management of the pre-interview process and the interview itself. As a result, the interview was "disastrous." Justice Campbell concluded:

If there was ever an abject example of how things can go wrong when police forces do not co-operate, no one is in charge, and no one accountable, this [interview] is that example. And again, if there was ever an abject example of why it is necessary to develop a co-operative approach among police forces and a system to ensure such co-operation and accountability under a unified leadership structure, this is that example.<sup>219</sup>

Mr. Bernardo was eventually convicted of first-degree murder.

At the time of the Scarborough Rapes investigation, the system police were using was paper-based. There was no computer system in place that would associate a person's name with previous tips regarding the same person or that would flag that a tip had not been investigated. There was also no mechanism to ensure follow-up with forensic testing or to have senior officers oversee the progress of serious cases, even though officers could see from the progression in severity of attacks that the perpetrator was likely to begin killing his victims. Nor was there a mechanism to track similar attacks in different communities. Justice Campbell stated:

[T]here was not then, and there is not now, any organized system that transcends police boundaries and protects the members of other communities against the serial rapist who moves away from his starting place to prey in new locales. When Bernardo stopped raping in Toronto and started raping and killing in St. Catharines, he might as well have moved to another country.<sup>220</sup>

One wonders how many times Bernardo had to be reported to the police before all the police information about him was put together in one place. It was only after his arrest that all the information about him, readily available in the hands of both police forces, was put

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<sup>219</sup> "Bernardo Investigation Report," p. 193.

<sup>220</sup> "Bernardo Investigation Report," p. 34.

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together. An effective system puts this information together during the investigation, not after the arrest.<sup>221</sup>

Justice Campbell noted that the strategy needed to combat mobile serial predators must include the following elements:

- Attitude change to recognize that the capture of a serial predator involves a wider public interest than the local concerns of any individual police force and requires a wider law enforcement response than from any one police force.
- A system that will recognize links between crimes early enough to pool the information and converge the separate investigations onto the same target.
- An organizational structure that combines unified leadership across police jurisdictions with organized case management procedures and inter-disciplinary support from forensic scientists and other agencies, centrally supported and based on cooperation between local police forces.
- Computer and information systems common across agencies that will ensure that important information is consolidated and shared.
- Training. Justice Campbell noted that “training is the first thing to cut when budgets shrink” and that good training programs on sexual assault, homicide investigations, and case management are under-used because individual forces cannot afford to have their officers removed from the front line to attend them.

Justice Campbell also noted that several Ontario coroner’s inquests had made recommendations around information-sharing, including the inquest regarding Jonathan Yeo (summarized above in section 3.2.).

Although there had been some discussions in Ontario about changes to the structure of policing in the province, Justice Campbell did not take a position. He stated:

Whether the structure of policing organizations changes or remains the same, these recommendations stand on their own. The principle of a unified investigative strategy driven by co-operation among police forces and forensic agencies will work whether or not our policing structures change or remain the same.<sup>222</sup>

Justice Campbell also addressed the experience of the victims and the need for improvements in police interactions with sexual assault victims. Some victims reported that frontline officers made cruel and insensitive comments;<sup>223</sup> some reported concerns about never knowing who was in charge of their case and having frequent changes in assigned officers. Many reported positive experiences with victim support services.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 1) A major case management system is required for major and inter-jurisdictional serial predator investigations, based on:
  - a. Co-operation rather than rivalry;

<sup>221</sup> “Bernardo Investigation Report,” p. 161.

<sup>222</sup> “Bernardo Investigation Report,” p. 317.

<sup>223</sup> “Bernardo Investigation Report,” p. 227.

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- b. specialized training for senior officers in charge, senior investigators, and interdisciplinary support teams;
  - c. early recognition of linked offences;
  - d. co-ordination of interdisciplinary and forensic resources;
  - e. simple mechanisms to ensure unified management, accountability, and co-ordination among police forces and law enforcement agencies.
2. (Recommendation 2) A commitment for change is required from the police and law enforcement communities, the Ontario government, and from the community at large.
3. (Recommendation 3) A major case management system for the investigation of serial predators is required to ensure:
  - a. unified direction under one single person in overall charge of and accountable for related investigations;
  - b. supervision of timelines and systematic follow-up of crucial investigative steps such as forensic testing;
  - c. a standard computerized case management system for the recording, organization, management, analysis, and follow-up of tips and investigative leads;
  - d. the consistent, organized classification and elimination of suspects;
  - e. the systematic use of relevant information from other forces such as CPIC zone alerts;
  - f. co-operative provincial oversight and intervention when a serial predator investigation is not pursued vigorously when it becomes a low priority for a local police force.
4. (Recommendation 6) A system is required to better co-ordinate the work of forensic scientists and police investigators.
5. (Recommendation 7) Continuation and support are required for the work of the Chief Coroner's office in developing, for unexplained or suspicious deaths, an interdisciplinary approach to integrate the work of the police, coroners, forensic scientists, and forensic pathologists.
6. (Recommendation 8) A case management system is required to ensure that investigations of sexual predators widen their scope once local leads are exhausted.
7. (Recommendation 9) Mandatory ViCLAS reporting is required to ensure early recognition of links between sexual predator attacks.
8. (Recommendation 10) Increasing awareness and training are required to ensure that stalking is recognized as a serious problem and a potential hallmark of the serial predator and that reported incidents are responded to and documented in accordance with approved procedures.
9. (Recommendation 12) A standard computerized case management information system is required for major sexual assault and homicide investigations that have the potential to involve inter-jurisdictional investigations.
10. (Recommendation 13) A major case management system is required to ensure:
  - a. standardization of interview and statement techniques and consistent criteria for suspect classification and elimination;
  - b. better communication between police forces about common suspects;
  - c. strategic analysis of the benefits of major initiatives and the capacity of the investigation to use the resulting information effectively;
  - d. a high degree of mutual understanding and agreement between police investigators and forensic pathologists on the steps to be taken at a body site and during a postmortem investigation;

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- e. effective media relations policies directed in major cases by a specially trained full-time media relations officer.
11. (Recommendation 14) A major case management system is required to ensure:
    - a. that one single specially trained officer is in clearly in charge of and accountable for the planning, strategy, and execution of the arrest and interview, as well as all other aspects of the investigation;
    - b. that a detailed running synopsis of the investigation be maintained in a form that can be quickly adapted as a core document as a basis for the preparation of a search warrant and other legal documentation;
    - c. that all officers involved in the arrest and questioning of a suspect, from the most senior to the most junior, are aware of the legal requirements for a valid arrest and questioning and the legal consequences of failing to comply with those requirements;
    - d. that the officer in charge be responsible for the co-ordination of all advice and direction given to the arresting and interviewing officers.
  12. (Recommendation 15) The officers who conduct major searches should be selected based on their experience and expertise, with an effort to combine officers and other persons selected to assist with different perspectives. A second team of searchers should be sent in after the first group has exhausted all apparent possibilities.
  13. (Recommendation 16) Sexual assault case management systems and sexual assault investigation training are required to emphasize:
    - a. sensitivity to the special concerns of sexual assault survivors and the potential for revictimization through the investigative, prosecution, and judicial processes;
    - b. continuity of contact between investigator and victim;
    - c. availability of victim support services;
    - d. interview techniques that encourage full disclosure of the assault and its circumstances;
    - e. keeping victims informed of the progress of the investigation and the case.
  14. (Recommendation 17) A province-wide coordinated response to serial predators is required, based on the CISO model of a centrally supported police cooperative with additional interdisciplinary advice and support but without the creation of a new agency or the attraction of any bureaucratic baggage.
  15. (Recommendation 18) A coordinated case management system is required that transcends any localized mindset, discourages tunnel vision, recognizes that the capture of a serial predator involves a provincial public interest wider than the interest of any single community or police force, and encourages unified investigations with clearly defined leadership and accountability.
  16. (Recommendation 19) A co-ordinated early recognition system is required to recognize links between crimes early enough to pool information and converge the separate investigations onto the same target, a system based on:
    - a. more effective utilization of CPIC zone alerts and CPIC offline searches;
    - b. mandatory ViCLAS reporting by all Ontario police forces, by regulation under the Police Services Act, supported by training, reinforcement, and any resources necessary to support expanded ViCLAS reporting;
    - c. the use of the Chief Coroner's records of unidentified human remains, homicides, and coroners' death investigations organized on a systematic database;

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- d. systematic use of other potential linkage indicators such as composite drawings, forensic tests conducted by CFS, and profiling;
  - e. training for major case managers and senior investigators to use all potential linkage indicators;
  - f. case management systems that heighten the awareness, of uniformed officers and investigators throughout a police force, to linkage indicators.
17. (Recommendation 20) A centrally supported organizational structure is required, based on co-operation among individual police forces, that combines unified leadership across police jurisdictions with organized case management procedures and interdisciplinary support from forensic scientists and other agencies. The recommended structure is as follows:
- two levels of coordination including a Board of Directors and an Executive Committee;
  - the Board of Directors
    1. based on the CISO police co-operative mode;
    2. composed of twelve police chiefs chosen by the OACP and/or the CISO governing body, the Chief Coroner, the Director of the CFS, the Assistant Deputy Solicitor Generals for Policing Services and Public Safety;
    3. supported by existing structures without the creation of any new bureaucratic agency or the attraction of bureaucratic baggage;
    4. to implement the policies and maintain the framework that will ensure the smooth operation of the recommended major case management system for multi-jurisdictional investigations of serial predators;
    5. to resolve any conflicts that cannot be resolved by the officer in charge;
    6. to be directly accountable to the Solicitor General for all financial issues but independent in relation to police operations and investigations;
    7. to operate on the basis of standard memoranda of agreement entered into voluntarily by all police forces in Ontario;
    8. to be administratively supported by a small staff group similar or identical to the present CISO structure;
  - the Executive Committee:
    - a small group of Board members accountable to the Board;
    - responsible for the triggering mechanism, based on the ViCLAS definition, which launches the co-ordinated investigation in a particular case: all abductions, homicides, sexual assaults and attempts or attempts that appear to be sadistic or sexual or predatory in nature, apparently random, motiveless or are known or suspected of being part of a series, particularly where more than one police jurisdiction is involved and where the circumstances suggest a public safety interest beyond the community or communities directly involved;
    - responsible for the resource decisions, financial accountability, and general oversight of specific investigations, leaving the actual investigation itself to the officer in charge;
    - to include as ad hoc members, when dealing with a specific investigation, the chiefs or their designates of the individual forces involved, and the chief of the senior officer in command, if he does not come from one of the involved forces;
    - responsible for selecting and, in the case of irreconcilable differences, the removal of the senior officer in charge and for major resource and policy decisions, but not to interfere with the investigative authority or accountability of the senior officer in charge;
    - one single senior case manager or officer clearly in charge and accountable, drawn from a cadre of approximately twelve senior and experienced criminal investigators preselected by the Board;



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- specially trained in major case management and inter-jurisdictional investigations;
  - accountable to the Board and the Executive Committee for financial issues and the ultimate success or failure of the investigation, but personally and directly in charge of the investigation at all times;
  - an Interdisciplinary Advisory Committee to ensure a consistently high level of continuing technical, legal and forensic advice, selected jointly by the Senior Case Manager and the Executive Committee, to advise the senior officer in charge but not to manage the investigation;
  - a Support Team composed of a full-time media officer, crime analysts, profilers, computer technicians, an officer manager, clerical staff including data entry staff, and a budget officer;
  - Lead Investigators for the individual cases, who will have received essentially the same training package as the senior case manager.
18. (Recommendation 21) Standard case management procedures are required of the kind described in the Major Case Management Manual developed by the Canadian Police College, customized to the Ontario police, legal and forensic environments.
19. (Recommendation 22) Early approval of one single uniform computerized case management system for mandatory use in all serial predator investigations and all major sexual assault and homicide cases that could potentially fit the ViCLAS definition or the triggering definition and turn into a serial predator investigation:
- a. with capabilities similar to the CASEFILE! System;
  - b. agreed upon quickly by the Ontario police community as the one single preferred uniform package;
  - c. updated regularly under the direction of the Board and the Executive Committee;
  - d. with its uniformity and ability to share information guaranteed by a strong prohibition against "improvements" or tinkering by individual forces that might improve it 10% and destroy 90% of its value as a common, uniform, system for information-sharing;
  - e. supported by basic computer training for all investigators who will use the programme and advanced training for those at the centre of the investigation.
20. (Recommendation 23) Eventual standardization is desirable of other police information and record systems, information standards, and mainframes, of the kind recommended at the Fire College Conference; such work must not interfere with the immediate approval of a single common computerized case management information system of the kind represented by CASEFILE!
21. (Recommendation 24) Specialized training is required as one of the foundations of a new defence against serial predators, particularly in the following areas:
- i. Major case management and inter-jurisdictional investigation training for specially selected senior officers in command, senior investigators, and members of interdisciplinary support teams, to include topics such as
    - special problems of serial predator investigations;
    - special problems of inter-jurisdictional investigations;
    - media liaison;
    - victim support;
    - stress management;
    - information management;
  - ii. Specialized training for criminal investigators in homicide and sexual assault investigations and crime scene identification.

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22. (Recommendation 25) An organized system is required under the direction of the proposed Board of Directors to ensure that our law enforcement agencies learn from the mistakes of the past not only in the Mr. Bernardo and other serial predator investigations but also the problems and solutions identified by Ontario coroners' juries.
23. (Recommendation 26) Funding and support for serial predator investigations is required under s. 9 of the Treasury Act, administered through the proposed Board of Directors and Executive Committee through machinery based on the present CISO funding model. This funding cannot be used simply for the purpose of cost relief for investigations that should be funded locally.
24. (Recommendation 27) Funding is required for the training packages, the establishment and maintenance of a reasonable turnaround time for DNA testing, and the start-up and maintenance of the proposed system. The necessary funds are modest compared with the human and financial costs of failing to increase to a more reasonable level the systems of public protection against serial predators. It would be institutionally reckless to fail to do so.

#### **3.4. Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar (2006)<sup>224</sup>**

Maher Arar is a dual citizen of Canada and Syria residing in Canada. In 2002, he was detained during a layover in the United States, held without charges, and denied access to counsel based on groundless suspicions that he was a member of Al Qaeda. Those suspicions stemmed from information the RCMP had given to the US government. The US government sent him to Syria, where he was detained and tortured for ten months. Syrian officials eventually released him, and he returned to Canada. The Commission of Inquiry led by Justice Dennis O'Connor focused on the RCMP actions relating to Mr. Arar prior to his detention in the United States, his detention and removal to Syria, his imprisonment in Syria, and events after his return to Canada.

In the Report, Justice O'Connor addressed cooperation between the RCMP and other Canadian police forces. He noted the dangers of investigative silos and referred to the reviews of the Guy Paul Morin and Mr. Bernardo investigations (summarized in sections 3.1. and 3.3. above), which "revealed the dangers inherent in police forces not working together or sharing information."<sup>225</sup>

Justice O'Connor also noted that the strategic focus on Muslim and Arab communities following 9/11 requires national security investigators to have social contact training on these communities:

Enhanced understanding of the community will allow investigators to more effectively evaluate information and determine what is important and what is not, as well as the significance of actions and associations. Investigators will be better placed to avoid relying on stereotypes about race, religion or ethnicity in investigations. As a result, they will be able to distinguish between those who pose a threat in terms of committing crimes and those who are merely sympathetic to political or religious views or ideological goals. In this way, resources can be focused on real threats to the security of Canada.

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<sup>224</sup> "Report of the Events Relating to Maher Arar: Volume I, Analysis and Recommendations." Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar (September 2006), [https://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher\\_arar/07-09-13/www.ararcommission.ca/eng/AR\\_English.pdf](https://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/maher_arar/07-09-13/www.ararcommission.ca/eng/AR_English.pdf). See also "Report of the Events Relating to Maher Arar: Volume IIA, Factual Background" and "Report of the Events Relating to Maher Arar: Volume IIB, Factual Background."

<sup>225</sup> "Report Relating to Maher Arar: Analysis and Recommendations," p. 317.

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[...]

Social context education can also have the practical advantage of making it easier for investigators to conduct interviews, gain information within various minority communities and obtain co-operation and support. Engaging in a more effective dialogue with those in the community who can assist the RCMP in its investigations can facilitate efforts in fulfilling its national security mandate.<sup>226</sup>

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 2) The RCMP should continue to engage in integrated and co-operative operations in national security investigations, but agreements or arrangements in this respect should be reduced to writing.
  - a. The RCMP's integrated policing initiatives with other Canadian police forces are necessary and beneficial and should continue.
  - b. While respecting their different mandates, the RCMP and CSIS should continue to co-operate with one another and expand upon the ways in which they do so.
  - c. The RCMP should continue to adhere to and refine its policy of cooperating with other federal agencies or departments involved in national security investigations.
  - d. The RCMP should continue to work co-operatively with foreign agencies in pursuing its law enforcement mandate in national security investigations.
  - e. The RCMP's agreements or arrangements with other entities in regard to integrated national security operations should be reduced to writing.
2. (Recommendation 3e) The RCMP should continue and expand upon its social context training, which is necessary to be able to conduct efficient investigations while ensuring fairness to individuals and communities.
3. (Recommendation 8) The RCMP should ensure that whenever it provides information to other departments and agencies, whether foreign and domestic, it does so in accordance with clearly established policies respecting screening for relevance, reliability, and accuracy and with relevant laws respecting personal information and human rights.
4. The RCMP should maintain its policy of screening information for relevance before sharing it.
5. The RCMP should ensure that information provided to other countries is reliable and accurate and should amend its operational manual accordingly.
6. Information should also be screened by the RCMP for compliance with the applicable law concerning personal information before it is shared.

**3.5. Forsaken: Missing Women Commission of Inquiry (British Columbia, 2012)<sup>227</sup>**

This inquiry was struck in 2010 to examine the police investigations of women missing from the Downtown Eastside (DTES) in Vancouver between 1997 and 2002, and the Crown's decision to stay proceedings against Robert Pickton in 1998. Women working in the sex trade in the DTES went missing over the course of several years. Mr. Pickton, who owned a farm in Port Coquitlam, BC, eventually confessed to an undercover officer to having killed 49 women and was convicted

<sup>226</sup> "Report Relating to Maher Arar: Analysis and Recommendations," p. 327.

<sup>227</sup> "Forsaken: The Report of the Missing Women Commission of Inquiry" (the "Oppal Report"). Submitted to the Minister of Justice and Attorney General of British Columbia (November 2012), <https://missingwomen.library.uvic.ca/index.html%3Fp=30.html>.

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of killing six women. The remains of dozens of women were found on his farm. The Commissioner, the Honourable Wally Oppal, QC, concluded that “the initiation and conduct of the missing and murdered women investigations were a blatant failure.”<sup>228</sup>

In the discussion of his mandate, Mr. Oppal noted the difficulty provincial authorities have in governing the conduct of the RCMP’s contract policing services, a difficulty that extends to public inquiries established by provincial governments:

[T]he RCMP performs three separate policings in British Columbia: federal, provincial and municipal. An unclear delineation between federal and provincial powers in the contracts with the RCMP complicates the ability of the province to assert legislative or regulatory control over the RCMP. In the past, provincial inquiries into RCMP activities have been met with litigation that challenged the jurisdiction of the province. On occasion, these cases have reached the Supreme Court of Canada, and the holdings that resulted are generally seen as undermining the authority of the province with respect to policing services contracted to the RCMP.

In brief, early decisions of the Supreme Court have held that Parliament’s authority to establish and manage the RCMP is unquestioned, and as such, it is “clear that no provincial authority may intrude on its management.” Internal RCMP management or administration which lies beyond provincial jurisdiction has included the methods of investigation used, the punishment and discipline of RCMP officers, and the regulations and practices of the RCMP. Courts have deemed it beyond the powers of a provincial inquiry even to make recommendations on the regulations and practices of the RCMP. However, members of the RCMP have, at all times, remained subject to the provincial enforcement of criminal law for any criminal acts committed by them, whether or not they were acting as RCMP officers at the time.

In a more recent decision of the Supreme Court, the relationship between the province and the RCMP as a contracted provincial police force was clarified. It was held that “there is no doubt that the RCMP remains a federal institution at all times,” even when it is acting under a contract with the province. However, there is no transfer of the province’s constitutional responsibility for the administration of justice in the province. When acting on the province’s behalf, the RCMP thus must also fulfill the constitutional and Charter obligations of the province. The question that follows is whether it should be the RCMP or the province that elects the manner and standard to which those obligations are met.

My mandate under paragraphs 4(c) and 4(d) clearly require me to focus on policing in British Columbia as a whole. Furthermore, representatives of the RCMP and counsel to the Government of Canada have stated that they welcome my recommendations for reform. Thus I cannot trench through a “direct focus or effect” upon areas of management or administration of the RCMP, given that it is a federal agency. I can, however, make recommendations relating to the changes I consider necessary respecting the initiation and conduct of investigations in British Columbia of missing women and suspected multiple homicides, including those involving more than one investigating organization.<sup>229</sup>

In March 1997, Mr. Pickton was charged with attempted murder, assault with a weapon, unlawful confinement, and aggravated assault. The victim, referred to in the Report by the pseudonym “Ms. Anderson,” told police that Mr. Pickton had picked her up in the Downtown East Side and offered her money for a sex act if she went with him to his home in Port Coquitlam. After they had sex in his trailer, he handcuffed her left wrist and tried to handcuff her to another object. She resisted and he attacked her with a board or stick. She grabbed a knife and slashed him. She

<sup>228</sup> “Forsaken,” Executive Summary, p. 26.

<sup>229</sup> “Forsaken,” Volume I, pp. 173–74 (citations omitted).

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tried to leave, and he continued to assault her outside. He got the knife and stabbed her in the stomach. She ran away and hailed a car driving near the property. Ms. Anderson's injuries were severe and life-threatening; she had to be revived twice on the operating table.

The police interviewed Ms. Anderson once, after searching Mr. Pickton's trailer. Mr. Pickton was eventually charged and released on bail. There was no weapons prohibition in the bail terms proposed by the Crown, even though this term is standard for attempted murder and Mr. Pickton was known to associate with Hell's Angels. Mr. Pickton told investigators that Ms. Anderson had a dangerous outburst, and he handcuffed her to get her under control.

Mr. Oppal noted that the search of Mr. Pickton's trailer and the subsequent interview with Ms. Anderson revealed information that would suggest that Mr. Pickton's assault on Ms. Anderson was not a unique event. For example, there was a woman's bra in the trailer that was not Ms. Anderson's; three hairbrushes, even though Mr. Pickton was balding; he had refused to let Ms. Anderson use the phone or stop on the way to use the bathroom; Ms. Anderson told police that there were lots of girls missing from downtown and she "just [knew] there's broads on that property";<sup>230</sup> and there were many unused condoms in the trailer. Police did not conduct a second or more thorough search of the property after Ms. Anderson suggested he had killed other women. They were aware that he had been investigated seven years before for a rape and stabbing in Surrey but did not include that information in the report to Crown counsel. The Surrey police reported that the file no longer existed. The Coquitlam police did not make any further inquiries into Mr. Pickton's activities, interview neighbours, or take any other investigative steps during this investigation. They did place a warning on Canadian Police Information Centre (CPIC) that Mr. Pickton was a potential danger to women, particularly women in the sex trade. They did not issue a warning to those women.

The Crown reviewed the file and decided that Mr. Pickton's version of events could be true and considered the file a "he said, she said" case. The Crown met with Ms. Anderson once, two weeks before the trial, and decided to stay the charges in January 1998 on the basis that Ms. Anderson, who was addicted to heroin, would not be a useful witness. The test in BC for continuing with a charge at the time was "substantial likelihood of conviction." However, Crown policy permitted prosecutions to go forward where there is a "reasonable prospect of conviction" in cases of "high risk violent or dangerous offenders, or where public safety concerns are of paramount consideration."<sup>231</sup> The Crown took no steps to attempt to assist Ms. Anderson before the trial or otherwise take steps to have the trial go ahead. Following the stay, one of the Coquitlam RCMP officers continued to investigate Mr. Pickton from time to time.

Dozens of women went missing from the DTES during this period. In 1998, there was a hang-up 911 call from Mr. Pickton's trailer, which police concluded was an error. By 1999, following pressure from the community, the Vancouver Police Department recognized that there was a problem with missing women. Over the following years, various poorly resourced investigation teams and projects were established and abandoned. Mr. Pickton was considered a prime suspect from 1999 onwards, in part due to a second-hand report that a woman said she witnessed Mr. Pickton skinning a body hanging in his barn. One man reported in 1998 that Mr. Pickton was disposing of body parts into drums that he took to a recycling plant; a year later, other officers saw Mr. Pickton take drums to a recycling plant but did not investigate the contents of a drum. Due to a breakdown in communication, these two pieces of information were never connected. In

<sup>230</sup> "Forsaken," Volume IIA, pp. 40 and 45.

<sup>231</sup> "Forsaken," Volume IIA, pp. 49 and 70.

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2000, Coquitlam RCMP investigators planned to seek a search warrant and authorization to intercept his communications and check the handcuff from the 1998 attempted murder for the DNA of other women. However, the investigation stalled due to resource limitations and direction from management.

In 2001, a joint forces operation involving the RCMP and the Vancouver Police Department focused on the missing women, called "Project Evenhanded," was established. In February 2002, an unrelated Coquitlam RCMP investigation led to a search for weapons on Mr. Pickton's property. Officers discovered items and identification belonging to two of the missing women. A comprehensive search led to the discovery of the DNA of 33 women on the property. Mr. Pickton was charged with 27 counts of first-degree murder and eventually convicted of six counts of second-degree murder; the remaining counts were stayed or dropped.

Mr. Oppal's report detailed numerous problems in the investigations of the missing women. For example, Olivia Williams was reported missing to the Smithers RCMP detachment in the same month Mr. Pickton was charged with attempting to murder Ms. Anderson. There were problems with communications between the RCMP in Smithers, where Ms. Williams' social worker was located, and the Vancouver Police Department, where Ms. Williams was known to engage in the sex trade. It was unclear which agency had conduct of the investigation. After three months, during which no substantive investigation was taken, the Smithers RCMP sent the file to the Vancouver Police Department and closed their file. The Vancouver Police Department did not open a missing persons file until nearly a month later. Police did not investigate tips to completion or use community resources to investigate. Mr. Oppal also noted there was minimal contact between police and Ms. Williams' family unless it was initiated by the family. Ms. Williams is still missing, and it is unknown what happened to her. Mr. Oppal identified similar problems regarding jurisdictions and file transfers in numerous cases he reviewed. Other problems included:

1. Failure to consider the investigation of missing women as urgent, with a number of investigations proceeding at a "glacial pace";<sup>232</sup>
2. Failure to interview the person making the report in a timely way and repeated failure to attend the woman's last known residence;
3. Failure to investigate tips to conclusion, failure to conduct follow-up investigations, and unexplained gaps in investigations, along with a failure to employ an Aboriginal-specific investigation strategy, given the disproportionate number of Indigenous women among the missing;
4. Failure to consistently check CPIC or enter information into CPIC; although investigators did make use of databases such as ViCLAS and child protection databases, they were not always timely, not consistently used, and there were challenges to conducting some searches due to legal and privacy restrictions;
5. A lack of functioning computer information systems to manage the volume of information involved in the investigation, leading to handwritten investigative logs, disorganized files, and a failure to make links between pieces of information;
6. Insistence in Vancouver of confirming a woman was missing before conducting a full investigation;

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<sup>232</sup> "Forsaken," Volume IIB, p. 25.

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7. Poor use of community resources in the investigations, including a failure to engage with women in the community, health and social services agencies, and a failure to learn more about the community;
8. Failure to keep in regular contact with the families, including a failure to update them on the status of the investigation; Mr. Oppal found that communication fell “far below a reasonable threshold”<sup>233</sup> and that 911 call-takers and some Vancouver police members and staff made comments that the families found insensitive and degrading.
9. The absence of a consistent policy and practice for dealing with the transfer of missing person files from one jurisdiction to another, causing delays in the investigations, and a lack of clarity about which agency was responsible for the investigation;
10. Failures of communication, reporting, and accountability within investigation teams;
11. Faulty risk analysis and risk assessment, which led to a failure for years to accept that a serial killer was responsible for the missing women. This failure was based in part on erroneous assumptions that because there were no bodies, there was no crime and that the women were transient, and a failure to recognize the risk of serial offenders preying on sex workers;
12. Failure to follow Major Case Management practices and policies, despite the recommendations of the Bernardo Review in 1996 (summarized in section 3.3. above); and
13. Failure of internal review and external accountability mechanisms.

Mr. Oppal noted that a review of 1,400 serial killers over the last century identified the inability to coordinate between multiple police forces as a pitfall in police investigations of these crimes. He noted that “the inability to fully address cross-jurisdictional issues was a critical police failure substantially limiting the effectiveness of the investigations.”<sup>234</sup> He stated:

[I]t is important to keep in mind that the RCMP is a large national organization that carries out multiple policing functions in British Columbia. Many RCMP entities were involved in this case: several RCMP detachments were involved in the missing women investigations, including the Coquitlam RCMP, which took the lead in the Mr. Pickton investigation, and the E Division Major Crime Section, which was involved at various points in time. The Provincial Unsolved Homicide Unit (PUHU), an integrated unit comprised of RCMP and VPD, also played a role. I find that there is evidence of ineffective co-ordination among these entities and between these entities and the VPD.<sup>235</sup>

The multi-jurisdictional nature of the case also caused “linkage blindness,” as investigating officers receiving missing persons reports in RCMP detachments did not always realize a woman’s link to the DTES; if they had, they would then have had to request the VPD to investigate.

After considering the problems in the investigation, Mr. Oppal then turned to the steps police took prevent harm to women in the DTES. He stated, “I conclude that there was a near complete failure of the police to take steps to protect women engaged in the survival sex trade in the DTES until early 2002.”<sup>236</sup> He found the following:

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<sup>233</sup> “Forsaken,” Volume IIB, p. 55.

<sup>234</sup> “Forsaken,” Volume IIB, p. 180.

<sup>235</sup> “Forsaken,” Volume IIB, p. 182.

<sup>236</sup> “Forsaken,” Volume IIB, p. 95.

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- The Vancouver Police Department strategy of containing the sex trade to remote and unsafe parts of downtown Vancouver, “where justice did not prevail, where violence against women was made invisible,”<sup>237</sup> made the women more vulnerable to serial predators. Mr. Oppal also strongly condemned the VPD submission that the “real issue” was that women were putting themselves at risk by getting into cars with men as victim blaming.
- The police failed to pursue crime prevention strategies despite the numbers of women going missing. They failed to put proactive teams of officers into the DTES until January 2002. They were focused (eventually) in a general sense on catching the person responsible for the women going missing, but they “did not pay attention to the ongoing threat posed in the DTES.”<sup>238</sup> Mr. Oppal said, “I conclude that this delay is simply unfathomable and reflected the fundamental error of failing to place any real emphasis on prevention, which plagued the entirety of the missing women investigations from the beginning to almost the end” of the investigation.<sup>239</sup>
- The police failed to issue a warning to women in the DTES and publicly downplayed the public fears that a serial killer was at work. Both the Vancouver Police Department and the eventual joint forces operation Project Evenhanded “committed serious errors in failing to provide a specific warning to women in the DTES.”<sup>240</sup> Mr. Oppal found that police would have known about their duty to warn a particular victim group even before the trial judgment in *Jane Doe v. Metro Toronto Police*, and senior police managers would have been discussing that decision after its release in 1998. He found that the Vancouver Police Department and RCMP should have issued two warnings: one to women in the DTES, and one to Indigenous communities across British Columbia, given that a number of the victims came from these communities. One of the investigators wanted to issue a media release in September 1998 to warn women in the community, but management did not permit it. VPD managers justified this decision at the inquiry on the basis that there was no proof there was a serial killer; they did not have sufficient information to provide a targeted and effective warning; and a warning would not have been effective, as the women were rendered incapable of changing their behaviour due to drug addiction. Mr. Oppal stated that this third explanation “reeks of a paternalistic attitude that the police knew better than the women about how they would react to a warning” and was based on ignorance, paternalism, and prejudice.<sup>241</sup> The warning could have led the women to take steps to protect themselves, led to tips to help the investigation, and dissuaded Mr. Pickton from committing more crimes.

Mr. Oppal also found that the police failed to fully exploit other investigative avenues, such as undercover operations, search warrants, and forensic evidence. Mr. Oppal found that these problems were caused by:

1. Systemic bias against the women who went missing, which was a “manifestation of the broader patterns of systemic discrimination within Canadian society and was reinforced by the political and public indifference to the plight of marginalized female victims,”<sup>242</sup> particularly Indigenous women working in the sex trade. He noted that “it is difficult to conceive that the

<sup>237</sup> “Forsaken,” Volume IIB, p. 96.

<sup>238</sup> “Forsaken,” Volume IIB, p. 98.

<sup>239</sup> “Forsaken,” Volume IIB, p. 100.

<sup>240</sup> “Forsaken,” Volume IIB, p. 100.

<sup>241</sup> “Forsaken,” Volume IIB, p. 102.

<sup>242</sup> “Forsaken,” Volume IIB, p. 217.



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people of Vancouver would be as quiet if close to 70 women went missing from a different neighbourhood.”<sup>243</sup>

2. A failure of leadership;
3. Limited and outdated policing systems, approaches and standards, including a lack of provincial co-ordination in respect to missing person investigations and a “parochial and silo-based approach to policing”,<sup>244</sup>
4. Fragmentation of policing in the Lower Mainland of BC and the inadequacy of structures to overcome this fragmentation, leading to a paucity of information-sharing and communication between policing agencies;
5. Inadequate resources, caused by the failure to prioritize the missing women cases;
6. Police culture and personnel problems. The paramilitary, hierarchical structure of both the RCMP and VPD creates turf issues, secrecy, the dilution of information as it goes up the chain of command, a lack of creative problem-solving, and a lack of a challenge culture. Mr. Oppal said the chain of command structure within police institutions is a valid and important tool but was applied too rigidly in the missing women investigations. Mr. Oppal noted the “bureaucratic nature” of decision-making at the RCMP and its striking culture of reluctance to ask another police force for help.<sup>245</sup> He also noted the conflicting evidence before him regarding sexist and racist attitudes among individual officers. He found there was inadequate and inconsistent cultural and social context training, which contributed to errors in the investigation.

Mr. Oppal also noted the obligations of police to respect women’s equality and protect vulnerable members of the community, including women, and the international jurisprudence on police obligations to investigate reports of violence against women and otherwise failing to take violence against women seriously. He stated:

My review of the general duty of non-discrimination in policing and specific police duties to address violence against women makes it clear that the police have an obligation to take steps to prevent violence against women and to ensure effective investigations into crimes of violence against women. The positive nature of this obligation is very clear.<sup>246</sup>

The British Columbia government has published several reports on the implementation of Mr. Oppal’s recommendations, most recently in 2012.<sup>247</sup>

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 4.1) That the Minister of Justice direct the Director of Police Services to undertake equality audits of police forces in British Columbia with a focus on police duty to protect marginalized and Aboriginal women from violence. These audits should be carried out by an external agency and with meaningful community involvement.

<sup>243</sup> “Forsaken,” Volume IIB, p. 237.

<sup>244</sup> “Forsaken,” Volume IIB, p. 255.

<sup>245</sup> “Forsaken,” Volume IIB, p. 276.

<sup>246</sup> “Forsaken,” Volume I, p. 126.

<sup>247</sup> See “Report in Response to FORSAKEN: The Report of the Missing Women Commission of Inquiry—2021 Status Update.” BC Ministry of Public Safety and Solicitor General (April 2021), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/mwci-status-update-2021.pdf>

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2. (Recommendation 4.2) That Provincial Government set a provincial standard establishing that police officers have a general and binding duty to promote equality and to refrain from discriminatory policing.
3. (Recommendation 4.5) That Provincial Government adopt a policy statement in the BC Crown Policy Manual requiring that a prosecutor's evaluations of how strong the case is likely to be when presented at trial should be made on the assumption that the trier of fact will act impartially and according to the law.<sup>248</sup>
4. (Recommendation 4.6) That Provincial Government direct the Director of Police Services to consult with the BC Association of Municipal Chiefs of Police, the RCMP, and community representatives to recommend the wording of a statutory provision on the legal duty to warn and a protocol on how it should be interpreted and applied.
5. (Recommendation 4.7) That police forces work with local communities to develop communication strategies for the issuance of warnings that ensure the message is conveyed to community members who are most at risk of the specific threat.
6. (Recommendation 4.9) That Provincial Government develop guidelines to facilitate and support vulnerable and intimidated witnesses by all actors within the criminal justice system based on the best practices identified by the Commission through its review of protocols and guidelines existing in other jurisdictions.
7. (Recommendation 4.10) That police forces integrate into training, performance standards, and performance measurement the ability of police officers to develop and maintain community relationships, particularly with vulnerable members of the community who are often at risk of being treated unequally in the delivery of public services.
8. (Recommendation 4.11) That the BC Association of Municipal Chiefs of Police and the RCMP establish a working group to develop a best practices guide for the establishment and implementation of formal discussion mechanisms to facilitate communication and collaboration that transcends the institutional hierarchy within a police agency.
9. (Recommendation 4.12) That police officers be required to undergo mandatory and ongoing experiential and interactive training concerning vulnerable community members:
  - Active engagement in overcoming biases, rather than more passive sensitivity training (sometimes called anti-oppression training);
  - More intensive and ongoing training in the history and current status of Aboriginal peoples in the province and in the specific community, particularly with respect to the ongoing effects of residential schools and the child welfare system;
  - Training and resources to make prevention of violence against Aboriginal women a genuine priority;
  - Training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation, and violence against women in the

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<sup>248</sup> According to the "Independent Review of the Police and Prosecution Response to the Rehtaeh Parsons Case," submitted to the NS Minister of Justice and Attorney General (October 2015), <https://novascotia.ca/segalreport/Parsons-Independent-Review.pdf>, the directive to Crown prosecutors in Nova Scotia prohibits them from hinging their decisions regarding the prospect of conviction on dubious generalities such as 'juries always believe children' or 'juries never convict police officers.'" (p. 78 of the Independent Review Report, quoting the directive).

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sex trade; in particular, the scenarios used in police training should incorporate issues of cultural sensitivity and violence against women; and

- Training in recognizing the special needs of vulnerable individuals and how to meet those needs, including recognition of a higher standard of care owed by the police to these individuals.
10. (Recommendation 4.13) That the Police Complaint Commissioner, working with police forces across the Province, take steps to develop, promote, and refine informal methods of police discipline, particularly in marginalized communities such as the DTES and with Aboriginal communities.
  11. (Recommendation 4.14) That Provincial Government engage with the RCMP in order to bring them into the provincial complaints process.
  12. (Recommendation 5.9) That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the number of court warrants issued for minor offences by:
    - Reducing the number of tickets issued and charges laid for minor offences;
    - Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and
    - Increasing the ways in which failures to appear can be quashed early in the judicial process.
  13. (Recommendation 5.10) That courts consider making increased use of diversionary or alternative measures to deal with bench warrants and breaches of conditions. This is in light of the barriers that outstanding warrants have on the ability of vulnerable women who are victims of violent crime to access police services. And that proactive steps be taken to assist women to clear outstanding warrants.
  14. (Recommendation 5.11) That the Minister of Justice consult with the judiciary, police, and community representatives to develop a protocol providing the police with the discretion not to enforce a warrant in a circumstance where a sex trade worker is attempting to report a violent crime.
  15. (Recommendation 5.13) That the BC Association of Municipal Police Chiefs and the RCMP, with support from the Director of Police Services, should develop a protocol containing additional measures to monitor high-risk offenders, including recommendations for the efficient and timely sharing of information.
  16. (Recommendation 6.3) That Provincial Government provide additional funding to Aboriginal women's organizations to create programs addressing violence on reserves, so that fewer women and youth are forced to escape to urban areas.
  17. (Recommendation 6.4) That Provincial Government provide additional funding to Aboriginal women's organizations to provide more safe houses and counselling programs run for and by Aboriginal women and youth.
  18. (Recommendation 7.1) That the provincial standards be developed by the Director of Police Services with the assistance of a committee consisting of representatives of the BC Association of Municipal Police Chiefs, the RCMP, representatives of community and Aboriginal groups, and representatives of families of the missing and murdered women.
  19. (Recommendation 7.2) That proposed provincial missing persons standards include at least 15 components:
    - Definition of "missing person";
    - Criteria for the acceptance of reports;

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- Jurisdiction;
  - Missing Person Risk Assessment Tool;
  - Provincial Missing Person Reporting Form;
  - Standards related to interaction with family/reportees;
  - Initial steps—background information;
  - Supervisory responsibility/quality control;
  - Forensic evidence standards;
  - Coroners' Liaison;
  - Monitoring outstanding missing person cases;
  - Automatic annual review of unsolved cases;
  - Closing missing person files;
  - Prevention and intervention; and
  - The role and authority of the BC Police Missing Persons Centre (BCPMPC).
20. (Recommendation 7.3) That the provincial standards require a proactive missing persons process whereby police must take prevention and intervention measures including “safe and well” checks when an individual is found.
21. (Recommendation 7.4) That best practice protocols be established for (1) enhanced victimology analysis of missing persons, (2) investigative steps in missing person cases, (3) collaborative missing person investigations collection, (4) storage and analysis of missing persons data, and (5) training specific to missing person investigations.
22. (Recommendation 7.5) That Provincial Government establish a provincial partnership committee on missing persons to facilitate the collaboration of key players in the ongoing development of best practice protocols for missing person cases. The committee should be chaired by a senior government official and include representatives of the missing and murdered women's families, Aboriginal organizations, community groups, service providers, police, and Victim Services.
23. (Recommendation 7.6) That Provincial Government establish an agency independent of all police agencies with the purposes to include coordinating information, identifying patterns, establishing base rates, checking on police investigations, ensuring accountability for linked interjurisdictional series,<sup>249</sup> and warning the public. It should provide oversight and analytic functions, but it should not be an investigating entity.
24. (Recommendation 7.7) That provincial authorities create and maintain a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation.
25. (Recommendation 7.8) That provincial authorities establish a provincial 1-800 phone number for the taking of missing person reports and accessing case information.
26. (Recommendation 7.9) That provincial authorities develop an enhanced, holistic, comprehensive approach for the provision of support to the families and friends of missing persons. This should be based on a needs assessment carried out in consultation with the provincial partnership committee on missing persons.
27. (Recommendation 7.11) That the provincial partnership committee develop a proposal for either an enhanced BCPMPC to meet additional responsibilities relating to the needs of members of the public and, in particular, reportees; or to create an independent civilian-based agency for this purpose.

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<sup>249</sup> This wording has not been changed from the original.

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28. (Recommendation 8.1) That Provincial Government enact missing persons legislation to grant speedy access to personal information of missing persons without unduly infringing on privacy rights. I recommend the adoption of single-purpose legislation, as in Alberta and Manitoba, with a provision for a comprehensive review of the operation of the Act after five years.
29. (Recommendation 8.2) That Provincial Government mandate the use of Major Case Management (MCM) for major crimes and that the Director of Police Services develop these MCM standards in consultation with the police community and through a review of best practices in other jurisdictions.
30. (Recommendation 8.3) That the Director of Police Services mandate accountability under the MCM standards by requiring that police forces:
- Provide an explanation as to why MCM was not used for a “major crime” in an annual report to the Director of Police Services;
  - Notify the Director of Police Services of all “major crime” investigations that are not under active investigation and have remained open for more than one year. Upon receipt of such notification, the Director will appoint another police department to conduct an independent audit of the prior investigation and conduct such additional investigatory steps as it deems necessary, and report its finding to the Director and the originating police agency; and
  - Conduct annual internal audits of a statistically valid random selection of MCM investigations to ensure proper compliance with the model.
31. (Recommendation 8.4) That issues related to a single electronic MCM system for British Columbia, as well as compatibility with cross-Canada systems, be reviewed as part of the consultation on MCM standards set out above.
32. (Recommendation 10.1) That the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards [...]
33. (Recommendation 10.2) That the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.
34. (Recommendation 10.3) That Provincial Government commit to moving expeditiously to implement a regional Real Time Crime Centre.
35. (Recommendation 11.1) That the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves.
36. (Recommendation 11.3) That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.
37. (Recommendation 11.4) That police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.
38. (Recommendation 12.1) That Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of release of the report.

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39. (Recommendation 12.2) That the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.

#### 4. COMMUNICATIONS WITH COMMUNITY: CONTEMPORANEOUS RESPONSE TO VICTIMS AND COMMUNITY; EMERGENCY ALERTS

The Order in Council directs the Mass Casualty Commission to examine “communications with the public during and after the event, including the appropriate use of the public alerting system established under the Alert Ready program” ((b)(v)) and “information and support provided to the families of victims, affected citizens, police personnel and the community” ((b)(xi)). The Alert Ready program was not used during the events of 18 and 19 April 2020.

##### 4.1. Review of the Investigation of Sexual Assaults, Toronto Police Service (Toronto Audit Services, 1999)<sup>250</sup>

*Doe v Metropolitan Toronto (Municipality) Commissioners of Police*<sup>251</sup> was a 1998 decision of the Superior Court of Justice in Ontario that held that Metropolitan Toronto Police had breached their common law duty to warn a woman known as Jane Doe of a rapist known to be targeting women in her neighbourhood. Following the decision, the City of Toronto asked its Auditor, Jeffrey Griffiths, to conduct an independent review of the Toronto Police Service’s investigation of sexual assaults.<sup>252</sup>

Paul Douglas Callow sexually assaulted four women in their apartments at knifepoint in the Church/Wellesley area of Toronto between December 1985 and July 1986. Mr. Callow entered each apartment through the balcony. Police did not warn women in the area. Mr. Callow then raped Jane Doe in her balcony apartment. She sued the Metropolitan Toronto Police Force. The Ontario Divisional Court confirmed that her pleadings disclosed causes of action in torts and under the *Canadian Charter of Rights and Freedoms*.<sup>253</sup>

After the trial, Justice MacFarland noted that following the first two attacks, the police relied on stereotypes about victim responses and asked inappropriate questions of the victims regarding their previous sexual partners. They concluded that the first attacker was the victim’s boyfriend and that the second attack was a false report. One of the officers in question had taken a sexual assault investigators’ course a month before he drew these conclusions; Justice MacFarland noted that “one can only conclude that the course was ineffective in influencing his views in relation to the crime of sexual assault.” After two more attacks in the area, in very similar circumstances, it appears the police came to accept that there was in fact a serial rapist in the area. Police took some steps to alert other police of the possibility of a serial rapist and increased the focus on this neighbourhood during night shifts.

Jane Doe lived in a second-floor apartment with a balcony, three blocks south of the second, third, and fourth attacks. Mr. Callow attacked her on 24 August 1986. Police who interviewed Ms. Doe

<sup>250</sup> “Review of the Investigation of Sexual Assaults: Toronto Police Service.” Toronto Audit Services (October 1999), [https://walnet.org/jane\\_doe/griffiths-991025.pdf](https://walnet.org/jane_doe/griffiths-991025.pdf)

<sup>251</sup> 1998 CanLII 14826 (ON SC), <https://canlii.ca/t/1w9kn>. The CanLII version of this decision does not contain page numbers or paragraph numbers, so references are not footnoted here.

<sup>252</sup> “Metropolitan Toronto” was the collective term for the City of Toronto and several other municipalities at the time of the Jane Doe trial. In 1998, the municipalities were merged to become the City of Toronto. The police force changed its name to Toronto Police Service.

<sup>253</sup> *Doe v Metropolitan Toronto (Municipality) Commissioners of Police (Div Ct)*, 1990 CanLII 6611 (ON SC), <https://canlii.ca/t/q1kf7>, leave to appeal denied, 1991 CanLII 7565 (ON CA), <https://canlii.ca/t/gqjx6>.

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told her that they did not warn women in the neighbourhood because they would become hysterical or panic, the rapist would flee, and the investigation would be compromised. Ms. Doe wanted to warn other women in the area, but she was told that if she did, she could be charged for interfering in a police investigation. Police told tenants in local buildings that there had been a number of break-and-enters in the area; they were directed specifically not to mention the sexual assaults. Police then engaged in a stakeout of buildings in the area, with directives not to break cover unless they saw someone climbing a balcony. The women in those buildings were given no warning. Justice MacFarland concluded that the police were using these women as “bait,” without their knowledge or consent, to attract the predator.

Mr. Callow was identified as a suspect by chance, after he was arrested for assaulting his wife. His wife told the probation officer responsible for his pre-sentence report that he had committed a rape following a break-and-enter in Vancouver and was still committing break-and-enters. They lived in the Church/Wellesley area. The probation officer contacted the division investigating the balcony attacks to confirm Mr. Callow’s criminal record. Police then discovered that he had been arrested for raping a woman on Wellesley Street five years earlier, but charges had not proceeded. Callow was arrested and pleaded guilty to all five rapes. Justice MacFarland noted that the fact that the Sexual Assault Coordinator’s office was not aware of Mr. Callow’s arrest for assaulting his wife indicated that the force as a whole did not understand that sexual assault is not about sex; it is about violence against women and anger. She said, “Had the force coordinated efforts to keep track of any and all acts of violence against women, they may have been aware of Callow’s existence much sooner than they were.”

Justice MacFarland found that the investigation was given less priority than an earlier investigation involving a perpetrator known as the Annex Rapist because the victims were “merely raped” by a “gentleman rapist” and not subjected to other additional violence.<sup>254</sup> She found that the investigating officers believed that if they issued a warning, the women in the area would become hysterical and panic and that the investigation would thereby be jeopardized. A meaningful warning could and should have been given to the women at particular risk. Had Ms. Doe been aware that a serial rapist was in the neighbourhood and using balconies to enter apartments, she would have taken steps to protect herself and most probably not been raped.

Justice MacFarland noted that the Police Act in Ontario at the time stated that “members of police forces... are charged with the duty of preserving the police, preventing robberies and other crimes...”<sup>255</sup> She also noted that police have a common law duty to protect life and property. The

<sup>254</sup> Justice MacFarland put these terms in quotation marks, quoting another document, and it is clear from the context that she meant them ironically.

<sup>255</sup> The Nova Scotia Police Act provides that the provincial police and municipal police “shall provide policing services including

- (a) crime prevention;
- (b) law enforcement;
- (c) assistance to victims of crime;
- (d) emergency and enhanced services; and
- (e) public order maintenance.”

This provision also applies to RCMP divisions providing provincial policing services. See ss. 31(1), 34(4), and 35(3). The Act also provides in s. 42(2) that the “authority, responsibility and duty of a member of a municipal police department includes

- (a) maintaining law and order;
- (b) the prevention of crime;
- (c) enforcing the penal provisions of the laws of the Province and any penal laws in force in the Province;
- (d) assisting victims of crime;
- (e) apprehending criminals and offenders who may lawfully be taken into custody;



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law was clear that the police have a duty to warn citizens of foreseeable harm, in order to protect them. Justice MacFarland stated that in some circumstances, the police might reasonably conclude that a warning would cause greater harm than it would prevent by, for example, causing general and unnecessary panic. She noted, however, that the duty to protect would remain in those circumstances but would have to be accomplished by other means. Here, the police neither warned Ms. Doe or any other woman from the danger, nor did they take steps to protect these women. They made this decision “in the face of the almost certain knowledge that the rapist would attack again and cause irreparable harm to his victim.” This was irresponsible and grossly negligent. There was no evidence that could suggest that no warning should have been given in the circumstances of this case. The police were therefore liable to Ms. Doe in damages.

On the *Charter* issues, Justice MacFarland found that the Metropolitan Toronto Police Force (MTPF) had been aware for more than a decade before Ms. Doe was attacked that it had serious problems in its investigation of sexual assault, including a failure to treat survivors sensitively, a lack of effective training of officers, a lack of coordination of investigations, and a lack of supervision. Justice MacFarland noted that the Force had repeatedly assured the public and individuals with complaints that these problems would be eliminated, yet the status quo remained. She stated:

Every police officer who testified agreed that sexual assault is a serious crime, second only to homicide. Yet I cannot help but ask rhetorically—do they really believe that, especially when one reviews their record in this area? It seems to me it was, as the plaintiff suggests, largely an effort in impression management rather than an indication of any genuine commitment for change. [...]

Although the MTPF say they took the crime of sexual assault seriously in 1985–86 I must conclude, on the evidence before me, that they did not. [...]

The problems continued and because among adults, women are overwhelmingly the victims of sexual assault, they are and were disproportionately impacted by the resulting poor quality of investigation. The result is that women are discriminated against and their right to equal protection and benefit of the law is thereby compromised as the result.

In my view the conduct of this investigation and the failure to warn in particular [were] motivated and informed by the adherence to rape myths as well as sexist stereotypical reasoning about rape, about women and about women who are raped. The plaintiff therefore has been discriminated against by reason of her gender, and as the result, the plaintiff's rights to equal protection and equal benefit of the law were compromised.

Justice MacFarland also found that the police adopted a policy that favoured the apprehension of a criminal over her protection as a targeted rape victim. They used her as “bait” without her knowledge or consent and therefore knowingly placed her security at risk. This also stemmed from the discriminatory and stereotypical beliefs they had. By exercising their discretion in their investigation in a discriminatory and negligent way, the police also deprived Ms. Doe of her security of the person under section 7 of the Charter. There was no attempt to justify this conduct under section 1. Justice MacFarland awarded Jane Doe damages of more than \$220,000 and made a declaration that the defendants violated her sections 7 and 15(1) rights under the Charter.

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- (f) laying charges and participating in prosecutions;
  - (g) executing warrants that are to be executed by peace officers;
  - (h) subject to an agreement respecting the policing of the municipality, enforcing municipal bylaws within the municipality; and
  - (i) obeying the lawful orders of the chief officer,
- and the person shall discharge these responsibilities throughout the Province.

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The City of Toronto Auditor, Jeffrey Griffiths, released his review of the Toronto Police Service's sexual assault investigations in 1999. Mr. Griffiths worked with an Audit Reference Group, with membership from the Committee on the Status of Women, the Toronto Rape Crisis Centre, the Metro Action Committee on Violence Against Women, and other women's organizations. The Reference Group assisted with staffing the review, identifying experts, and suggesting recommendations. The mandate of the review initially included domestic violence, but the auditor determined that it would not be practical or possible to include that issue in its report. The focus was not on the interviewing of suspects but on police interactions with victims.

Mr. Griffiths noted that this was to his knowledge the first audit of the investigation of sexual assaults by police in North America and possibly the world. He emphasized the importance of creating mechanisms to ensure that the recommendations were implemented, noting Justice MacFarland's finding that the assertions by police that they were making changes to improve their response to sexual assaults were merely "impression management" rather than a reflection of genuine commitment for change.<sup>256</sup>

The Auditor identified a number of changes the TPS had made to its approach to sexual assault investigations in recent years, in part in response to Justice Campbell's report on the Mr. Bernardo investigation (summarized above in section 3.3.). These included the formation of a Sexual Assault Squad, the creation of a Behavioural Assessment Unit within that squad, which focuses on stalking, criminal harassment, and similar conduct, specialized sexual assault units in two divisions, community response units, a program to keep in contact when high-risk offenders are released from federal prisons, and sexual assault training of significant numbers of officers in the field. However, he also identified a number of areas that required change, including the following:

1. The Sexual Assault Squad focused only on sexual assaults committed by strangers, which is a small portion of sexual assaults. It should focus on all penetrative or attempted penetrative sexual assaults, regardless of the relationship of the perpetrator with the victim. It operates in isolation from other police investigations relating to violence against women. Mr. Griffiths cited Justice MacFarland's comments about the Force's failure to connect Callow's assault on his wife to the sexual assaults, and recommended a process be put in place to link domestic violence incidents with sexual assault investigations.
2. The process of recruitment to the Sexual Assault Squad had failed to ensure its investigators had specific skills and aptitudes.
3. The Sexual Assault Squad website read as a public relations exercise for the squad rather than as a source of information for women who have been sexually assaulted, including information about the role of the squad, support services such as the Toronto Rape Crisis Centre and the Victim Services Program.
4. The initial interview with women who have been sexually assaulted is critical to the woman's experience with police, but often does not comply with procedure. In addition, frontline officers do not have specific guidance on their responsibilities during this interview or on how to conduct an interview with a woman with special needs.
5. A review of a random selection of occurrence reports prepared by investigators and first-response officers showed clearly that in some cases interviews had not been conducted properly, including some completed by Sexual Assault Squad members. Some were incomplete and contained conclusions with no basis. Some contained inappropriate language.

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<sup>256</sup> "Review of the Investigation of Sexual Assaults: TPS," pp. 19 and 31.

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There had been no apparent review or discussion with the officers who prepared these reports. A number of reports classified complaints as unfounded, in the absence of information substantiating that conclusion (although Mr. Griffiths acknowledged that the issue may have been with the sufficiency of information in the occurrence report rather than with the conclusion that the assault complaint was unfounded.) He concluded that decisions relating to whether a case should be dismissed should not be taken by the first officer on the scene; rather, it should be made by qualified sexual assault investigators.

6. In a number of cases in which women did not wish to have charges laid, the case was classified as unfounded. Mr. Griffiths noted, "The refusal of women to proceed with the laying of charges does not indicate that a sexual assault did not take place."<sup>257</sup>
7. Women identified concerns about frequent changes in the investigating officers and the lack of information provided to victims about the process. There were also serious concerns regarding the attitudes of officers towards sex trade workers, women of colour, women experiencing homelessness, women whose first language is not English, and women with physical disabilities and mental health issues.
8. Despite significant investments in information systems, there was still no major case management computer and information system, underuse of technology that would recognize links between crimes to converge investigation onto the same target, and no effective system to identify training requirements and track officers' attendance at training. A major case management system was being piloted at the time of the Auditor's Report, in response to the Campbell Report (summarized above in section 3.3.). Griffiths noted that the ViCLAS system (Violent Crime Linkage Analysis System) is a province-wide system that "takes an inordinate amount of time to identify linkages."<sup>258</sup>
9. Police training on the investigation of sexual assaults was a major theme of the Report. Experienced divisional investigators generally received a ten-day course, "Sexual Assault and Child Abuse" (SACA). There was capacity to train 72 officers per year. However, there was no central database to identify whether a particular officer handling sexual assaults had taken training. Officers were selected to take the course based on their availability rather than on deployment requirements, suitability, or interest in sexual assault investigations. There was no program in place to provide updated training to those who had taken SACA. The SACA course mostly consisted of lectures given by experienced officers, was fairly elementary, and did not allocate the appropriate amount of time to specific topics. There was also duplication of content with other courses, and training was decentralized. Frontline officers, who are typically the first officers women who have been assaulted will meet, did not have sufficient training on these investigations. Sexual Assault Squad members had separate training through attendance at conferences, seminars, and workshops. There was no structured training program, no identification of specific training needs, and no evaluation of the effectiveness of the training. There were also issues with the usefulness of the annual Sexual Assault Investigators Conference organized by members of the Sexual Assault Squad. In general, police training was done by police officers, who were not experts in adult education and not always selected for their expertise.
10. Following the Campbell Report, which concluded that Mr. Bernardo would have been apprehended much sooner if ViCLAS had been in place and subject to mandatory reporting, police regulations were amended to require that all investigations meeting certain criteria be

<sup>257</sup> "Review of the Investigation of Sexual Assaults: TPS," p. 55.

<sup>258</sup> "Review of the Investigation of Sexual Assaults: TPS," p. 64.

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submitted to ViCLAS.<sup>259</sup> Officers were still failing to comply with ViCLAS reporting requirements. There was resistance due to the time required to submit the reports.

11. The relationships between police and most community agencies serving women who have been sexually assaulted were poor, lacking trust, cooperation, and coordination. Improvements in those relationships would increase reporting rates and improve the investigation of sexual assaults.
12. It was “particularly disconcerting” that many of the concerns identified in the audit and in the Jane Doe decision had been raised in a 1975 Report of the Police Committee on Rape.<sup>260</sup>
13. Despite the outcome of the Jane Doe case, there was “still no written protocol establishing the circumstances in which police should issue a warning that a sexual predator is active in the community.”<sup>261</sup> Police had issued a warning in a recent serial predator case in Scarborough, but were criticized for creating fear and panic without providing the information necessary for women to protect themselves.<sup>262</sup>
14. Mr. Griffiths also reviewed the recommendations of the Campbell Report (see above at 3.3) and noted the status of those recommendations. He noted that the police force had information management software specifically for investigations. Training in case management appeared to have been implemented, but other training recommendations had not.

Mr. Griffiths conducted two follow-up reviews of the implementation of his recommendations, and summarized them in a 2010 report.<sup>263</sup> He found that the Toronto Police Service had made significant improvements in its sexual assault investigations in the ten-year period following his initial audit.

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<sup>259</sup> On p. 84 of “Review of the Investigation of Sexual Assaults: TPS,” the Auditor described ViCLAS as follows:

ViCLAS is a national computer database program designed and operated by the RCMP for the collection of information on:

- i. all solved or unsolved homicides and attempted homicides;
- ii. solved or unsolved sexual assaults;
- iii. missing persons, where the circumstances indicate a strong possibility of foul play and the victim is still missing;
- iv. still missing;
- v. unidentified bodies, where the manner of death is known or suspected to be homicide; and
- vi. all non-parental abductions and attempted abductions.
- vii. The system’s objectives are:
- viii. the creation of a database for the collection of data on all homicides, sexual offences, abductions, and all related attempts;
- ix. the comparison of cases leading to the identification of serial rapes and murders;
- x. the monitoring of missing persons and the providing of potential identities for found human remains; and
- xi. the examination of reported false allegation cases to identify any serial reports of this nature, or to identify reports which are believed to be false but are in fact genuine complaints.

<sup>260</sup> “Review of the Investigation of Sexual Assaults: TPS,” p. 106. According to Justice MacFarlane’s reasons for judgment, this 1975 report was written by four members of the Metropolitan Toronto Police Force for its Chief in response to a Brief prepared by the Rape Crisis Centre. The report raised questions about the high number of sexual assault reports which were determined to be “unconfirmed,” and suggested that failure to properly investigate and officer bias may play a role. It also noted significant concerns about the treatment of victims by investigators.

<sup>261</sup> “Review of the Investigation of Sexual Assaults: TPS,” p. 106.

<sup>262</sup> Mr. Griffiths did not provide details of this case, but media reports suggest it may have been the “Scarborough bedroom rapist”: see “Arrest made in Toronto’s bedroom rapist case,” Canadian Broadcasting Corporation, September 27, 1999, <https://www.cbc.ca/news/canada/arrest-made-in-toronto-s-bedroom-rapist-case-1.196560>

<sup>263</sup> “The Review of the Investigation of Sexual Assaults – A Decade Later.” Toronto Police Service, 2010, <https://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/backgroundfile-33266.pdf>

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**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 1) City Council forward this report to the Toronto Police Services Board. The Chief of Police be requested to provide a written response within six months to the Police Services Board with regard to the recommendations contained in this report. The report prepared by the Chief of Police include a specific workplan and timetable for the implementation of the recommendations.
2. (Recommendation 2) The Chief of Police appoint a senior officer to assume responsibility and be accountable for the implementation of the recommendations. This officer should be familiar with the conduct of sexual assault investigations and preferably have served in an investigative or policy role in this area.
3. (Recommendation 3) A regular, structured reporting process to the Police Services Board be initiated in regard to the implementation of the recommendations. Reports should be prepared for submission to the Board on a quarterly basis.
4. (Recommendation 4) The City Auditor be requested to conduct a follow-up audit in regard to the status of the recommendations contained in this report, the timing of such audit to be consistent with the timeframe outlined in the report of the Chief of Police. The City Auditor be required to report directly to the Toronto Police Services Board in regard to the results of the follow-up audit.
5. (Recommendation 6) The Chief of Police conduct an evaluation of the additional staffing requirements of the Sexual Assault Squad. Staff resources in relation to the increase in responsibilities of the squad be redeployed from other areas within the service.
6. (Recommendation 8) The recruitment of staff to the Sexual Assault Squad be restricted to staff who are trained and experienced in the investigation of sexual assaults and have demonstrated an interest and an aptitude in the investigation of such cases. Potential candidates to the squad be evaluated against the core competencies required for positions in the squad.
7. (Recommendation 11) The Sexual Assault Squad give consideration to the establishment of a Sexual Assault Hotline. The establishment of such a hotline be set up after consultations with key stakeholders who work in the area of sexual assault. The availability of such a hotline be widely communicated to women in the community.
8. (Recommendation 12) The Chief of Police direct all first-response officers immediately that policies and procedures be complied with. First officers responding to sexual assault incidents be specifically directed that they collect only basic information concerning the assault from the woman who has been sexually assaulted. The extent of what constitutes "basic information" should be clearly articulated in the form of a detailed interview checklist. The Sexual Assault Squad be required to develop a detailed interview checklist in order to assist officers during the initial interview. Only officers with specific training in sexual assault investigations be allowed to conduct detailed interviews with women who have been sexually assaulted. The Sexual Assault Squad be charged with the responsibility of ensuring that directives are complied with.
9. (Recommendation 13) The Chief of Police immediately direct all officers in charge that policies and procedures be complied with. Existing policies require that officers in charge are required to attend the scene of a sexual assault in order to ensure that the preliminary investigation is conducted appropriately. The Sexual Assault Squad be charged with the responsibility of ensuring that directives are complied with.

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10. (Recommendation 16) All occurrence reports relating to sexual assault be reviewed by supervisory staff at the divisional level prior to submission to the Sexual Assault Squad. Evidence of the review be appropriately documented. Incomplete or inappropriate occurrence reports be discussed with the officer concerned and changes made where necessary. Continued problems relating to the preparation of occurrence reports be dealt with through training and finally, if necessary, discipline. Occurrence reports prepared by members of the Sexual Assault Squad be reviewed and approved by supervisory staff.
11. (Recommendation 17) Any concerns identified during the review of occurrence reports by the Sexual Assault Squad be communicated to the officer who approved the report. Inappropriate or incomplete reports be returned to the originator for resubmission. Continued problems relating to the preparation of occurrence reports be dealt with through training and finally, if necessary, discipline.
12. (Recommendation 18) Under no circumstances should a first-response officer make a determination as to whether a sexual assault incident is classified as unfounded. The determination of this matter be reviewed and approved by a qualified trained sexual assault investigator. All occurrence reports contain information sufficient to substantiate conclusions.
13. (Recommendation 19) The definition of what constitutes an unfounded sexual assault occurrence be reviewed. Incidents in which a woman decides not to proceed with the laying of charges should not be automatically classified as unfounded.
14. (Recommendation 25) The Sexual Assault Squad evaluate its management information needs in consultation with the Information and Technology Divisions of both the Toronto Police Service and the City of Toronto. These needs be addressed through the budget process on a priority basis.
15. (Recommendation 26) The Chief of Police ensure that the comprehensive internal review of training currently underway take into consideration the recommendations contained in this report.
16. (Recommendation 28) The Sexual Assault Squad be required to maintain an accurate up-to-date listing of police officers who have received sexual assault training. This listing also contain information concerning the date of attendance. This information be used as a basis to:
  - a. ensure compliance with police directives that only those police officers who have received sexual assault training be allowed to conduct sexual assault investigations;
  - b. forecast training needs throughout the service; and
  - c. appropriately deploy police officers to those areas where the need is the greatest.
17. (Recommendation 29) The Sexual Assault Squad be required to conduct a long-term analysis in regard to the projected requirements for police officers trained in the investigation of sexual assaults. This analysis take into account potential retirees over the next number of years as well as the anticipated demands for such trained officers. This analysis be used to determine the adequacy or otherwise of the current training schedule and, where appropriate, the training schedule be amended.
18. (Recommendation 30) The Sexual Assault Squad assume responsibility for the development of training activities relating to the investigation of sexual assaults. In addition, the squad assume responsibility for the coordination of all such training throughout the service.
19. (Recommendation 31) A re-evaluation of the content of the Sexual Assault and Child Abuse (SACA) course be undertaken. Particular emphasis be placed on course content and its

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relevance to practical day-to-day experiences. Course content not directly relevant to the work of divisional sexual assault investigations be eliminated. The course be designed in a structured, methodical manner. Community input be sought in the restructuring of the course content.

20. (Recommendation 32) The process by which officers are selected to attend sexual assault and child abuse training be formalized. Supervisors be held accountable for the selection of appropriate course attendees.
21. (Recommendation 33) As a part of the evaluation of the SACA course, consideration be given to incorporating certain components of the SACA course into the training programs provided to recruits and first-response officers.
22. (Recommendation 34) Training provided to recruits and frontline officers in relation to the investigation of sexual assaults be re-evaluated. In addition, an evaluation of the RCMP publication, "An Investigative Guide to Sexual Assaults" be conducted by senior staff at CO Bick College [the police training facility] in conjunction with members of the Sexual Assault Squad and the community. A determination should be made as to whether or not this particular document would be useful in the training of police officers.
23. (Recommendation 35) An evaluation be conducted by the Sexual Assault Squad in relation to the need for an ongoing update training process in regard to police officers who have previously attended the SACA course.
24. (Recommendation 36) An evaluation of all training courses and conferences attended by members of the Sexual Assault Squad be conducted. Individual squad members be required to document their training requirements and align such requirements with the objectives of the squad. These requirements be reviewed by the staff inspector for approval. In order to minimize duplication and to reduce costs, attendance at courses and conferences be coordinated with other members of the squad. Attendance at courses and conferences that have no relevance to the professional development requirements of the squad should not be approved.
25. (Recommendation 37) An evaluation of the Sexual Assault Investigators Conference be conducted to determine its effectiveness, relevance, and costs.
26. (Recommendation 40) Consideration be given to the use of external community resources in the training of sexual assault investigators. External community resources be compensated for their work.
27. (Recommendation 41) The recruitment and appointment of trainers to CO Bick College be formalized. The skills and qualifications necessary to become a trainer be explicitly identified and used in the appointment of all training staff.
28. (Recommendation 44) Violent Crime Linkage Analysis System (ViCLAS) reports must be completed and submitted to the Toronto Police Service Sexual Assault Squad coordinator within the prescribed time limit (21 days) as demanded in the Toronto Police Service Directive 05-19, Violent Crime Linkage Analysis System.
29. (Recommendation 45) ViCLAS reports must be completed and submitted to the Ontario Provincial Police ViCLAS Centre in Orillia by the Toronto Police Service Sexual Assault Squad within the prescribed time limit (a further nine days) as required by Ontario Regulation 550/96 of the Police Services Act.
30. (Recommendation 46) All police officers be informed of the reporting requirements of ViCLAS.



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31. (Recommendation 47) A regular reporting process be initiated in regard to ViCLAS submissions. All instances of noncompliance with the regulation and Directive 05-19 should be reported immediately to the appropriate Deputy Chief of Police for action.
32. (Recommendation 48) All ViCLAS reports reviewed by the Sexual Assault Squad include evidence of such review. In addition, any deficiencies noted during this review should be communicated to the originator of the report as well as to the division. Such a process would reduce future deficiencies and accelerate the submission of reports to Orillia.
33. (Recommendation 56) The Sexual Assault Squad be required to form relationships with community groups, share information and concerns and work together to meet common objectives. In addition, consideration be given to the establishment of a formal succession planning process in order to ensure that the transfer of police officers to other responsibilities does not disrupt relationships with community organizations.
34. (Recommendation 57) The Chief of Police develop a written protocol detailing the circumstances in which a general warning should be given to the public that a suspected serial sexual predator is active. Community consultations should take a place in the preparation of this directive.

#### 4.2. The Ipperwash Inquiry (Ontario, 2007)<sup>264</sup>

In 1995, an officer with the Ontario Provincial Police (OPP) shot and killed Dudley George, whose family was from the Stony Point Reserve, during a protest by Stony Point and Kettle Point First Nations members and their supporters at Ipperwash Provincial Park. The park and surrounding land had been the territory of the Kettle Point and Stony Point First Nations, and the Park lands held an Indigenous burial ground. A significant portion of the territory had been appropriated by the federal government decades before, requiring the forcible relocation of the community to a much smaller and inferior area; that land was never returned, despite repeated commitments by the federal government to do so. The burial ground was not protected and had been desecrated. Two days before the shooting, Stony Point and Kettle Point members, descendants, and supporters occupied the Park as part of a protest to demand the return of their territory and in order to protect the burial grounds. The OPP advanced on the protesters and severely beat one of them; they then shot a teenage protester who was driving a bus through the crowd. The boy survived. An OPP officer then shot and killed Dudley George. The officer claimed that Mr. George had been holding a rifle; in fact, Mr. George was unarmed. The officer who shot Mr. George was eventually convicted of criminal negligence causing death.

The judicial commission of inquiry was held several years later, after a change in Government. The Commissioner, Justice Sidney Linden, concluded that the OPP had no reason to advance on the protesters; that there were serious failings in OPP intelligence leading them to rely on false reports and rumours, which greatly exaggerated the apparent danger of the protest; that the incident commander had been told that the Government wanted the protesters to be removed and improperly conveyed that view to other OPP members; that the Premier of Ontario at the time, Mike Harris, had shouted "I want the fucking Indians out of the park!" at a meeting of senior officials about the protest; that OPP members made numerous racist and aggressive comments to protesters; that there was a serious failure to consider and use peaceful efforts to manage the

<sup>264</sup> "Report of the Ipperwash Inquiry," Submitted in 4 volumes to the Ministry of the Attorney General of Ontario (May 2007), <https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/report/index.html>.



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situation, including negotiation; and that there was a serious failure on the part of the OPP, the media, the community, and government officials to understand and appreciate the history of the Indigenous people, their claims to the land, and the significance of the park as the site of a burial ground. Justice Linden noted the large number of previous inquiries that had attempted to address anti-Indigenous racism and bias in policing. He also noted that although the Canadian Association of Chiefs of Police and the RCMP had both adopted policies of “bias-free policing”, and the OPP and province had taken significant steps to address Indigenous–police relations since the events at Ipperwash, nonetheless, “the Inquiry heard consistent criticisms pointing to biased or racist policing.”<sup>265</sup>

The Government of Ontario's website states that most of the recommendations have been implemented or are in the process of being implemented.<sup>266</sup>

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 36) The provincial government and Ministry of Aboriginal Affairs should create mechanisms for obtaining input from Aboriginal communities on planning, policy, legislation, and programs affecting Aboriginal interests.
2. (Recommendation 37) The provincial government should establish and fund an Ontario Aboriginal Reconciliation Fund. The Ministry of Aboriginal Affairs should work with First Nations and Aboriginal Organizations to determine the mandate, governance structure, funding guidelines, and administrative structure of the fund. The provincial government should commit sufficient resources to the fund to enable it to achieve its objectives.
3. (Recommendation 38) Police services in Ontario should promote peacekeeping by adopting the following objectives when policing Aboriginal occupations and protests:
  - a. minimize the risk of violence at occupations and protests;
  - b. preserve and restore public order;
  - c. facilitate the exercise of constitutionally protected rights;
  - d. remain neutral as to the underlying grievance; and
  - e. facilitate the building of trusting relationships that will assist the parties to resolve the dispute constructively.
4. (Recommendation 39) The OPP should maintain its Framework for Police Preparedness for Aboriginal Critical Incidents, Aboriginal Relations Teams, and related initiatives as a high priority and devote a commensurate level of resources and executive support to them.
5. (Recommendation 40) The OPP should commission independent, third-party evaluations of its Framework for Police Preparedness for Aboriginal Critical Incidents and Aboriginal Relations Team program. These evaluations should include significant and meaningful participation for Aboriginal representatives in their design, oversight, and analysis.
6. (Recommendation 41) The OPP should post all significant OPP and provincial government documents and policies regarding the policing of Aboriginal occupations and protests on the OPP website. The OPP should also prepare and distribute an annual report on the Framework for Police Preparedness for Aboriginal Critical Incidents.
7. (Recommendation 42) The OPP should establish a formal consultation committee with major Aboriginal organizations in Ontario.

<sup>265</sup> “Report of the Ipperwash Inquiry,” p. 274.

<sup>266</sup> <https://www.ontario.ca/page/ipperwash-inquiry-report>

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8. (Recommendation 46) The provincial government should commit sufficient resources to the OPP to support its initiatives for policing Aboriginal occupations. This funding should be dependent upon the OPP agreeing to commission and publish independent evaluations of the Framework for Police Preparedness for Aboriginal Critical Incidents and the Aboriginal Relations Team program.
9. (Recommendation 64) The OPP should develop active, ongoing monitoring strategies for its police–Aboriginal relations strategy and programs, including:
  - a. commissioning an independent, third-party evaluation of its Native Awareness Training and recruitment initiatives;
  - b. commissioning data collection studies to evaluate police decision-making and operations. These studies should be designed in partnership with First Nation organizations and the Ontario Provincial Police Association, if possible. And
  - c. working with First Nations organizations to develop a more formal monitoring and implementation program for the OPP police/Aboriginal programs.
10. (Recommendation 65) The provincial government should develop a provincial police–Aboriginal relations strategy. This strategy should publicly confirm the commitment by the province to improving police–Aboriginal relations in Ontario. Elements of this strategy should include the following:
  - a. The Ministry of Community Safety and Correctional Services should work with the OPP and Aboriginal organizations to develop a provincial policy supporting the OPP police–Aboriginal relations programs.
  - b. The Ministry of Community Safety and Correctional Services should develop a provincial research and data collection strategy to promote improved police–Aboriginal relations policy and programs and bias-free policing across Ontario.
  - c. The Ministry of Community Safety and Correctional Services should issue a guideline for police forces in Ontario promoting best practices in police–Aboriginal relations.
  - d. The Ministry of Natural Resources (MNR) should develop and implement a dedicated MNR–Aboriginal relations strategy, consistent with the analysis and recommendations in this Report.
11. (Recommendation 66) The provincial government should commit sufficient resources to the OPP to support its police–Aboriginal relations initiatives. This funding should be dependent upon agreement by the OPP to commission and publish independent evaluations of its Native Awareness Training and recruitment initiatives.

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### 5.1. Public Fatality Inquiry into the Deaths of James Wilbert Galloway and Martin Charles Ostopovich (“Galloway Inquiry”) (Alberta, 2006)<sup>268</sup>

On February 28, 2004, a man in Spruce Grove, Alberta shot and killed Constable James Galloway, a police officer. The shooter, Martin Ostopovich, was then killed by police. Judge Ayotte of the Alberta Provincial Court conducted a public fatality inquiry into the two deaths.

Police had been called to the scene after Mr. Ostopovich had apparently shot a bullet into a neighbour’s car. Mr. Ostopovich’s wife told police not to come into the home. She said her husband, who was in the home, was hearing voices telling him to kill someone and that he hated police. He had been diagnosed as paranoid delusional and was not taking his medication. He also had two high-powered rifles in the home. Police moved Ms. Ostopovich to a safe location and set up a perimeter around the house. Mr. Ostopovich called a radio station and said someone was going to die that day. Sgt. Koersvelt, the senior officer on duty, directed officers to call the other residents of the cul-de-sac and tell them to stay in their basements until the situation was resolved. He also ordered traffic blocked off in the area. He spoke with Mr. Ostopovich on the phone, who said he would “take out” the next person he saw. Sgt. Koersvelt then called for an Emergency Response Team (ERT). He called Mr. Ostopovich again and spoke to him for almost half an hour. Mr. Ostopovich was very agitated, irrational, and threatening during this phone call.

The ERT team arrived at approximately 4:00 PM and took over the operation. They had difficulty finding places to station because Mr. Ostopovich’s home was on a cul-de-sac, very close to the neighbouring homes, and from his kitchen, he could see everything happening in front of his home. An assault team of officers was stationed to the far side of each of the neighbouring houses. Neither team could see the front of the residence, so they had to depend on radio transmissions to know what was happening. Snipers were placed on each side of the house, and a third sniper was placed on the roof of the home behind Mr. Ostopovich, where he could see Mr. Ostopovich if he left his home. The snipers relayed information to the other officers.

Mr. Ostopovich left his house at one point, retrieved a CD from his truck, and returned to the house before either of the assault teams could react. The truck was very close to the door. Cst. Pearson, the ERT team leader, was concerned that Mr. Ostopovich could get into his truck and begin driving before they would be able to stop him. He decided against having a sniper shoot the truck’s tires because the officers would not be able to hit the front tires and the truck would not be fully disabled. They could not shoot out the engine block because the only weapon with the capacity to do that was being repaired. They did not want to drive other vehicles in to block the truck, as Mr. Ostopovich would be able to shoot the drivers and it might provoke him. Cst. Pearson decided on a plan whereby, in the event that Mr. Ostopovich tried to get into his truck, the ERT dog handler, Cpl. Galloway, would drive his vehicle toward the truck and ram it. Cpl.

<sup>267</sup> There was a coroner’s inquest into the deaths of the fourteen women killed at the École Polytechnique, along with the death of the perpetrator. That inquest made findings of fact and raised questions regarding the response to the shootings, but did not make recommendations; it has therefore not been included here. The Report of the Coroner’s Investigation Concerning the Massacre at l’École polytechnique de l’Université de Montréal (1991) is available here: [https://www.diarmani.com/Montreal\\_Coroners\\_Report.pdf](https://www.diarmani.com/Montreal_Coroners_Report.pdf)

<sup>268</sup> “Report to the Minister of Justice and Attorney General: Public Fatality Inquiry into the Deaths of James Wilbert Galloway and Martin Charles Ostopovich” (“Report of the Galloway Inquiry”). Province of Alberta (November 2006), <https://open.alberta.ca/dataset/ffde0b3d-b1fa-4a17-984d-b1395af104b6/resource/b2224163-8910-4ad8-a381-bd8eede7b03c/download/01132-report-to-minister-into-death-of-james-wilbert-galloway-and-martin-charles-ostopovich.pdf>.

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Galloway's vehicle was close to the house and had a winch on the front, which would enhance its ramming capacity. Normally a sniper would drive a take-down vehicle, but the snipers were required to maintain their positions so they could inform the others of Mr. Ostopovich's movements. Cpl. Galloway, who was a veteran of ERT operations, insisted on driving his vehicle himself. Another officer, Cst. Taniguchi, was to accompany him as his cover man. They were both instructed to leave the vehicle immediately after ramming Mr. Ostopovich's car and to move behind it for protection. The intention was for Cpl. Galloway to T-bone the truck in order to stun Mr. Ostopovich, if possible. The ERT members had only limited training on ramming vehicles, and none of them had ever tried to ram a vehicle in this fashion.

While this plan was being discussed, the ERT negotiator had two long telephone conversations with Mr. Ostopovich. Mr. Ostopovich said he would go to the Spruce Grove detachment and shoot it out with police and referred to "suicide by cop." The negotiator believed Mr. Ostopovich was high risk, meaning he would be unlikely to come back to equilibrium because his stressors had exceeded his capacity to cope with them.

The officers discussed whether to inform Mr. Ostopovich that the ERT team was on site. They decided to tell him, because he might learn about it himself from the news, which would destroy whatever rapport Mr. Ostopovich had with the negotiator. The officers also hoped that Mr. Ostopovich might surrender peacefully if he learned that the ERT team was there. They were aware that this knowledge might instead prompt him to confront the police. The negotiator called Mr. Ostopovich and told him the ERT team was present. Mr. Ostopovich hung up and left the house with rifles in each hand. He went to his truck and got in and started backing down his driveway. Cpl. Galloway rammed the truck, which wedged the truck against two other vehicles parked nearby. This was not anticipated. Cst. Taniguchi opened the passenger door, saw Mr. Ostopovich leveling his rifle at him, and crouched under the console. Cst. Taniguchi fired one or two shots through the windshield. Cpl. Galloway got out of the driver's seat and moved toward the rear of the vehicle. Mr. Ostopovich shot him in the back as he was repositioning, and he died almost instantly. The other officers immediately began shooting at Mr. Ostopovich, and he died in hospital later that day.

Two years prior to the events, Mr. Ostopovich made threats against RCMP officers. For that and other reasons, he had been brought to the psychiatric unit of a hospital per the Mental Health Act. His assigned psychiatrist, Dr. Sandy Frank, found him to be aggressive and intimidating, and he refused to follow the rules on the unit. He was diagnosed as paranoid delusional. Dr. Frank discharged him after two weeks, against medical advice, because under the Mental Health Act, he could only be detained while he presented an imminent likely danger to himself or others.

The participants at the inquiry raised concerns about the decision to tell Mr. Ostopovich about the ERT team without consulting with mental health specialists or his wife; about the decision to have Cpl. Galloway, who was not a member of the assault team, drive the ramming vehicle; about the decision to have Cpl. Galloway and Cst. Taniguchi leave the vehicle after the ramming; and about the role of snipers and when lethal force is justified during a police stand-off.

Judge Ayotte said:

I intend to make no comment on those decisions, other than to say that credible reasons were given for the choices which were made. Every incident in which an ERT team is involved is unique. Team members, whether they be incident commanders, team leaders, snipers or assaulters, are routinely called upon to make quick decisions, often with incomplete information about the person or persons with whom they are dealing. Given those realities, it would be inadvisable to hamper their work with a long list of guidelines

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restricting acceptable responses in every situation. ERT teams are elite units in the sense that they are specially trained and specially equipped to respond to situations beyond the resources of standard police forces. Their effectiveness will always depend on the application of their intelligence and training to any given situation. If they are unduly shackled with policies that neutralize their ability to adjust to the almost limitless scenarios they will face, we run the real risk that they will be ineffective when a flexible response may be what is required to achieve the result we want.

I understand that the approach I describe will mean tragic consequences in some circumstances, but it will also mean the successful resolution of some crises that would otherwise end badly. When tragedies do occur, it would be a mistake to assume that the blame must inevitably fall on those who had the greatest resources. There are at least two players in police stand-offs, and one of them is, almost by definition, unpredictable. That was the case here. Given the abundant evidence of Mr. Ostopovich's apparent determination, as a result of his mental illness, to confront police and bring about his own death, there was nothing in what I heard to suggest that a less tragic result would necessarily have been achieved if different decisions had been made.<sup>269</sup>

The sniper on the roof, Cpl. Christianson, testified that he understood his primary role to be to observe and to communicate his observations to the other members of the team. Judge Ayotte said this was appropriate, given that he was the only member of the ERT team able to see what Mr. Ostopovich was doing. He found that Cpl. Christianson was well aware of his role as a sniper and was prepared to use lethal force if necessary. Cpl. Christianson said he did not shoot Mr. Ostopovich when he left the house because society would not condone him shooting him in the back in that situation. Judge Ayotte noted that Cpl. Christianson and all the ERT members showed clear dedication to resolving incidents like this one without loss of life. He rejected calls from inquiry participants to recommend changes to the use of force policies and training, primarily to allow snipers to shoot when the opportunity arises, as "ill-founded and contrary to society's tradition of respect for every human life."<sup>270</sup>

At the time of the fatality inquiry, there were three part-time ERT teams in Alberta. Each team was required to have twelve officers, but two had only eleven at the time. ERT members all had full-time police duties in addition to their ERT duties and were called away when ERT requests were made or when they were required to attend training. That in turn reduced the numbers of local regular duty officers on shift. This made it unrealistic to expect ERT members to attend significantly more scenario training. It was also difficult to staff the teams, given the RCMP practice of transferring members in and out of communities where ERT teams were based and given the high qualifying standards they had to meet. The part-time model also created hardship for the team leaders and seconds-in-command, who had significant administrative duties. ERT members were considered "support positions" rather than local staff, and it was therefore difficult to get government support for funding new, full-time positions. Full-time ERT members would also have more difficulty with career advancement than regular members do. However, despite these difficulties, Judge Ayotte recommended that the RCMP should move toward full-time ERT teams. He also concluded that despite the difficulties already encountered in staffing the teams, the teams should be larger to avoid having to call on members who have just completed shifts. This echoed the recommendation of the internal RCMP Tactical Review of the incident. These larger teams could include both full- and part-time members.

<sup>269</sup> "Report of the Galloway Inquiry," p. 7.

<sup>270</sup> "Report of the Galloway Inquiry," p. 8.

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Judge Ayotte considered the many contexts in which ERT teams are called upon. He said there are increasing challenges confronting the effective use of ERT teams without a concurrent loss of life, and the frequency with which ERT teams are called on is likely to increase in the future, and those calls may include attempted terrorist activities. He said,

Whether we like it or not, we live in an age of rapid technological advancement where those so inclined have, despite our best efforts, increasing access to more sophisticated and powerful weaponry. We can expect then that ERT teams will be confronted with predictably more complicated and dangerous incidents requiring a high level of skill and training and equipment which matches, or ideally exceeds, the resources available to those they are asked to control.<sup>271</sup>

Judge Ayotte noted that making ERT teams full-time would give them more time for training but acknowledged that changes were required to increase training time in the interim. The two days per month of training the ERT members received was not sufficient, given the broad range of skills they must acquire and maintain. He noted that the tactical teams of the Edmonton Police Service, the municipal equivalent of the RCMP's ERT teams, were full-time and spent almost a quarter of their time in training. He also noted that one of the three Alberta ERT teams was required to respond to incidents in most of the northern part of the province "and accordingly must deal with both rural and urban incidents, the approach to which presents different types of problems and involves the implementation of diverse responses often requiring specialized skills and tactical maneuvers."<sup>272</sup>

Judge Ayotte heard evidence that the training provided to the negotiators on dealing with people with mental health issues was cursory. In contrast, extensive training was provided to officers assigned to the Edmonton municipal Police and Crisis Teams (PACT), which respond to mental health emergencies.

Neither Cst. Galloway nor Mr. Ostopovich would have survived with the assistance of emergency medical services. However, Judge Ayotte found that medical resources at ERT incidents could prevent deaths in other cases. Smaller communities would be unlikely to have emergency medical services available during crises. Judge Ayotte therefore encouraged a local initiative to have paramedics accompany ERT teams on call-outs.

Judge Ayotte noted that a number of concerns about equipment raised by this incident had been or were being addressed by the time of his inquiry. Ceramic body armour was expected to replace protective vests, which were not able to stop a high-powered rifle shot. A new and improved mobile command centre was set to be provided to the three Alberta ERT teams. The RCMP was purchasing more sophisticated night vision equipment. However, he said, "in an age of ever-changing innovation and advances in weaponry, it is important that ERT teams be kept constantly supplied with up-to-date equipment."<sup>273</sup> He recommended an annual review by RCMP management to ensure that the ERT continue to be properly equipped. He also recommended the purchase of at least one armoured vehicle in Alberta to be available to ERT teams, provided the cost could be managed.

Judge Ayotte concluded that the incident might have been avoided had Mr. Ostopovich received the treatment he required for his mental illness. A trained psychiatrist from Edmonton testified that

<sup>271</sup> "Report of the Galloway Inquiry," p. 9.

<sup>272</sup> "Report of the Galloway Inquiry," p. 11.

<sup>273</sup> "Report of the Galloway Inquiry," p. ##.

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34% of those living in the area met the criteria for mental illness, and half of those would have a major emotional event at some point in their lives. The suicide rate for young men had quadrupled in the previous 25 years. The pressure on the mental health resources in Alberta was significant and increasing, but the province faced challenges attracting people to the practice of psychiatry and retaining them once they were trained.

Judge Ayotte also praised the Police and Crisis Teams (PACT) system implemented by the Edmonton Police Service. There were three teams in the city, each consisting of a mental health therapist and a police officer trained in mental health issues. The teams were available 24 hours per day. The teams had proven adept at persuading people to obtain treatment voluntarily and were able to exercise legislative powers of involuntary committal where necessary. However, the PACT teams were not available outside the city, and there were concerns that the likely volume of calls would not justify the creation of teams in suburban areas. Judge Ayotte noted that alternatives to full-time teams in these areas could include having part-time teams on call (similar to the existing ERT system) or having all RCMP officers in suburban areas receive mental health training. He said, "Aside from the obvious public benefit from the availability of such a resource, there is a wider public interest in ensuring that every police officer is familiar with and sensitive to mental health issues."<sup>274</sup>

The evidence of a lack of communication between the mental health system and family physicians was troubling to Judge Ayotte. Mental health treatment providers were not permitted to inform family physicians of their patients' mental health issues or treatment without the patients' consent. Judge Ayotte disagreed with that interpretation of patients' privacy rights, saying,

...[T]here should be some attempt to foster co-operation between health care professionals in an effort to monitor potential problems. I see nothing affecting in any substantial way a patient's right to privacy by requiring one medical doctor to notify another of an assessment and recommended course of treatment for the latter's patient, especially since both physicians have the same obligation of confidentiality to that patient. The patient still has the right not to continue treatment and to refuse to attend his [or her] doctor's office, but it would at least give family members, friends and the public-at-large some comfort to know that the physician most likely to be in regular contact with that person has a complete knowledge of his or her mental history and may thus be better able to give cogent advice on what steps to take when problems arise.<sup>275</sup>

Judge Ayotte also commented on the role of potential media reports on Cst. Pearson's tactical decision to inform Mr. Ostopovich about the presence of the ERT team. He suggested that there be dialogue between the RCMP and media representatives to find ways to ensure that the public is provided with appropriate information without compromising the public interest in achieving a safe resolution to crises such as the incident giving rise to the fatality inquiry.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission:**

1. I therefore respectfully recommend that as a first step to the eventual formation of full-time teams, two full-time positions per team be created, being team leader and second-in-command, to be primarily responsible for the recruitment of prospective team members and the arrangement and provision of ongoing team training in addition to their regular duties as team members. I further recommend that, in consultation with RCMP management, attempts

<sup>274</sup> "Report of the Galloway Inquiry," p. 16.

<sup>275</sup> "Report of the Galloway Inquiry," p. 21.

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be made to enhance the career development opportunities of those positions as a means of attracting high quality candidates.

2. I therefore recommend, notwithstanding the difficulties involved, that part-time ERT teams be gradually increased to twenty members. To maintain continuity, it is also recommended, so far as reasonably possible, that the transfer of ERT team members be confined primarily to areas in close enough proximity to their present posting to enable them to maintain their ERT team duties or to areas which would enable them to serve with one of the other provincial ERT teams, thus ensuring a maximum return on the time and expense involved in their training. While I understand that the question of promotion presents special difficulties, efforts should be made to give some priority to ERT team candidates who are otherwise qualified when promotion opportunities become available in the areas where they are presently posted or where other ERT teams are based. Finally, I make it clear that the numbers I recommend do not include specialized support staff such as dog handlers, negotiators, and communications personnel.
3. I therefore respectfully recommend that training time for ERT teams be increased initially to three days per month and that policymakers be prepared, after a review with the teams themselves of the impact of that change, to increase the time allotted to four days per month if warranted. I also recommend that annual "cross-training" with the Edmonton Police Service Tactical Units be pursued and that any additional funding and training time which may be required be provided. I further recommend that dog handlers, being intimately involved at the front line in most incidents, be required to attend all ERT team training sessions and that other support personnel such as communications people and negotiators participate in training sessions where their involvement is deemed important to the achievement of the specific goals of that particular session. Finally, I recommend that incident commanders be required to participate in sufficient training sessions to enable them to work with and become familiar with team members and the level of skill they possess and to enable team members to become familiar with their commanders and the duties they are required to discharge.
4. I therefore respectfully recommend that negotiators assigned to Alberta ERT Teams be provided at a minimum with the same mental health training now provided to PACT team police officers in the City of Edmonton.
5. I therefore respectfully recommend that, if necessary, extra funding be made available to enable a contracted paramedic to be added as a support person to every ERT team and that he or she be provided with the funding and time to train with that team.
6. I therefore respectfully recommend that there be an annual review conducted by RCMP management to ensure that ERT equipment is keeping pace with what has become available on the street and that government be prepared to provide extra funding, if required, to purchase any upgraded equipment which might become necessary to achieve that goal.
7. I therefore respectfully recommend that if non-budgetary issues do not preclude such a purchase, that at least one armoured vehicle be acquired and kept at a central location so that it could be transported upon request to any of the Alberta ERT teams. Given the geographical realities of the province, the need for maintenance and the possible difficulties involved in transporting such a vehicle over longer distances, it would be ideal, funds permitting, if two such vehicles could be purchased.
8. I therefore respectfully recommend that the Government of Alberta promote, in consultation with Health Canada, the creation of part-time PACT teams in the suburban areas surrounding the City of Edmonton, which promotion should include, if necessary, the financial support of the province. It is further respectfully recommended that funding be provided for ongoing



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monthly mental health education for all RCMP officers stationed in the suburban Edmonton area. It is finally respectfully recommended that the Government of Alberta, in consultation with RCMP management, encourage the Government of Canada to include a greater mental health component, provided by mental health professionals, in the training of new recruits to the force.

9. I therefore respectfully recommend that the Mental Health Act be amended to require in-patient facilities to provide the family physician, if known, with a copy of the patient's discharge summary, including any recommended treatment, within a stated period of time after discharge from an involuntary admission and to follow that up within a further period of time with an inquiry as to whether the patient has contacted his or her physician and to inform the patient upon discharge that they are required to do so.

### **5.2. Public Fatality Inquiry into the Deaths of Constables Anthony Gordon, Lionide Johnston, Brock Myrol, Peter Schiemann, and Mr. James Roszko ("Mayerthorpe Inquiry") (Alberta, 2011)<sup>276</sup>**

This inquiry into the Mayerthorpe shootings of four RCMP officers before Associate Chief Judge Pahl of the Alberta Provincial Court was ordered in 2005 but took place over three weeks in 2011, after criminal proceedings against the perpetrator's accomplices were concluded.<sup>277</sup>

Four RCMP constables were killed by James Roszko in March of 2005 near Mayerthorpe, Alberta. Mr. Roszko then committed suicide. Two civil enforcement bailiffs had gone to Mr. Roszko's rural property to repossess a truck after Roszko failed to make payments. One of the bailiffs knew that Mr. Roszko had been reported to have placed a spike belt in his driveway in the past and requested a second bailiff accompany him. When they honked their horn at the locked gate, Mr. Roszko released two aggressive dogs. One of the bailiffs called the RCMP. Before they arrived, Mr. Roszko drove his truck toward the bailiffs and then drove off the property and out of view. Three RCMP officers arrived and entered the property to search for the truck being repossessed. They observed a marijuana grow operation and "chop shop." The bailiffs posted their warrant on the door of the mobile home and left, along with one of the officers. The officers called in a "Be On the Lookout For" bulletin regarding Mr. Roszko. The bailiffs left while two officers remained at the scene awaiting the search warrant.

While the warrant was being prepared, officers considered and rejected the idea of having an Emergency Response Team (ERT) assist in executing the warrant. ERT was typically brought in to deal with suspects at known locations who are known or believed to be armed. Mr. Roszko's whereabouts were unknown, and it was unknown if he was armed. He was not known to be violent with police but did have a criminal record, including violent offences. He was subject to a weapons prohibition.

<sup>276</sup> "Report to the Attorney General: Public Fatality Inquiry into the Deaths of Cst. Anthony Gordon, Cst. Lionide Johnston, Cst. Brock Myrol, Cst. Peter Schiemann, and Mr. James Roszko" ("Report of the Mayerthorpe Inquiry"). Justice and Attorney General of Alberta (March 2011), <https://open.alberta.ca/publications/fatality-inquiry-2015-march-27>.

<sup>277</sup> There was also a Human Resources and Skills Development Canada investigation, which is not yet in the Mass Casualty Commission's possession. In 2017, the Mounted Police Professional Association of Canada called for a judicial inquiry into the Pahl and HRSDC investigations: K. Muzyka. (2017). "Renewed Calls for Public Inquiry into 2005 Mayerthorpe RCMP Killings." *CBC News* (29 May 2017), <https://tinyurl.com/lysy3wfvz>.

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All twelve members of the Mayerthorpe RCMP detachment were involved in executing the warrant. They all carried a sidearm, a baton, pepper spray, and soft body armour; they also had shotguns and a .308 rifle at the scene. The officers cleared the buildings on the property, and the officers conducted the search. They discovered ammunition and intelligence on local detachments, including members' names, car numbers, and cell numbers. The search was suspended at 3:00 AM, and four officers remained to provide security until morning. Mr. Roszko had not been seen for twelve hours. The acting commander of the detachment, Corporal Martin, who was at the scene, considered it possible but unlikely that Mr. Roszko would return. They lit up the scene to make it obvious they were there, in order to deter Mr. Roszko from returning. Cpl. Martin and another officer left before 4:00 AM. The two remaining officers, Constables Johnston and Gordon, were considered well trained and exceptional members of their detachments. At 9:00 AM, Johnston reported that the night had been uneventful. Two other officers, Constables Schiemann and Myrol, arrived at the property at some point that morning. Two members of the Auto Theft unit arrived before 10:00 AM.

Mr. Roszko had contacted two other men, one of whom was involved in the grow operation at Mr. Roszko's farm. They dropped him off at his property between 1:00 AM and 3:00 AM, a mile west of a metal hut on the property. Mr. Roszko was not detected by any of the officers. At some point, he went into the hut. At about 10:00 AM, the four officers (Johnston, Gordon, Schiemann, and Myrol) entered the hut. Their reasons for doing so are unknown. Mr. Roszko shot the four officers; Constable Johnston fired back and Roszko shot him again. The four officers died immediately. Roszko left the hut. One of the Auto Theft unit officers, Constable Vigor, shot Mr. Roszko. Mr. Roszko then committed suicide.

Mr. Roszko's weapons were not registered to him. His associates, Shawn Hennessy and Dennis Cheeseman, had given him a Winchester rifle and ammunition that night. Mr. Roszko also had an H&K .308 semi-automatic rifle. It was legally imported into Canada, and Mr. Roszko likely purchased it in the 1980s. It subsequently became a prohibited weapon requiring registration. Mr. Roszko purchased a Beretta piston in Utah and apparently smuggled it into Canada. He also had a .22 Remington rifle and a shotgun, which were unrestricted weapons. Three remaining weapons were non-restricted and, according to the inquiry report, had been stolen from a location in Barrhead, Alberta, in 1997.

Mr. Roszko had a criminal record, including some thefts/stolen property offences from his youth, a sexual assault conviction in 2000 for offences that took place in the 1980s, and a conviction in 1990 for uttering threats. He was also charged with a series of offences including weapons offences in 2003, but the charges were dismissed. He had served more than a year in prison for the sexual assault conviction and was subject to a weapons prohibition. Mr. Roszko had faded from the local scene and had not had much involvement with the Mayerthorpe detachment in recent years. He had made twelve complaints against the RCMP between 1990 and 2000, which Corporal Martin knew. Judge Pahl concluded that Mr. Roszko would not have presented "as an individual who was likely to engage in a premeditated attack against the RCMP."<sup>278</sup>

Judge Pahl also commented on the fact that although Mr. Roszko had been prosecuted a number of times between 1993 and 2000, only one of these prosecutions had led to a record prior to his conviction for sexual assault, and he never met the criteria to be considered a dangerous offender. In an apparent reference to criticisms that the justice system had failed to prosecute Mr. Roszko

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<sup>278</sup> "Report of the Mayerthorpe Inquiry," p. 18.

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properly, Judge Pahl emphasized the presumption of innocence, the requirement of proof beyond a reasonable doubt, and the use of prosecutorial discretion, before writing:

It may also be apparent that in a society such as ours, the rights and freedoms enjoyed by good citizens are equally enjoyed, and perhaps more often relied upon, by bad citizens. Finally, it will be obvious that rumour, speculation and innuendo will amount to nothing if charges are not laid, and of little more if such charges as are laid, are not proven.

The criminal legal system attempts to ensure that while most guilty parties are convicted, innocent parties should not suffer wrongful conviction. In the main, it succeeds in that pursuit, but it is not perfect and remains subject to the foibles of any human enterprise. It is inevitable that some guilt will not be established. It should not be controversial however, to say that in general, police, prosecutors and judges work hard to discharge their responsibilities and to exercise good judgment, common sense and fairness, all within the rule of law. To the extent that they succeed or fail is ultimately for others to decide and, unfortunately, is often determined in hindsight, a difficult standard as most will agree. Unfortunately, all this presents little comfort to the families here. They are, as Mrs. Johnston said, "... just looking for some answers". Regrettably, in many circumstances, and here, there are few clear answers as to why matters coalesce to a tragic end.<sup>279</sup>

Judge Pahl described Mr. Roszko as "an anti-social, petty criminal and likely, a sexual predator." His recent known involvements with the public, utilities, or RCMP had been focused on keeping them off his property, presumably because of the illegal grow op and chop shop on the premises. His decision to return to the property and kill the officers may have been fueled by anger that his operation had been interrupted and he would likely go to jail, and may have been fueled in part by his historical grievances against the RCMP. "He was clearly an antisocial individual and may also have been subject to a psychopathic disorder. In consideration of all this, his intentions may ultimately have been driven by suicidal ideation, as once confronted and wounded, he swiftly ended his life."<sup>280</sup>

Judge Pahl concluded that it was reasonable for the officers to believe that Mr. Roszko was not likely to return, particularly more than twelve hours after he had fled, and that this was a "uniquely tragic event which could not have been foreseen or prevented."<sup>281</sup>

Judge Pahl declined to make recommendations in a number of areas, for example, regarding the conduct of the Emergency Response Teams who were deployed after the officers were shot (but before it was known that they and Mr. Roszko had died) and regarding the availability of armoured vehicles. He also declined to make recommendations regarding sentencing, rehabilitation, statutory release, or correctional services.

He made the following findings in support of his recommendations:

- a. Although it is not clear that having more information would have affected the outcome of this tragedy, more information is better, particularly because threats to police have increased significantly in recent years. The Police Information Retrieval System (PIRS) in place at the time of the tragedy had been upgraded to the Police Reporting and Occurrence System (PROS), which gives members immediate access to background file information. As well, the RCMP had recently established a Behavioural Sciences Group, which was intended to be a dedicated criminal threat assessment unit with professional psychological support and access to a broader data base than detachments. Ad hoc

<sup>279</sup> "Report of the Mayerthorpe Inquiry," p. 19.

<sup>280</sup> "Report of the Mayerthorpe Inquiry," p. 20.

<sup>281</sup> "Report of the Mayerthorpe Inquiry," p. 20.

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approaches to threat assessment, such as individual members keeping their own threat lists, could lead to oversights and should be discouraged.

- b. The RCMP National Policy did not specify how a scene was to be secured or maintained, and there was no checklist or other written guidance requiring officers to, for example, put their minds to whether the individual is known to use firearms or to topography of the environment.
- c. The RCMP was heavily outgunned by Mr. Roszko. RCMP officers should be appropriately armed, but the RCMP does not give long gun training to its recruits. This is based on conclusion that long guns are not widely used, present a high risk of collateral damage, require individual adjustment, and proficiency in their use is highly perishable. An RCMP report<sup>282</sup> had recommended consideration of an Active Shooter Response Program, which would address the availability of patrol carbines for use by general duty members. Funding had been made available before the inquiry was complete for armaments, binoculars, night vision goggles, and other items. The RCMP report had also recommended that members wear sidearms when on duty. (Two of the officers killed by Mr. Roszko had been in plainclothes and unarmed.)
- d. The soft body armour worn by the officers who were killed is known to be ineffective against rifles. Human Resources and Skills Development Canada had ordered the RCMP to provide general duty members at the Mayerthorpe detachment with enhancements to their body armour to minimize risk from long gun threats. However, these enhancements are heavy, hot, and uncomfortable, and few general duty members wear them regularly. The RCMP and other law enforcement and military organizations were continuing to develop effective body armour to deal with this reality.
- e. The father of one of the officers who was killed had raised the question of whether there was a mechanism beyond local police initiative to trigger a threat assessment. For example, a psychological assessment at a prison facility could raise significant concerns but not reach the police. He also asked whether the threat assessment process had access to information, depending on the significance of the threat. Associate Chief Justice Pahl identified the fact that numerous complaints made by Mr. Roszko against the RCMP may never have gone beyond RCMP records as an example of the need for information-sharing for the purpose of threat assessment.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 1) Each detachment should designate a member (as distinct from staff) to fill the role of Threat Assessment Coordinator (TAC). This person would be primarily but not exclusively responsible for the collection and maintenance of master and individual threat assessment files. This member would be tasked to query members on a regular basis and to brief new members. The TAC would also liaise with the Behavioral Sciences Group as appropriate and in accord with criteria established by BSG. ... [T]hreat assessment would remain the collective responsibility of the detachment. All members would be charged with the responsibility to provide ongoing intelligence to the TAC, both formal and informal. This would include, and be recorded as such, speculation, rumour, and the staple of much good police work, the simple hunch. Finally, a formal system of transfer of TAC responsibilities should be established in order to ensure continuity. ...[T]he information collected in this effort should become part of any data base or would need to be promulgated beyond individual

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<sup>282</sup> The details of this report are not included in the report.

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detachments, neighbouring detachments and the BSG. I recognize that this may eventually be seen as a natural progression and I caution that the appropriate privacy issues, given especially the breadth of the information I have recommended be recorded, should first be addressed.

2. (Recommendation 2) The RCMP consider the establishment of National Policy guidelines for the securing of potential crime scenes.
3. (Recommendation 5) That a standardized risk assessment system for high-risk, pre-planned operations be developed. This is an appropriate recommendation and adds to our earlier recommendation for threat assessment planning. I comment that some resistance to this specific suggestion has surfaced within the RCMP. Senior field personnel prefer to deal directly with a member who is requesting, for example, ERT assistance, rather than proceeding in accord with a pre-existing matrix. I agree with this view. The RCMP should resist excessive bureaucratization. Field operations require, as I have earlier stated, flexibility and freedom of action and I encourage future planners to remain cognizant of this fundamental fact.
4. (Recommendation 6) That an Emergency Medical Response Team program be developed to support high-risk operations. This has been started in Edmonton by the addition to ERT of one trained paramedic. All ER Teams should have at least one member with these capabilities.
5. (Recommendation 7) That a national policy directive be developed on unintentional discharges of firearms by ERT members. An unintentional discharge of a rifle carried by an ERT member occurred at Mayerthorpe. I have not commented on it as, fortunately, it turned out to be a benign incident, notwithstanding that it caused significant consternation at the time it occurred. The rifle was inadvertently discharged into the air without injury to the member or others. It is however, a subject for serious consideration as any such discharge, apart from its obvious direct dangerousness could, in the emergent circumstances of ERT deployments, create a cascade of misunderstanding, miscommunication and potentially, great harm. I am satisfied that the RCMP views these incidents seriously and is addressing them. That said, I recognize that ERT operations are inherently dangerous and that such occurrences may never be totally avoided.
6. (Recommendation 9) The Federal and Alberta Departments of Justice examine whether a formal system of threat assessment information-sharing, similar to that in respect of convicted sex offenders, between justice departments, correctional services, and police services, exists and if it does not, whether it might practically be established.

### 5.3. Independent Review of the Moncton Shooting (New Brunswick, 2014)<sup>283</sup>

On 4 June 2014, a man wearing camouflage walked down the middle of a road in Moncton, NB, carrying two long guns and bullets. He walked into the woods. In response to 911 calls about this man, RCMP members went to the scene. The perpetrator, Jason Bourque, was moving among the woods and yards of homes in the area. He shot several RCMP members, killing three and wounding two others. The search for Mr. Bourque lasted 29 hours. On 6 June, he was captured. He pleaded guilty to three counts of first-degree murder and two counts of attempted murder.

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<sup>283</sup> "Independent Review: Moncton Shooting – June 4, 2014" Royal Canadian Mounted Police (2015), <https://www.rcmp-grc.gc.ca/en/independent-review-moncton-shooting-june-4-2014> ("Review of the Moncton Shooting"). This is a link to the publicly available, redacted version of this report. The Mass Casualty Commission has received a copy of the unredacted report, which is the source document for this scan.

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The RCMP Commissioner appointed retired Assistant Commissioner Alphonse MacNeil to conduct an independent investigation into the event. The Commissioner directed Mr. MacNeil to examine thirteen specific issues and gave him 90 days to complete the Review. Mr. MacNeil's team was made up of RCMP investigators. They reviewed the Major Crimes investigation materials, Operational Communications Centre (OCC) transmissions, 911 calls, video footage, civilian and member statements, forensic evidence, and re-interviewed multiple members and civilians. They also attended the scenes with members who were directly involved. Mr. MacNeil noted that given the time allotted, he was limited in the depth to which he could explore certain issues. He also noted the effect of trauma on memories, which could have led some officers and other witnesses to have inaccurate memories or fail to recall what took place. Mr. MacNeil was unable to interview Mr. Bourque, as he was involved in the judicial process at the time of the report.

The first 911 call about Mr. Bourque came in just after 7:00 PM. Several other calls followed. Some callers reported concerns about the expression on Mr. Bourque's face. Many residents were outside. The area was made up of several wooded areas and streets with houses. Most of the houses did not have fences and had with trees and other features in the yards that would interrupt sightlines.

Several RCMP members responded to the 911 calls to set up a perimeter and patrol the area. Only one member had a shotgun, and he had had to sign it out. The other members carried pistols. Some members walked into the wooded area, which was very dense, with poor visibility. They requested police dog services, which were delayed. Other members arrived and took up positions in the area. Several of them arrived with sirens on, which would have alerted Mr. Bourque to their arrival. One of the officers, Constable Daigle, saw Mr. Bourque cross a road into another wooded area and tried to follow him. Constable Daigle reported this sighting, and members began to adjust the perimeter accordingly. They also told residents to go into their homes. Another officer tried to broadcast a description of the suspect, but radio static made it difficult to understand. Constable Daigle and another member, Constable Gevaudan, saw Mr. Bourque move toward a backyard and moved around the house. Constable Gevaudan had his pistol drawn and was only partly concealed from Mr. Bourque. Two members arriving in the area by car broadcasted their arrival on the radio just as Constable Gevaudan directed members to "clear the air." Mr. Bourque turned, saw Constable Gevaudan, and fired three quick shots. The shots missed Constable Gevaudan, who radioed while running from the area that he was being shot at. Constable Gevaudan did not know the area; the path he took brought him into an open, more exposed area. Mr. Bourque fired two more shots, killing Constable Gevaudan.

Mr. MacNeil concluded that the initial member response was robust and appropriate. The Operational Communications Centre, which under Codiac Detachment policy is responsible for containment and perimeters, did a "commendable job"<sup>284</sup> in obtaining information from 911 calls and broadcasting it and in directing members to contain Mr. Bourque and isolate him in the wooded area. Members who knew the neighbourhood helped to make the perimeter as effective as possible.

Initially, the Codiac detachment was the centre of operations and the acting Sergeant, Corporal Cloutier, acted as the Operations NCO. He called in and deployed resources for containment and properly managed and coordinated the response to the initial call. AC Mr. MacNeil concluded that

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<sup>284</sup> "Review of the Moncton Shooting," p. 52.

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Corporal Cloutier was hampered by inadequate mapping and by the fact that members could not be tracked by GPS on foot once they left their vehicles.

Corporal MacLean, the road supervisor at the scene, acted appropriately by requesting additional resources, ensuring the perimeter was held, advising members not to venture deep into the woods, and instructing civilians to leave the area. However, at the moment Constable Daigle spotted Mr. Bourque, Corporal MacLean had left his car to go to the scene on foot. His radio detached from his belt as he left the car, and he did not have a cell phone. He was therefore not able to communicate with Constable Daigle. When members left their vehicles to help Constable Daigle track Mr. Bourque, they left their hard body armour behind and could only communicate their locations by radio, making it difficult for the OCC and supervisors to know where they were at any time.

After shooting Constable Gevaudan, Mr. Bourque ran through some backyards onto another street. The dog handler, Constable Ross, was arriving in the area. He may have known that shots had been fired but would not have known that a member had been shot. Constable Ross saw Mr. Bourque across the street from two civilians, who had stopped their car. Mr. Bourque was walking while moving his rifle from one hand to another. Constable Ross said, "Got a visual, will be on takedown in a second" and accelerated towards Mr. Bourque. Mr. Bourque turned toward him. Constable Ross turned on his lights, drew his pistol, and fired two rounds through his windshield at Mr. Bourque. Mr. Bourque fired six rounds at Constable Ross, killing him instantly. This took place two minutes after Constable Gevaudan was killed.

Mr. MacLean noted that because Constable MacLean, the road supervisor, did not have a radio, he did not know that Constable Ross was planning to accelerate towards Mr. Bourque and could not have provided any direction. Constable Cloutier also had little awareness of what was happening. Mr. MacNeil made reference to the emotional gravity of the situation and the impact of a lack of training and experience with this type of tragedy.

Three members found Constable Gevaudan and moved him after detecting a faint pulse but no breathing. Corporal MacLean, the road supervisor, left to pursue Mr. Bourque. He did not discuss a tactical plan with the other members before leaving, and no one established a command presence during this period. Another member, Constable White, heard the shots fired at Constable Ross and ran to Constable Ross' car. Constable White could see that Constable Ross was dead. Constable White saw Mr. Bourque, who was nearby, begin to take aim at him and took cover behind Constable Ross' car. Mr. Bourque went toward another wooded area. Constable White reported Mr. Bourque's location and that Constable Ross was "down." Corporal MacLean then broadcasted that they needed the Emergency Response Team (ERT).

Mr. MacNeil concluded that Constable White's decision not to engage Mr. Bourque was tactically sound, given the distance between them and the inferior weapon Constable White possessed. Immediate Action Rapid Deployment (IARD) training requires members to move toward the sound of gunfire and engage the shooter, in order to reduce casualties. Most of the members followed that training and tried to move toward the shooter in an effort to stop him even after Constable Gaudavan was shot. Mr. MacNeil noted that Constable White, who was an IARD instructor, did not feel that IARD was the appropriate tactical response.

After the first two officers were shot, two more officers, Constables Benoit and Gilfillan, were sent from the office, and three members of the Major Crimes Unit returned to the detachment to obtain shotguns and respond as backup. Constable Benoit arrived with lights and sirens activated, near where a civilian had reported seeing Mr. Bourque. Mr. Bourque had just entered the woods.



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Constable Benoit started opening her door; Mr. Bourque fired at her car from the woods and disabled her car. Constable Benoit stayed down and used the engine block for cover, which Mr. MacNeil described as “the best reactionary tactics possible.”<sup>285</sup> She radioed that she was being shot at from in front of the vehicle, but she couldn’t see the shooter. Constable Benoit repeatedly asked for help and asked if it was safe to leave her car. Mr. MacNeil concluded that Constable Benoit’s decision to stay in her car, calmly radio that she was being fired upon, and then request assistance was appropriate.

Constable Dubois, who was stationed nearby to block traffic, moved to Constable Benoit’s location and parked his car beside hers to provide more cover. Mr. Bourque fired at them and injured Constable Dubois, who ran to the fire station. Constable Benoit was picked up by another constable, who drove her to the fire station. Mr. MacNeil concluded that Constable Dubois’ actions to help Constable Benoit were also appropriate.

Constable Goguen, a member from the neighbouring Southeast District, had learned about the situation in Codiac. She was instructed to go to the Hildegard Fire Station. Southeast District members use a different radio frequency, and the OCC did not know Constable Goguen was attending the scene, nor did Constable Goguen know that she was driving directly to the shooter’s location. When she arrived, she saw several civilian cars doing U-turns on the street and heard gunshots. She was turning her car around when Mr. Bourque shot and wounded her. Mr. MacNeil concluded that her quick decision to move her car as she heard gunshots and while being shot at helped save her life. Because Constable Goguen was on a different radio frequency, the Codiac members were unaware she had been shot. They found her bullet-ridden car after she had moved and parked it and mistakenly assumed her car had been shot in that location. This added to confusion about Mr. Bourque’s movements.

Mr. MacNeil noted that during this period, tactical awareness was poor. No individual member took charge over the radio, so OCC dispatchers did their best to coordinate operations. It would have been nearly impossible to form an accurate tactical view of the situation, given inaccurate reports coming in, sightings being broadcast out of order, and other factors.

At this point, there was a lull in the shooting. There was confusion over how many officers had been shot, where the suspect was, and where ambulances were needed. There were also erroneous reports coming in about where shots had been fired and where the gunman was. Ambulances were not permitted to enter the area of an active shooting, and eventually Constable Goguen and Constable Dubois were taken to hospital by their colleagues. Mr. MacNeil noted that during this period, members were acting on their own, without a plan. No supervisor had an overall view of where the members were and did not learn this for an hour or more. No scribe was assigned to record decisions, resource allocations, member positions, or other important information. There was no supervisory direction to members. Corporal MacLean later said he was leaving it to the OCC to direct members because they had the mapping system and the vehicle location data. Corporal Cloutier, the Operations NCO, did not have adequate situational awareness to provide proper tactical direction. Mr. MacNeil found that although the OCC was doing an exceptional job in coordinating the members on scene, a senior NCO with tactical experience posted to the OCC would have been able to coordinate resources with real-time, accurate information.

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<sup>285</sup> “Review of the Moncton Shooting,” p. 44.



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There had been steady foot and vehicle traffic by civilians throughout the incident, but Mr. Bourque had only shot at police officers. Members therefore knew he was targeting police and took cover at the fire hall. However, because Mr. Bourque's whereabouts were unknown, the fire hall was not a safe location. Video from the fire station showed a lack of coordination and supervision. No one directed anyone to block either end of the road; one member offered to block westbound traffic at one end, but no one blocked the other end. When the Major Crimes Unit members arrived, they were not given a duty. One of these members, Constable Larche, broke off and went to look for Mr. Bourque. He got out of his car with a shotgun. Mr. Bourque saw Constable Larche and recognized that he was a police officer because he was wearing soft body armour. Mr. Bourque shot at Constable Larche through his police car. Constable Larche fired back. Mr. Bourque shot Constable Larche in the head, killing him at 8:07 PM. Mr. Bourque fled into the woods. The members held their positions and did not pursue him further. Mr. MacNeil concluded that this was a tactically sound decision.

After the shooting of Constable Larche, there should have been a period of stabilization and coordination. However, this did not happen. Many members were not briefed and took it upon themselves to respond without any person in charge being aware. No one was keeping track of the locations of members on the perimeter or shift duration. Some members worked more than 24 hours without replacement. No roll call or situation update was conducted, and members did not receive a detailed update from a supervisor.

The Codiac Operations Officer, Inspector Vautour, arrived at 8:20 PM and became the Incident Commander at that point. A scribe was appointed, and people were given specific tasks; but the execution of those tasks was not monitored, and the command structure was not clear to those on the ground. There was no official briefing or transfer of command, and Constable Cloutier, the Operations NCO, was not advised that he was being replaced by a more senior member. He believed he was in charge until he went home the following morning. Members also were unclear who had supervisory responsibility. Corporal Cloutier and Inspector Vautour were very busy, the situation at the detachment was hectic, and information was coming in from numerous sources. They were overwhelmed by the information coming in, and unable to effectively process it. Neither Corporal Cloutier nor Inspector Vautour had Critical Incident Command experience or training. There was no broadcast by a commander to the members regarding the specific threat they were facing. Some members learned about it through word of mouth; some members on scene did not know how many had been killed until hours later.

Inspector Leahy was the assigned Critical Incident Commander (CIC). He arrived in Moncton in the middle of the night and decided to move the Command Post from the Moncton Coliseum to the Moncton Garrison. He focused on setting up the new command post and left Constable Cloutier and Inspector Vautour to act as incident commanders until he took command at approximately 3:00 AM. Mr. MacNeil noted that the CIC should have delegated the establishment of the command post to someone else and focused on his command role, and should not have delayed taking operational control. The two officers left to act as incident commanders during this period did not have formal incident command training.

There were no proper debriefings when members were sent home the next morning. Many of the members who came from other police agencies and districts said they did not receive directions and just "drove around", which could have proved very dangerous.

Police from other districts and detachments, municipal agencies, and members from "H" Division (Nova Scotia RCMP) started arriving in Moncton in response to the Codiac RCMP Detachment's request for resources. There was no mechanism to track or coordinate these resources, and

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members did not receive direction on where to go or what to do. Nova Scotia police officers were unable to communicate by radio with Codac OCC and could not be tracked. They were only able to use cell phones to communicate until portable radios were distributed; due to the load on networks, these cell phones were not reliable. Unconfirmed sightings of Mr. Bourque were broadcast via radio. Members did not maintain set positions within the perimeter and moved around in response to these broadcasts without informing anyone in charge (or clarifying who was, in fact, in charge). They were not told to report their positions, and no one was keeping track of their positions, weaponry on site, or how long any of the members had been on shift. While the members were hunting for the gunman, they were also investigating the scenes of the murders and attempted murders, with protective perimeters around the sites. This period was described as chaotic and disorganized.

For 29 hours, Mr. Bourque hid in the woods. He was close to large numbers of officers at all times during this period. The incident commanders were aware that Mr. Bourque had a significant tactical advantage and could fire on anyone at any time. Late in the evening of 5 June, a resident in a house by the woods reported seeing a man crouched outside below the kitchen window. The man, Mr. Bourque, ran into the woods. ERT members on TAVs came to the area. An RCMP helicopter flew at low orbit, within a range which could allow its Forward Looking Infrared (FLIR) heat detecting imaging to detect Mr. Bourque's heat signature. The helicopter did not detect that heat signature. It ran low on fuel and returned to the airport for refueling. A Transport Canada Dash-8 aircraft with newer FLIR technology circled at a higher altitude. It eventually detected Mr. Bourque's heat signature in the woods. Mr. Bourque's movements suggested that he had been hiding, which allowed him to avoid detection by the helicopter's FLIR device, heard the helicopter leave, and then emerged from hiding to change location.

The Command Post coordinated nearby ERT members to isolate and contain Mr. Bourque. Although images taken by the Dash-8 were downlinked to the command post, ERT members at the scene could not see them. The Dash-8 had an infrared laser designator, visible only with a night-vision device. It used this designator to illuminate Mr. Bourque. However, only one member of the ERT team closest to Mr. Bourque had a night-vision device. He had to relay his observations to the other team members. This member ordered Mr. Bourque to come out with his hands up. Mr. Bourque said, "I give up, don't shoot!" and came out of his hiding place with his hands up. He had left his weapons behind.

Mr. MacNeil noted that because Mr. Bourque was armed, wearing camouflage, hiding among the trees, and appeared to be displaying actively resistant behaviour, those facts should have raised the risk assessment of the responding members significantly. One of the members observed that Mr. Bourque appeared to be irritated, which also should have heightened the responders' risk assessment. All members approaching Mr. Bourque should have been ready to respond immediately with lethal force if necessary.

Mr. MacNeil found that the police in Moncton commonly receive calls regarding guns, and the majority involve no real threat to public safety as they relate to paintball or air guns, or hunters. RCMP policy and the Incident Management Intervention Model (IMIM, the RCMP model for risk assessment and management<sup>286</sup>) categorize this type of call as high risk, but some members stated that they get these types of calls "all the time." Mr. MacNeil noted, "While training teaches that these are high-risk calls, experience feeds into cognitive biases, which lead to the discounting

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<sup>286</sup> "Incident Management / Intervention Model" Royal Canadian Mounted Police webpage (modified 17 January 2022), <https://www.rcmp-grc.gc.ca/en/incident-management-intervention-model-imim>.

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of risk. The lack of shotguns and worn HBA in the initial response is indicative that experience had undermined training regarding individual risk assessments.<sup>287</sup>

Mr. MacNeil concluded that once they sighted Mr. Bourque a second time, the officers should have used verbal intervention with lethal force over-watch. Lethal force over-watch refers to having one or more designated members train their firearms on the suspect, while other intervention options are attempted. The member whose firearm is trained on the suspect scans for threat cues and can engage with the suspect if necessary. In order to deploy lethal force over-watch effectively, communication between members as to who takes what role is essential.

Mr. MacNeil suggested that once Mr. Bourque shot Constable Gevaudan, a preferable approach would have been for members to seek cover, conduct a risk assessment, establish a rescue plan for Constable Gevaudan, and establish a plan to neutralize the threat. A plain-language broadcast stating that the suspect had just shot a member with a high-powered rifle should also have been made, which could have changed the risk assessment of the second wave of members arriving at the scene, none of whom used hard body armour. The lack of such a broadcast could have been due to the members' efforts to provide first aid to Constable Gevaudan in a highly emotional situation, while in a tactically dangerous position.

#### **Containing and Tracking the Suspect**

No efforts were made to set up checkpoints, to monitor major transportation routes, points and exits within New Brunswick, to notify ferries, bus services or other transportation services, or to take any other steps to prevent Mr. Bourque's escape from Moncton. Mr. MacNeil noted that the RCMP did not know that Mr. Bourque was acting alone and did not have a vehicle.

IARD training at the time used scenarios involving an indoor school shooting, and did not include any outdoor scenarios. Although the first responding members followed their IARD training to search for Mr. Bourque, their ability to track him through the urban neighbourhood may have been hampered by that lack of outdoor training.

#### **Communications between RCMP Members**

A single municipal employee was the primary dispatcher who coordinated the initial perimeter. She did so effectively. However, the flood of information into the Operational Communications Centre (OCC) was beyond the capacity of one person. She was the only person with direct communication with frontline members and was coordinating members and information with the Computer Integrated Information Dispatch System (CIIDS) mapping system. There was no member to assist her and no supervisor at the OCC. Only 911 calls were being answered because the systems were overloaded. Issues in the training of OCC call takers and dispatchers, and the fact that Codiak OCC does not report to the "J" Division Support Services Officer, were identified in the Review Report but redacted.<sup>288</sup>

<sup>287</sup> "Review of the Moncton Shooting," p. 107.

<sup>288</sup> The Review did not address the response of Codiak detachment to the initial calls from the public. Media reports suggest that the detachment responded to one of the first calls from a community member by saying, "Are you sure it's a real gun?" and "What makes you think that he's a threat?" See T. McMahon et al. (2014). "The Untold Story of Justin Bourque." *Maclean's* (15 June 2014), <https://www.macleans.ca/news/canada/untold-story-justin-bourque/>.

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Poor radio protocol contributed to poor situational awareness during the period of initial response. Because the radio was not encrypted, members were not using plain language during transmissions, causing confusion as to the severity of the situation and making it difficult for supervisors to give direction. Supervisors were reluctant to talk over the radio because they did not want to tie up vital airtime, which could prevent a member in direct danger from communicating. Constable Cloutier, the Operations NCO, was too busy monitoring radio traffic, making calls, and managing other logistics to manage the situation effectively, and he did not have anyone to whom he could delegate tasks.

Radio-based communication, dispatch, and locating technology are operationally managed by the OCC. The OCC in Fredericton services all RCMP detachments and units except for Codiatic and a second OCC serving Codiatic and certain fire services. The Codiatic OCC has six staff on any given shift. The Codiatic radio system does not have Automatic Numeric Identification (ANI), which allows members to be immediately identified when keying the microphone without the dispatcher having to recognize the member's voice. There were occasions when members keyed the microphone but could not be understood. Had ANI been in use, the OCC would have known who was trying to call. The lack of clarity in radio communications and the failure of supervisors to direct members to state clearly what was occurring impeded situational awareness. Trying to use the 10-code and phonetic alphabet is time consuming and can be dangerous.

Although the area where the incident occurred had excellent coverage for mobile and portable radios, there were gaps in areas outside the city of Moncton. The system in place in Codiatic allowed users to "over talk" other transmissions, which can prevent an emergency transmission while another person is talking and can lead to garbled and incomprehensible transmissions when multiple members broadcast at the same time; both situations occurred during this incident.

As with the rest of "J" Division and most other contract policing divisions, Codiatic detachment general duty radio communications are not encrypted, and there is limited availability and use of encrypted systems. This led members to feel they could not relay important and specific information by radio in case Bourque and/or "news chasers" were monitoring transmissions. That led to significant problems with risk assessment.

Codiatic detachment used only one of two frequencies during this incident rather than, for example, having perimeter members on one and responders on another. This led to the system becoming overloaded quickly. Other jurisdictions have primary channels for emergency communications and secondary channels for non-urgent communications; some provinces have a dedicated radio channel for "mutual aid," whereby other first-response agencies can communicate with each other. There was also no user guide for the detachment, so some units from outside Codiatic did not know which channel to use. There were also potential problems with automatic reversion to home channels, the details of which were redacted from the Report.

The Director of Strategic Communications in "J" Division and the Moncton strategist both learned of the incident from the media rather than from the RCMP. There were also difficulties obtaining relief for communications staff after the incident.

**Interoperability**

Mr. MacNeil noted problems with technological interoperability during the incident. For example, Constable Goguen responded from a neighbouring district and drove directly into gunfire without knowing it, as she was using the Fredericton channel. In 2007–08, there had been support for creating one radio system for all emergency responders in the Maritimes, but provincial funding

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challenges had prevented it from being implemented. There was also no way for the Codiac OCC to track or monitor the officers from other divisions, and those members had to rely on their own OCC, which did not have situational awareness and could not contact the Codiac OCC because its telephone and radio systems were overloaded.

### Command and Control

Mr. MacNeil identified the supervision structure of the RCMP relating to critical incidents as follows:

1. Until command is taken over by a Critical Incident Commander (CIC), it is the responsibility of the general duty supervisors to manage the incident.
2. During a critical incident, the tactical level command on the ground is managed by an accredited CIC.
3. For major events, national crises, or incidents requiring centralized coordination, the Division CrOps (Criminal Operations) may order additional staffing of the Divisional Emergency Operations Centre (DEOC) to coordinate RCMP resources and external partners. The CO/CrOps Officer retains control and authority for the operation.
4. RCMP National Headquarters, through the National Operations Centre (NOC), provides national policy guidance, manages and co-ordinates information and resources among the Divisions, sets strategic priorities, and serves as the coordination and communication link with other federal government departments and agencies. It operates 24 hours a day, 7 days a week and performs both routine and crisis operations. During an emergency operation, liaising with other federal departments and agencies and Public Safety Canada should, at the national level, be conducted through NOC.
5. The RCMP manages critical incidents by establishing critical incident response teams, consisting of a CIC and an ERT team and Crisis Negotiation Team (CNT), who report to the CIC. The CIC commands the incident, including liaison with all support services, direction of human and material resources, deployment of resources, the interaction of those resources, and maintaining the integrity of the command triangle.

The CIC identified the mission as locating and arresting Mr. Bourque, while keeping the safety of the police, public, and Mr. Bourque in mind.

Mr. MacNeil stated that chaos is unavoidable in the first moments of a dynamic situation, but order should be restored as quickly as possible through supervisory coordination in the form of Command and Control. "Structure, even when the structure is not perfect, is expected by members in a crisis."<sup>289</sup> Lack of communication and poor situational awareness impeded the establishment of command and control. Mr. MacNeil noted that research on active shooting incidents has found that when command and control is not formally established, there is increased failure to share information across responder groups.<sup>290</sup> This can lead to information gaps and delayed responses and can compromise first responder safety.

Frontline RCMP supervisors did not receive formal training on tactical supervision or command and control. IARD training at the time had no supervisor component, and none of the supervisors involved in the initial response had training or experience in supervising critical incidents. Mr.

<sup>289</sup> "Review of the Moncton Shooting," p. 61.

<sup>290</sup> Mr. MacNeil did not identify this research.

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MacNeil said, “The supervisors involved in this incident were faced with circumstances very few will ever experience. While it is recognized the level of supervisory competence required in the first hour of this incident was extraordinary, police are routinely involved in managing crises and supervisors should have an ability to take charge.”<sup>291</sup> He noted that there was a five-day training course that covered some of the principles required to manage events such as this, but it was unreasonable to expect every supervisor to attend this course. He suggested that the RCMP should promote a culture in support of training to improve competency around tactics and command.

The CICs did not write out a specific operational plan for each deployed tactical unit. The only documentation regarding tactical planning was the briefing board/flip charts and CIC scribe notes, which was not in accordance with RCMP policy and training and would be inadequate in the event of a trial or inquest. The CICs told Mr. MacNeil that they were not able to write specific operational plans because the situation was too fluid and unfolding too quickly. Mr. MacNeil noted that they had 29 hours over the entire operation, which should have allowed them to write out specific operational plans for the teams. He also noted that because there were no written plans, some of the ERTs did not receive adequate detail around how specific operations would be executed. The scribe notes did not capture the decision-making process of the CIC or changes to strategy made in response to changes in the situation.

#### **Technology, Equipment, and Weapons**

Although Mr. MacNeil did not have the time to review available technology that could have assisted in the coordination during this incident, he made recommendations for “common operating picture” and other resources to be explored. He concluded that the “J” Division Emergency Operations Centre was not in a state of readiness when it was activated, there were technical problems caused by a lack of a maintenance schedule for DEOC equipment, there were no news media feeds within the facility, there was no dedicated communications room, and there was no access to the NOC web-mapping service.

The Computer Integrated Information Dispatch System (CIIDS) uses status, mapping, integration with CPIC, PROS and PIP, internal messaging and other features. Current CCIDS mapping was not adequate, and its terrain imagery was significantly inferior to web-based systems, including the system available to the NOC through the Infoweb. The NOC service would have given the OCC and Operations NCO a significant advantage. Mr. MacNeil noted that the OCC, Operations NCO, CIC, and DEOC should have been able to share positional data. However, the unit responsible for managing this service, the Geospatial Intelligence Section, consists of one member in Ottawa. That member does not have the capacity or mandate to deploy this resource to the RCMP.

Tactical armoured vehicles were an important feature of this mission, as they can move members close to the threat while protecting them from gunfire. However, there were a number of issues with respect to the use of TAVs. Because only ERT members are trained to drive TAVs, this reduces the number of ERT members available for other duties (such as sniper duty). Mr. MacNeil also noted the poor mechanical record of the TAVs, which were custom made for the RCMP to provide greater ballistic protection than would otherwise be available. Those TAVs coming from long distances were driven at lower speeds to reduce the risk of breakdown; one did break down. The TAVs were also poorly air-conditioned, requiring members to open the hatches – which of

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<sup>291</sup> “Review of the Moncton Shooting,” p. 63.

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course reduces their protection from gunfire. Mr. MacNeil also identified the need for improvements in training for ERT members to ensure they are optimally using the vehicles' capabilities. The training is not uniform across ERT teams. TAVs are also not designed for off-road use, although that was not an issue in this mission. The aircraft providing surveillance was not able to distinguish the TAVs from each other, and there was no electronic means of identifying them, so Incident Command misidentified some of the several TAVs and instructed them to reposition during the arrest. That could have resulted in a cross-fire situation, had the officers been required to fire on Mr. Bourque.

The RCMP used armoured vehicles from Brinks until RCMP TAVs arrived. Mr. MacNeil noted that the Canadian Forces Base at Gagetown would have likely had armoured vehicles, drivers, aircraft and ground trackers who could have deployed to Moncton on short notice. The RCMP are able to request Canadian Armed Forces assistance, including the use of equipment where specialized or unique capabilities are required; Mr. MacNeil noted that this assistance should be considered in these types of situations.

Aircraft surveillance provided significant assistance to members by avoiding a need for a very risky ground search, and other aircraft transported members and equipment to the site. However, there were challenges scheduling and coordinating the use of aircraft during the incident. This was in part ascribed to the fact that no Air Services liaison was embedded within the command post to assist the CIC.

The RCMP helicopter based in Moncton was deployed soon after the OCC learned an officer had been shot. It was equipped with an older form of heat detecting technology (FLIR), which malfunctioned twice during the incident. The technology required it to fly closer to the ground than aircraft with the newer FLIR technology, putting the crew at greater risk from ground fire. It was also unable to map locations on the ground through GPS. Although the RCMP had newer systems in stock, they had not been installed, apparently due to conflict over who would pay for the installation. Mr. MacNeil identified the significant tactical advantage provided by having aircraft capable of identifying the heat signature of a suspect who is trying to hide. "Should the suspect move, this information is available in real-time and the team can redeploy accordingly. An aircraft can pin down a suspect who knows that his movements are visible from above, night or day. Someone can hide their thermal signature, but they cannot move about while doing so and are thus immobilized."<sup>292</sup> The newer heat signal detection systems, including that carried by the Dash-8 aircraft, are also able to illuminate the suspect with an infrared beam, but that beam can only be seen with night vision devices. ERT members with infrared designators on their weapons can illuminate suspects the same way. Members need to be trained and equipped in order to benefit from these systems.

Between the time of the initial call and the point the last shots were fired, 24 RCMP members responded. Eighteen were wearing the working uniform with soft body armour and a loaded pistol; four were in plain clothes with soft body armour, three of whom had shotguns; one wore a uniform with soft body armour and a pistol; and one was in a Forensic Identification Section uniform with soft body armour and a pistol. Prior to this incident, it was unusual for Codiak members to sign out shotguns at the start of their shifts. The shotguns were kept in a locked cabinet, likely due to the low demand. The practice had since been changed to provide members with ready access to shotguns and rifles.

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<sup>292</sup> "Review of the Moncton Shooting," p. 79.



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Mr. MacNeil discussed the capabilities of the various weapons available to the members who responded during this period, noting that detachment rifles and patrol carbines can strike targets accurately at distances far greater than the shotguns or pistols the Codiac members had during this operation. Annual qualification with detachment rifles was no longer required, and very few of the first responders had qualified with it. The detachment rifle is also slower to fire.

Codiac did not have any general duty members trained to use carbines, and the detachment's carbines, which had only recently been provided, were at Gagetown for "J" Division's first carbine training course at the time of the incident. (See discussion below regarding the delays in providing carbines to RCMP members.) However, several members had previous Canadian Forces training on the military version of the carbine and would have been permitted to use one, had one been available. Mr. MacNeil identified several stages of the incident at which possession of a carbine could have made a significant difference.

The use of Hard Body Armour would not have saved lives or reduced the severity of wounds in this incident. However, Mr. MacNeil noted that there was not sufficient HBA for the members deployed to the scene and that one member opted to go without in order to allow her colleague, who had children, to use hers. Many members on perimeter duty did not have HBA, and some who had it were not familiar with how to wear it.

Basic weapons training at Depot did not present cadets with scenarios involving the kind of risks members experienced during the incident. Annual qualification requirements consisted of a test to determine if the candidate could hit a target in a specified time rather than the extensive training and practice required to be able to hit a target at long range, while moving, after physical exertion. Some members were seen on surveillance video without their pistols drawn or with their shotguns over their shoulders, and one accidentally discharged his shotgun while running. Mr. MacNeil concluded that the limitations of the yearly qualifications may have led these members to handle their weapons in a "non-tactical manner."<sup>293</sup> Mr. MacNeil also noted that some members were not qualified to use the firearm they were carrying.

Mr. MacNeil noted that splitting tactical situation training into various training modules had the effect of compartmentalizing situations. "J" Division had moved toward combining lectures and practical scenarios and had already implemented some lessons from the incident to modify their tactical training approach at the time the Report was published.

Mr. Bourque had five non-restricted firearms in his possession during the incident, including a .308 Winchester rifle with two prohibited magazines. Mr. Bourque said later that he was aware that the Winchester bullets would penetrate soft body armour. He also had an M305 semi-automatic rifle; he had removed the legally required modifications to allow the magazine to hold more cartridges.

#### **Coordination of Resources**

Because the deployment of members in the immediate aftermath of the shootings and for several hours afterwards was chaotic, the perimeter was not coordinated properly. The global positioning system (GPS) devices in member vehicles from other jurisdictions could not be tracked in "J" Division, so the CIC could not track their locations. It took several hours before the CIC became aware of where and how the resources had been deployed; this is something he should have been aware of immediately upon taking tactical control of the incident. Mr. MacNeil noted that Mr.

<sup>293</sup> "Review of the Moncton Shooting," p. 108.



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Bourque said in his statement that he did not fire upon members where there were several of them in a group because he felt he would be overmatched. Thus, members who were deployed on perimeter duty in groups were less likely to be fired upon.

The RCMP National Operations Centre has well-developed standard operating procedures for coordinating resources between the RCMP and federal partners that have been proven effective in other incidents. However, it was not activated. This impeded intergovernmental coordination and the efficiency and effectiveness of resource requests.

The Specialized Crisis Negotiation Team (CNT) were properly deployed and took the required steps to be ready in the event that contact was made with Mr. Bourque. They coordinated with the ERT and with a mental health professional.

### Emergency Response Team

Mr. MacNeil identified the inability of the Command Post to track individual ERT members or vehicles on the ground as a “huge tactical liability.”<sup>294</sup> This prevented incident commanders from effectively coordinating their movements. During the arrest, the two ERT teams closest to Mr. Bourque were not ideally positioned, leaving them susceptible to cross-fire if any of them had fired at Mr. Bourque. Mr. MacNeil noted that the ERT program was evaluating equipment and applications which would allow GPS tracking of their members.

As noted above, infrared illuminators on aircraft and weapons require night vision devices to be seen. Because only one member of the ERT team closest to Mr. Bourque had a night vision device, that member had to relay their observations to the other members. This required them to be positioned closer together than is optimal, and made them more audible to Mr. Bourque. Mr. MacNeil also noted that the ERT training program generally trains in daylight. He concluded that maximizing ERT’s ability to act on airborne electronic surveillance requires standardized training and procedures developed in conjunction with Tactical Flight Officers, as well as the proper equipping of ERT members. ERT members’ uniforms and equipment should also be standardized across divisions. This would allow for interoperability. Standardized uniforms would also reduce risk:

In Moncton, the suspect was known to be wearing a camouflage uniform. There is a danger in having teams wear camouflage uniforms which differ from one another as they will not be instantly identifiable as belonging to the police. A delay in positively identifying a member versus an aggressor, based on their clothing, could prove fatal in a close-combat situation. Whereas local vegetation dictates what type/pattern of camouflage clothing is most effective for individual teams, collective rural and urban standards would be advantageous when teams work together.<sup>295</sup>

Mr. MacNeil concluded that while other reports (not identified) have recommend having all ERT members be full-time and that this would ensure they have time to develop and maintain their “highly perishable” skills, this would not be realistic given the limited resources available in some jurisdictions.<sup>296</sup>

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<sup>294</sup> “Review of the Moncton Shooting,” p. 78.

<sup>295</sup> “Review of the Moncton Shooting,” p. 82.

<sup>296</sup> “Review of the Moncton Shooting,” p. 82.

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**Public Alerting**

At the time the incident began, the radio stations in Moncton had either switched to national programming or were broadcasting pre-recorded programs. The next local TV broadcast was scheduled for several hours later. The local newspaper's website was behind a paywall. Social media was therefore the quickest and most effective way to reach people.<sup>297</sup>

The Moncton communication strategist presented completed tweets for approval. The initial tweets said there was an active shooter in a residential neighbourhood and that residents were to stay in their homes, and others were to stay away. There were several updates. Once the number of officers shot and killed was confirmed, that information was posted to quell community concerns that civilians had been shot. The RCMP also used social media to provide information to reporters, as the phone lines were deluged, and it was impossible to call back individual reporters. The media team attempted to post a new message on social media every thirty minutes so that followers would receive timely updates. Mr. MacNeil stated:

Having a continuous presence on social media during this crisis ensured accurate information was disseminated in a timely manner so as to counter any rumours or misinformation. It also acted as a calming tool, so that the heightened fear in the community did not escalate and affect public safety and security. Providing messages with a "call to action" that asked the public to engage allowed them to participate without interfering with police operations and did not leave them wondering what they could do.<sup>298</sup>

Mr. MacNeil noted that the RCMP did not have a mechanism for tracking responses to the posts, including tips from members of the public. Communications staff also did not have proper equipment for posting social media updates and had to use their personal devices.

**Post-event Communications with and Support for the Public**

Following the event, there were several news conferences. However, there was no spokesperson addressing the operational side of the investigation. Mr. MacNeil suggested this should not be left to the CO or OIC. There were also too few communications staff to manage the post-event communications, including the regimental funeral. Following the event, the National Communications Services (NCS) collaborated with other departments to create an online tool, which allowed members of the public to submit digital photos and video evidence relevant to the investigation.

The Report noted the "J" Division webpage titled "Setting the Record Straight," which it uses to correct factual errors in the media or rumours in the community. Mr. MacNeil credited a message posted on this page during the investigation with shutting down the rumour mill and gaining community support.

The Communications unit, along with staff relations representatives, made itself available to give the families of fallen members advice on how to deal with the media. Mr. MacNeil described the care provided to RCMP employees and their families after the events as follows:

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<sup>297</sup> The incident took place several years before the Alert Ready system for sending emergency messages to cell phones was established. However, the system for emergency television and radio broadcasts was in place at the time of the incident. The Review Report makes no reference to this system.

<sup>298</sup> "Review of the Moncton Shooting," p. 128.

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1. "J" Division Occupational Health Services (OHS) staff and the RCMP National Occupational Health chief psychologist attended the hospital in Moncton to assist family members and arranged to bring in local resources, along with OHS staff from "B," "H," and "L" Divisions, and peer support personnel.
2. Staff Relations Representatives (SRRs) from "J," "H," and "L" Divisions were brought to Moncton to assist with the injured members and their families and the families of those who were killed.
3. Three members close to the fallen members were chosen to be family contacts, as provided for in the Fallen Members Guide.
4. Critical Incident Stress Management (CISM) trained mental health professionals and peer-support members assisted family members at the hospital.
5. "J" Division Health Services provided one-on-one counselling and a series of Critical Incident Stress Debriefings (a group support process) and "psychological first aid" to employees and families.
6. Once Mr. Bourque was captured, all members in Codiak were immediately given fourteen days' administrative leave.
7. Those who responded to the occurrence were able to prepare statements and complete notes without interference from regular duties, and members could receive immediate mental health care so they could heal and allow the detachment to become fully operational as quickly as possible.
8. A session was coordinated for the Codiak members, with a panel made up of retired police officers from the Moncton police shootings of 1974 and active members from Mayerthorpe and Hay River.<sup>299</sup>

Mr. MacNeil identified some issues regarding differential treatment and provision of insurance and services to members, civilian employees, and municipal employees involved in the incident. He said, "National direction is required to address how such processes will be managed in the future."<sup>300</sup>

Family members were upset with the delay in confirming the death of their loved ones. However, it took several hours for the OIC of Codiak Detachment to be able to confirm their identities, given the continuing search for Mr. Bourque and the fact that the crime scenes were off-limit to medical personnel and most members. The OIC did not wish to confirm any information until she had person contact with members at the scene. Mr. MacNeil said the family members understood this explanation.

#### **Perpetrator Background, Threat Assessment, and Prior Opportunities for Intervention**

Mr. Bourque had had prior contact with police, but there were no intelligence holdings that indicated he was a potential danger to others. Mr. MacNeil noted that,

Members of his family knew that he had pointed firearms at family members, was in possession of a prohibited, over capacity rifle magazine, had committed violations of safe firearms storage and transportation laws and had heard reports of his careless firing of a

<sup>299</sup> These detachments had also experienced the shooting deaths of their colleagues.

<sup>300</sup> "Review of the Moncton Shooting," p. 159.

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gun at a bush party. Some of his friends were aware of some of these incidents as well. If any of these offences had been reported to police, there would have been an opportunity to launch an investigation which may well have led to the seizure of Bourque's legally acquired firearms, especially since his firearms licence expired on 2013-11-12.<sup>301</sup>

Mr. Bourque could not legally purchase or otherwise acquire ammunition due to his expired licence. A friend who had bought ammunition for Mr. Bourque on the day of the shooting likely knew that Mr. Bourque did not have a license, or he was willfully blind to that fact. It is illegal to knowingly give ammunition to someone who does not have a valid license. Mr. MacNeil suggested that amending the *Criminal Code* to require the presentation of a valid licence prior to the transfer of ammunition might deter such transfers or make it easier to prosecute them.

Mr. Bourque was known to the Moncton police prior to the June 2014 incident. A friend called police in 2009 to report that Mr. Bourque had expressed suicidal ideation. Codiac members interviewed Mr. Bourque and his parents, but did not substantiate the concern and closed the file. They made a notation in the Firearms Interest Police (FIP) database, as required, and a Firearms Officer followed up appropriately and confirmed that the safety concern was not substantiated. In 2010, Mr. Bourque was involved in a disturbance and said he was trying to retrieve a stolen wallet; two months later, a car he was in was stopped and he was given a ticket for open liquor. An empty ammunition box was found in the car. In 2013, his car was impounded after an accident, and the loss of the car apparently made him angry.

Mr. Bourque's Facebook account was not open to search engine queries, but his timeline, with posts about guns, gun control, violence, and anti-police sentiment, was visible to any Facebook user. Mr. MacNeil stated:

The prevention of crime is often seen solely as the responsibility of the police. Nothing could be further from the truth. The most obvious indications that Bourque might be a danger to society came from observations made by family, friends and acquaintances. Bourque had long been fascinated with firearms and had spent many hours at the range practicing his shooting skills. Recently, he continuously talked about firearms. Once Bourque was identified in media reports, calls were received from associates indicating he'd been expressing anti-authority/anti-police attitudes in recent years... Bourque's father reported similar such language in the days leading up to the shootings. During a conversation on either May 26 or June 2, Bourque told his father he'd had enough with the authorities and that he believed the police were corrupt. He stated he was no longer going to submit himself to the authorities and that the police would never take him to prison.

Others close to Bourque stated they were concerned about his state of mind... Many were aware of his firearms possession, and some knew that he possessed prohibited magazines. It was also reported after June 4 that Bourque had been alienated by some friends due to what they described as his unsafe handling of a firearm during a camping trip. The friends saw fit to stop inviting him to these outings, but took no further action. Bourque's father was concerned enough to have reached out to a retired military police officer for advice. Not one reported any of these concerns to a competent authority such as the RCMP or a health care professional. These were all opportunities to intervene early and would have at the very least prompted another FIP [Firearms Interest Police] review. This would have alerted authorities to the fact that Bourque's firearms licence had actually expired and would almost certainly have resulted in a proactive firearms prohibition.<sup>302</sup>

<sup>301</sup> "Review of the Moncton Shooting," p.132.

<sup>302</sup> "Review of the Moncton Shooting," p. 146.

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Mr. MacNeil stressed the importance of providing mental health services to young people. He also emphasized the need for the public to understand the importance of helping people showing signs of mental illness, anti-authority/anti-social attitudes, or anger issues. "Although Bourque himself was not found to have been suffering from a mental illness, we cannot predict what motivating factors or underlying causes might be at the root of the next shooting of this nature... The key is that the public must be better educated and engaged, and mechanisms must be in place to allow for easy access to services."<sup>303</sup>

Mr. MacNeil reviewed several programs in New Brunswick that are focused on community engagement, crime prevention, and youth mental health for youth and for adults, some of which include mental health screening. He concluded that had Mr. Bourque been referred to one of these services, they would have taken preventative action to address his anger and attitudes towards authority.

In the aftermath of these mass shootings, as in this case, investigations inevitably reveal that there were well intentioned individuals who had information that may have prevented the killings. We often hear that people "didn't think he was serious" or that they "didn't want to interfere." There is often a tendency to avoid over-reacting for fear of someone being labelled.<sup>304</sup>

Mr. MacNeil went on to suggest that providing stigma-free mental health services can "assist in overcoming [the public's] tendencies to 'mind our own business' by removing the labels often assigned to those who need help."<sup>305</sup>

Mr. MacNeil briefly described the RCMP Behavioural Sciences Branch (BSB), which conducts threat assessments for people suspected of being on a pathway towards violence. The members of this branch examine various types of threats, including school violence, general violence, threats to police members, workplace violence, domestic violence, and criminal harassment. They use screening tools depending on the type of threat to assess the level of threat a suspect poses toward specific targets. They also suggest strategies and tactics on how to mitigate the threat. Mr. MacNeil stated that the capabilities of the BSB are not widely known and are under-utilized. He also made reference to a policy that requires that threats to RCMP members be referred to a Threat Evaluation Specialist.<sup>306</sup>

Mr. MacNeil discussed the characteristics of a "lone wolf," as the term is used in the RCMP National Security program. He noted the ability of such individuals to inflict catastrophic harm without prior warning to law enforcement. He also noted that some "homegrown violent extremists" attack for revenge or notoriety rather than ideology. Because they can use commercial firearms or homemade explosive devices against low-security targets and rarely reveal their intentions in advance, they are much more difficult to detect and stop than traditional terrorist groups. Mr. MacNeil set out a list used within RCMP Federal Policing of potential indicators of lone-offender actions that may warrant reporting:

- a. Anti-government, anti-religion, racist or disruptive behaviours, apparent to those in close contact
- b. Use of extremist material such as books and internet forums and publications

<sup>303</sup> "Review of the Moncton Shooting," p. 149.

<sup>304</sup> "Review of the Moncton Shooting," p. 150.

<sup>305</sup> "Review of the Moncton Shooting," p. 150

<sup>306</sup> He did not identify this policy.

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- c. Tendency to not work or socialize well with others; segregation from peer and family groups
- d. Posting of manifestos of extreme ideology
- e. Increased advocacy of violence toward society and government systems, which can lead to acceptance of the use of violence to make a point
- f. Acquisition of excessive quantities of weapons or explosive materials
- g. Persistent belief in righting a perceived injustice

Mr. Bourque did not exhibit all of these characteristics. He did exhibit anti-government and anti-police views. He was not part of any extremist group. He did not follow extremist social media but did follow right-wing American social media. He had difficulty holding a job but had contact with his family, had a network of friends, and was described as sociable. He posted heavy metal song lyrics and anti-gun control and anti-government propaganda on Facebook. He acquired his weapons long before he decided to attack police. He did see himself as fighting injustice. Mr. MacNeil concluded that there was no indication that Bourque was planning anything specific until late on the afternoon of 4 June.

Mr. MacNeil also noted that the National Security Enforcement Section did not find any evidence that Mr. Bourque was linked to extremist groups, so they did not investigate his attacks as acts of terrorism. Instead, the attacks were investigated by the New Brunswick RCMP as a multiple homicide. Mr. MacNeil suggested that police should examine perpetrators' political motivations and ideologies but did not make a specific recommendation on this issue.

#### Recommendations from Previous Reviews

MacNeil considered the extent to which the RCMP had implemented the recommendations of reviews stemming from the murders of four RCMP members in Mayerthorpe, Alberta in 2005 (summarized above in section 5.1.) and the murder of two RCMP members in Spiritwood, Saskatchewan in 2006.<sup>307</sup> These reviews included fatality inquiries, Human Resources Skills Development Canada Investigations, Hazardous Occurrence Investigation Team (HOIT) reports, and Independent Officer Reviews. Mr. MacNeil noted:

Learning from tragedy has to be followed by effectively dealing with identified shortcomings. The Force has an obligation to take actions to protect its members, and it must act promptly to do so, not solely for statutory reasons but because of the moral contract it has with the members it sends into harm's way.<sup>308</sup>

Mr. MacNeil found that most of the policies implemented in response to the Spiritwood and Mayerthorpe incidents were followed during the incident in Moncton. However, he also identified the following problems:

1. It did not appear that the members responding to the Moncton incident had followed the National Policy guidelines for the securing of potential crime scenes, which had been amended following the Mayerthorpe tragedy.
2. The Spiritwood Labour Code investigation made reference to the need for protective equipment, and the Mayerthorpe HOIT report recommended that members be able to use a

<sup>307</sup> The Mass Casualty Commission has issued a subpoena for copies of reports or reviews arising from the Spiritwood incident (subpoena dated 25 February 2022). No records have been received in response to this subpoena, as at 16 May 2022.

<sup>308</sup> "Review of the Moncton Shooting," p. 165.

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higher level of ballistic protection when warranted. However, due to delays in procurement of hard body armour, members of the Codiac detachment had not been equipped with it.

3. Both the Spiritwood Independent Officer Review and the Mayerthorpe Review by Justice Pahl recommended changes to ensure RCMP members had firearms with appropriate capability to respond to high-risk events. Mr. MacNeil said, "Mayerthorpe and Spiritwood occurred against a backdrop of increasingly common active shooter incidents in North America and Europe. The RCMP-related incidents and the apparent trend towards more active shootings drew attention to the firearms capability gap that existed within the RCMP frontline and commenced a protracted process of studying, procuring and delivering the patrol carbine to members on the frontline."<sup>309</sup> Although he recognized that compliance with procurement processes and justification for such costly items as carbines takes time, "the time it took to roll out the carbine project, including the training and delivery of the weapons to members of the RCMP, has taken too long."<sup>310</sup>

The Spiritwood Canada Labour Code investigation found that bullet-resistant windows in RCMP vehicles could reduce injuries to officers and directed the RCMP to conduct a hazard assessment on this issue and take steps to prevent those hazards. Mr. MacNeil's discussion of the RCMP research on this issue was redacted. He then noted that the National Use of Force unit had learned of new technology that could allow for bulletproofing of police vehicles. He did not make any recommendations on this issue.

The Spiritwood and Mayerthorpe reviews had made recommendations to address the inability of the system to locate members in vehicles. They had also recommended expanding radio coverage and encouraging members to practice shooting. Mr. MacNeil stated that the RCMP took the view that Mobile Work Station capability and training on communication with the OCC was sufficient to address the vehicle location issue. With respect to the other recommendations, Mr. MacNeil made an overall recommendation relating to the approval and procurement process relating to equipment affecting officer safety.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- a. (Recommendation 1.1) It is recommended that additional training on lethal force over-watch be provided to members.
- b. (Recommendation 3.1) It is recommended that members be in possession of a cellular or satellite phone (where available) and police radio while on duty, as a required part of Service order #1.
- c. (Recommendation 3.2) It is recommended the RCMP examine how it trains frontline supervisors to exercise command and control during critical incidents.
- d. (Recommendation 3.3) It is recommended that the RCMP provide training to better prepare supervisors to manage and supervise throughout a critical incident until a CIC assumes command.
- e. (Recommendation 3.4) The RCMP explore options that would allow for a common operating picture (COP) to be available for simultaneous monitoring by frontline supervisors, Critical Incident Command, Division Emergency Operations Center (DEOC) and the National Operations Center (NOC). Such technology should have a mapping system capable of

<sup>309</sup> "Review of the Moncton Shooting," p. 172.

<sup>310</sup> "Review of the Moncton Shooting," p. 173.

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plotting resources, sharing information with other users and linking to operational dispatch systems that track police vehicle locations and individual officer movements .

- f. (Recommendation 3.5) That Emergency Management System and the web-mapping service from the NOC be considered for each Division and policy, training and supervision be established requiring their use in Critical Incidents, major events and disasters, by DEOC and the CIC.
- g. (Recommendation 3.6) It is recommended that, where it does not already exist, each Division establish a policy and protocol through an Emergency Operational Plan to identify entry/exit points and major transportation routes that should be alerted and monitored in the event of a relevant crisis.
- h. (Recommendation 4.1) It is recommended that when transporting TAVs long distances it should be done by rail or flatbed truck.(Recommendation 4.2) It is recommended that Geo-tracking technology for ERT be identified and introduced in a timely manner.
- i. (Recommendation 4.3) It is recommended that in low-light conditions all ERT members be equipped with night-vision devices and laser designators on their weapons.
- j. (Recommendation 4.4) It is recommended that annual night training exercises with Air Services be developed and undertaken to maintain proficiency for ERT members.
- k. (Recommendation 4.5) It is recommended that infrared (IR) strobes be attached to each TAV to enable them to be identified by specific callsign during operations with air surveillance.
- l. (Recommendation 4.6) It is recommended that non-ERT personnel be selected and trained as drivers for TAVs to free up ERT members for primary duties.
- m. (Recommendation 4.7) It is recommended that a standard list of equipment be developed for ERT duties and that this equipment be acquired and distributed across the program.
- n. (Recommendation 4.8) It is recommended in large scale events where Air Services is utilized, Air Services personnel with the appropriate training should be assigned to the Command Post as a liaison for air service support.
- o. (Recommendation 4.9) It is recommended that where possible, in ERT operations where aerial FLIR is used, Tactical Flight Officers be deployed as aircrew (refer to 7.12) .
- p. (Recommendation 5.1) Policy should be amended to state that where a general duty member is qualified in the use of a long barreled weapon and where one is available, the member must ensure the weapon is in the police vehicle while on duty.
- q. (Recommendation 5.2) Firearms must be stored with sufficient ammunition.
- r. (Recommendation 5.3) All RCMP members receive a briefing and demonstration on the appropriate deployment of HBA.
- s. (Recommendation 5.4) Shotguns should be fitted with slings to enhance their deployment and safety.
- t. (Recommendation 5.5) Maintenance and storage procedures of all detachment firearms and ammunition must be the subject of a mandatory ULQA.
- u. (Recommendation 5.6) During high-stress/high-risk incidents, a supervisor must clearly provide direction regarding equipment use.
- v. (Recommendation 6.1) It is recommended that trainers and supervisors take into account how cognitive biases undermine training and consider how to mitigate the effect of these natural and universal thought processes.



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- w. (Recommendation 6.2) It is recommended that any testing component of RCMP firearms use include a physical exertion component as well as tactical repositioning and communication. This should be supplemented with practice, scenario-based, dynamic training and evolving risk assessment. They should include reminders of the firearms capability, even beyond qualification distances.
- x. (Recommendation 6.3) It is recommended that training material be made available concerning the difference between cover and concealment, including examples of the penetrative capabilities of bullets from various firearms.
- y. (Recommendation 6.4) It is recommended that IARD training be adapted to include various environments (not just schools/indoor) as well as decision-making, planning, communication, asset management, and supervision components to ensure members work through constant risk assessments and that OCC training in coordination/response to high-risk incidents should be conducted at the same time as IARD training to emphasize the realism of the scenario.
- z. (Recommendation 7.1) It is recommended that Codiac OCC consider the implementation of an automatic numeric identification (ANI) system to support officer safety.
- aa. (Recommendation 7.2) It is recommended that Codiac detachment radio coverage be examined outside of Moncton center to rectify areas that have gaps in coverage.
- bb. (Recommendation 7.3) It is recommended the RCMP examine the implementation of encrypted radio systems for operational effectiveness, officer safety, and protection of privacy.
- cc. (Recommendation 7.4) It is recommended that the two Moncton radio repeater sites be permanently patched to ensure members have optimum radio coverage while maintaining communication with the OCC.
- dd. (Recommendation 7.5) It is recommended that primary and secondary channels be examined in greater detail to allow dispatchers better control of network airtime.
- ee. (Recommendation 7.6) It is recommended that policy be developed that mandates the creation of a radio user guide which will be available to all members. This should incorporate a map of the province showing repeater sites/detachments and a list of the radio channels.
- ff. (Recommendation 7.7) It is recommended that a system be developed, both radio and data, that would allow for communication between RCMP members from the Maritime Divisions, when required to work outside of their home jurisdiction.
- gg. (Recommendation 7.8) It is recommended a high-resolution mapping system, such as the web-mapping service from the NOC, be integrated within CIIDS, having the ability to share vital information as perimeters and location data.
- hh. (Recommendation 7.9) It is recommended the RCMP research options for providing GPS tracking ability for members to ensure they can be located and tracked when dismounted from their vehicles.
- ii. (Recommendation 7.10) It is recommended that OCCs should have an experienced NCO available to coordinate operations in critical incidents and to offer direct operational advice to call takers and dispatchers.
- jj. (Recommendation 7.11) It is recommended the reporting structure of Codiac OCC is refined to ensure the Support Services Officer is engaged in the provision of training, equipment and policy considerations.
- kk. (Recommendation 7.12) It is recommended that ERT develop a quick reference guide for non-ERT trained members who may be called upon to offer assistance (e.g., aerial spotters and

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other observation posts). These reference guides could be provided by the ERT telecommunications technician, who would be in a position to instruct members on ERT radio protocols.

- ll. (Recommendation 7.13) It is recommended the RCMP create policy that allows for the use of plain language as an alternative to 10-codes in urgent situations.
- mm. (Recommendation 8.1) It is recommended that NCS create a plan that can be referenced to allow relief for Division communications staff in the event of a prolonged incident. The plan should be developed to take into consideration the requirements of each Division.
- nn. (Recommendation 8.2) It is recommended that standard operating procedures be developed to ensure communications personnel are part of the initial operational callout procedure for serious events.
- oo. (Recommendation 8.3) It is recommended that news conferences in these types of incidents should have a spokesperson presenting the operational perspective of the investigation to reassure the community that police are taking action.
- pp. (Recommendation 8.4) It is recommended that software solutions be sought by NCS in order to properly monitor social media.
- qq. (Recommendation 8.5) It is recommended that up-to-date, functional, portable devices be provided to Communications personnel to enable them to effectively use social media and permit them to effectively do their job.
- rr. (Recommendation 8.6) It is recommended that NCS provide a point of contact with the essential skills for regimental funerals (internal or external to the RCMP) who is paired with the Strategic Communications Unit.
- ss. (Recommendation 8.7) It is recommended that all regimental funerals have a professional photographer to ensure they are properly recorded.
- tt. (Recommendation 8.8) It is recommended that families of fallen members be made aware that communications assistance is available to act as a buffer between the families and the media. In addition, this will provide families access to the RCMP website to post messages/photos.
- uu. (Recommendation 8.9) It is recommended that divisions have access to real-time social media monitoring, which could help identify operational risks and inform a communications strategy.
- vv. (Recommendation 9.1) It is recommended the RCMP develop an improved system to enable members to obtain ammunition for practice.
- ww. (Recommendation 9.2) It is recommended the relevant policies and practices should be reviewed to ensure there are appropriate controls and no constraints that would interfere with members improving their firearms proficiency.
- xx. (Recommendation 11.1) The Review recommends the RCMP consider broadening its support for initiatives that support young people with mental illness.
- yy. (Recommendation 12.1) Development of a national guide to establish roles and responsibilities and advice for managers and persons tasked with implementing an after care strategy. This could include a plan for rapid and scalable deployment, plus consideration for long-term maintenance to prepare for notable events such as the first year anniversary of the tragedy.
- zz. (Recommendation 12.2) Updating of the existing Fallen Member guide with considerations for the following: operational briefings of families, possible tour of the fallen members' work space

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with the family, consideration for the management of flowers, cards and gifts, provision of information on the Depot Memorial and the Peace and Police Officer Memorial in Ottawa.

- aaa. (Recommendation 12.3) The critical incident stress management (CISM) team should consist of experienced psychologists who understand policing; experienced RCMP employee peer support personnel, RCMP chaplains and nurses trained in CISM.
- bbb. (Recommendation 12.4) Development of a plan for ongoing follow-up at specified periods during the first year and also during periodic health assessments (PHSs) for those members directly involved. Consideration should be given to the utilization of the questionnaire as noted in this section of the review.
- ccc. (Recommendation 12.5) A review of the processes related to the provision of aftercare services to those involved such as families, municipal employees, auxiliary constables, and volunteers should be undertaken.
- ddd. (Recommendation 12.6) Consideration should be given to ensuring that members who are unable to return to work are kept informed of information that could affect them.
- eee. (Recommendation 12.7) It is recommended that an interview with a psychologist should be conducted with employees prior to their return to duty to prepare them for changes in their work environment that have taken place as a result of a traumatic incident.
- fff. (Recommendation 12.8) A CISM team that was not involved with the operation should provide a Post-Action Staff Support (PASS) debriefing for those who conducted debriefings. This should occur once the operation is completed and preferably prior to their return to their home units.
- ggg. (Recommendation 12.9) When an employee is killed on duty, certain pay and compensation mechanisms are triggered that generate automated messages and mail to families relating to the cancelation of certain benefits. These automated processes lack sensitivity and cause undue stress. It is recommended a review of these systems be conducted to prevent this from occurring.
- hhh. (Recommendation 12.10) Following the death of a member of the RCMP, there is a substantial amount of required paperwork and procedural processes expected of family members. It is recommended that a liaison be identified to assist family members on behalf of the deceased with the completion of all necessary paperwork.
- iii. (Recommendation 12.11) When a member is physically/psychologically injured or deceased and thus unable to join appointments with their family, the spouses and children of the member cannot access the member's insurance and must rely on private insurance coverage. This coverage can only reimburse the cost of five to seven hours of psychological services per year. It is recommended that steps be taken to rectify this to remove the burden that this insufficient funding places on families of the members.
- jjj. (Recommendation 13.1) It is recommended the RCMP take immediate action to expedite deployment of patrol carbines across the Force. This action must include significant and permanent augmentation of the Force's training capacity.
- kkk. (Recommendation 13.2) It is recommended the RCMP conduct a thorough analysis of the approval and procurement processes (including the research and development phase) relating to equipment that impacts officer safety. This analysis should include identifying an appropriate senior authority to take responsibility for such projects, establishing appropriately resourced project teams, and setting deadlines for delivery.

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**5.4. *R v The Royal Canadian Mounted Police (NB Provincial Court, 2017)*<sup>311</sup>**

In September 2007, a judge of the Provincial Court of New Brunswick convicted the RCMP of an offence under the Canadian Labour Code for failing to protect its members during the Moncton shooting.

In her decision, Judge Leslie Jackson explained the history of police responses to active shooter incidents. Prior to the Columbine school shooting in the United States in 1999, the prevailing practice was for first responders to secure the scene and wait for specialized units, such as Emergency Response Teams (ERT), to engage the shooter. At Columbine, however, the perpetrators continued their rampage for 40 minutes before the SWAT team arrived. Police agencies then changed their practices. The RCMP developed its Immediate Action Rapid Deployment (IARD) policy in 2006–07, which required frontline general duty members to immediately respond to active threats.<sup>312</sup> The policies and training were geared toward active threat events in a confined setting, such as a school or shopping mall. IARD training beyond that provided to Cadets at Depot was not mandatory.

Judge Jackson reviewed the findings of reviews into the shootings of RCMP officers at Mayerthorpe and Spiritwood. She noted Associate Chief Judge Pahl's comments in the Mayerthorpe review (summarized above in section 5.1.) that the rollover from shotguns to patrol carbines should be given high priority.

At Spiritwood, a suspect who was being pursued by RCMP members killed two of the members with a high-powered rifle and shot at a third. The suspect then committed suicide. The internal RCMP review of this incident focused mainly on difficulties of extracting the members from the scene but concluded that the members at the scene followed the principles of the Incident Management Intervention Model (IMIM) and properly developed a plan in line with the resources and information they had. The Canada Labour Code investigation of the same incident,<sup>313</sup> however, concluded that the members did not follow IMIM, including the formal key risk assessment stages. The investigation directed the RCMP to ensure that its officers continue to receive instruction and training in the IMIM procedure. It also found that the members did not have adequate firearm capability or protective equipment and directed the RCMP to complete a hazard assessment of high-risk retrieval activities for officers when ERT is not available within a reasonable time. That assessment should include the types of firearms suspects may use, types of firearms available to officers, bullet-resistant equipment required for protection, and acceptable ERT response times in rural areas. These directives had a compliance date of 29 October 2007.

In response to these directives, the RCMP researched options for weapons for its members and then determined it needed more rigorous, independent research to justify any change to its use

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<sup>311</sup> *R v The Royal Canadian Mounted Police*, 2017 NBPC 6 (CanLII), <https://canlii.ca/t/hp75s>.

<sup>312</sup> An active threat was defined in the IARD policy as "one or more individuals who seek out an environment that offers multiple potential victims at risk of death or grievous bodily harm not easily able to escape the threat." *R v The Royal Canadian Mounted Police*, 2017 NBPC 6, para 15.

<sup>313</sup> Under Part 2 of the Canada Labour Code, Health and Safety Officers appointed by the Minister of Labour may investigate workplace injuries in federally regulated workplaces and issue directives to the employer. See "Summary of Part II of the Canada Labour Code." Government of Canada webpage (updated 14 March 2022), <https://www.canada.ca/en/employment-social-development/services/health-safety/reports/summary.html>. The investigation report is referred to in the reasons for judgment in *R v The Royal Canadian Mounted Police*.

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of force approaches.<sup>314</sup> It took several years for the RCMP to identify a solution and approve the use of carbines for frontline members. The rollout of the first 375 carbines was approved in July 2012. Finally, in September 2013, “J” Division received their order of 22 carbines. They scheduled the first training course for general duty members for 2–6 June 2006 in Gagetown. The Moncton shooting incident took place on 4–6 June 2006; although there were in theory 22 carbines available to the first responders, they were all in use at the training course in Gagetown. The Hard Body Armour had also arrived at the Codiac Detachment, and members had been directed to familiarize themselves with it.

Judge Jackson found that the RCMP had breached section 124 of the Canada Labour Code, which provides that “Every employer shall ensure that the health and safety at work of every person employed by the employer is protected.” This requires employers to take all steps reasonably required to protect against risks employees may face in the course of their employment. Judge Jackson found that the RCMP failed to provide its members with appropriate use-of-force equipment, including patrol carbines and hard body armour, and failed to provide appropriate training to respond to an active shooting event, which amounted to a breach of s. 124. She found that RCMP management knew or should have known in 2007 or, at the latest, early 2011, that there was a “serious safety risk to frontline members when they faced heavily armed opponents and that this risk should be highly prioritized.”<sup>315</sup> Despite this risk, there were still serious delays in the rollout, including an almost two-year delay between the approval in July 2012 and the first training in Moncton in June 2014. Management appeared to be preoccupied with the cost of delivering training and other financial implications but were not concerned about officer safety. Judge Jackson found that although each individual step in the process of determining the appropriate weaponry to purchase, purchasing that weaponry, distributing and delivering it may have appeared reasonable, when taken as a whole, the length of time and lack of urgency in the RCMP approach established a *prima facie* breach of the duty of care required under s. 124 of the Code. She stated:

[I]t is beyond controversy that policing is a perilous occupation and sadly, as we know all too well, one in which danger of significant injury and/or death is present and can never be entirely eliminated. That does not mean that the risk should be ignored, nor does it mean that it must be accepted as being part of the job and therefore no efforts need to be made to reduce the frequency of risk or to mitigate the potential consequences of the risk or mitigate its occurrence.<sup>316</sup>

The RCMP argued that it had engaged in due diligence and asserted that although the risk presented by the lack of carbines was significant, the likelihood of events like Mayerthorpe and Spiritwood was relatively remote. Judge Jackson rejected that argument, holding that the fact that a risky event occurs infrequently does not mitigate that risk:

In the case of general duty officers now required to initially engage heavily armed suspects, there existed a grave potential of harm, although the likelihood of an incident in which death or grievous bodily harm actually occurred was statistically remote. While the RCMP could not control the causal elements in the sense of predicting or allowing the event to occur, there can be no question that they were aware of the increasing prevalence of heavily armed opponents and the presence of long guns particularly in the north and in rural areas.

<sup>314</sup> Judge Jackson sets out the factors leading to this determination, which related for the most part on the findings of the RCMP Civilian Review and Complaints Commission report on the death of Robert Dzienkanski from a conducted energy weapon (Taser). See *R v The Royal Canadian Mounted Police*, paras 11–46.

<sup>315</sup> *R v The Royal Canadian Mounted Police*, para 75.

<sup>316</sup> *R v The Royal Canadian Mounted Police*, para 81.

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The 2007 Needs Analysis for Hard Body Armor (Ex. 1, Tab 5) prepared by Bruce Stuart, notes at page 5 that “there has been an increase in the possession of firearms by criminals within Canada, in particular ‘high power’ weapons.” and later “anecdotally, RCMP members face rifle and shotgun threats regularly, especially in rural areas.” That same report at page 4 referenced a document prepared two years earlier which had recommended the provision of HBA as the appropriate required level of protection for general duty members and noted “In fact, it is felt that the risk in this area has increased, rather than diminished.” Yet on June 4, 2014, HBA had only recently arrived at Codiac Detachment and most of the responding members were unfamiliar with its use.<sup>317</sup>

Judge Jackson referred to “innumerable meetings... minutes of meetings and reports drafted and circulated, apparently to satisfy the requirements of the bureaucracy at RCMP Headquarters in Ottawa.”<sup>318</sup> She also noted that management was distracted at least in part by efforts to shield themselves from criticism. She noted that Alphonse MacNeil in his review of the Moncton shooting (summarized above in section 5.2.) had also concluded that the rollout took too long. The RCMP had also failed to put any mitigation strategy in place to protect frontline members responding to active shooters while the carbine project was in development. Problems with the lack of weapons qualifications were also known to RCMP senior management before the Moncton shootings: in January 2014, the RCMP Policy Health and Safety Committee informed the RCMP Commissioner that compliance rates for mandatory training for members were low. Nine of the 22 members who were first on the scene in Moncton had not requalified on their weapons.

Judge Jackson also rejected the RCMP argument that it needed to be cautious in equipping its members with carbines, given possible concerns about militarization of domestic police forces and the possible cultivation of a paramilitary culture among frontline officers.<sup>319</sup> She concluded that it was not reasonable to provide carbines to only 22 frontline members (which amounted to 3% of the frontline members in “J” Division) three years after they definitively concluded that an upgrade to existing weaponry was required to protect those members. She concluded:

Frontline officers were left exposed to potential grievous bodily harm and/or death while responding to active shooter events for years while the carbine rollout limped along, apparently on the assumption that as the likelihood of such an event was relatively rare, a timely implementation was not required. As Watson J said in *General Scrap Iron & Metals Ltd* 2002 ABQB 665 at paragraph 100:

“An approach which focused on likelihood of danger rather than on exclusion of danger where possible could encourage employers to engage in a chillingly brutal calculus of the odds of harm against the cost of its avoidance”.<sup>320</sup>

Several frontline officers who survived Bourque’s attack said at the time of the attack or at the trial that they were not able to engage Mr. Bourque because he had a long gun, and their guns were too short to be effective, given the range of their available weapons. One of them had had training in carbines while in the Armed Forces and believed that had he had a carbine, he could have effectively engaged Mr. Bourque. All of the RCMP managers who testified at the trial said the frontline members were adequately equipped to deal with the threat that Mr. Bourque posed to

<sup>317</sup> *R v The Royal Canadian Mounted Police*, para 84.

<sup>318</sup> *R v The Royal Canadian Mounted Police*, para 90.

<sup>319</sup> *R v The Royal Canadian Mounted Police*, paras 101–4.

<sup>320</sup> *R v The Royal Canadian Mounted Police*, para 107.

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them. Judge Jackson stated these managers “were all repeating ‘talking points’ designed to be the justification for their position.”<sup>321</sup>

The RCMP had been charged with two additional counts under s. 124 for failing to properly inform, instruct, or train the responding members to ensure their safety in an active shooter event in an open environment and for failing to properly inform, instruct, or train its supervisory personnel to enable them to ensure the health and safety of members during an active shooter event. Judge Jackson acquitted the RCMP of these two counts. She noted that the Crown had to prove that this training requirement was reasonable and that the hazard to be addressed by this training was actually or reasonably foreseeable. The RCMP argued that there was no evidence that anyone anticipated outdoor active shooter events. The judge rejected this, noting that Spiritwood in 2006 was in fact an outdoor active shooter event, and according to the MacNeil report, outdoor shooter incidents comprise approximately 10% of all North American active shooter events. She concluded that another such incident was foreseeable. She found that there was no specific training on outdoor active shooting events for frontline members or supervisors at the time of the Moncton shootings, in Canada or North America. Since Moncton and two open-area shootings in the United States, more departments were moving to train members on “exterior response skills.” However, the IARD training for recruits and the ongoing IARD training did provide the necessary skills for responding to outdoor shooting scenarios. Several members did use those tactics when responding to Mr. Bourque. As well, Judge Jackson did not find it reasonable to impose a requirement on the RCMP to provide training that did not yet exist.

With respect to training for supervisors, Judge Jackson found that although there was some confusion during and immediately following the shootings that could in part be attributed to a lack of training of supervisors, it was not reasonably foreseeable that “supervisors in a small city detachment would be faced with supervising the response to a killer who was actively seeking out and killing RCMP members.”<sup>322</sup> Therefore, training on such supervision could not be considered reasonably necessary. Again, the fact that such training did not exist was also relevant to her decision to acquit.

In her sentencing decision, Judge Jackson noted:

[W]hile the failure of most of the senior RCMP management team to acknowledge that there was any delay in the patrol carbine rollout is troublesome in regard to their apparent lack of insight into the importance of workplace safety, the response post-incident has been robust. The MacNeil Report was commissioned, prepared in a very short timeframe and, as of October 2017, 56 of the 64 recommendations have been implemented and/or concluded ... I cannot conclude, on the record, before me that the RCMP has failed to accept responsibility nor that a substantial likelihood of future offences has been shown.<sup>323</sup>

She ordered the RCMP to pay a fine of \$100,000 and ordered probation with conditions requiring the RCMP to contribute to memorial funds and trust funds for the children of the officers who died

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<sup>321</sup> *R v The Royal Canadian Mounted Police*, para 108.

<sup>322</sup> *R v The Royal Canadian Mounted Police*, para 118. Judge Jackson rejected the assertion by the RCMP that Mr. MacNeil’s recommendations for training for supervisors on managing critical incidents and inclusion of outdoor active shooter response tactics in IARD suggested he was applying a standard of perfection to the RCMP.

<sup>323</sup> *R v The Royal Canadian Mounted Police*, 2018 NBPC 1 (CanLII), <https://canlii.ca/t/hqzj>, para 28.



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in the Moncton shootings, along with other charities supporting families who have experienced workplace tragedies.

### 5.5. RCMP Security Posture: Parliament Hill, October 22, 2014 (Ontario Provincial Police, 2015)<sup>324</sup>

Following the 2014 shooting on Parliament Hill by Michael Zehaf-Bibeau, the RCMP asked the Ontario Provincial Police (OPP) to review the RCMP's actions, specifically the RCMP's security posture on the grounds of Parliament Hill at the time of the incident, including compliance with standard operating procedures, and the RCMP's initial incident response, including actions of RCMP officers, operational communications, and compliance with the Operational Preparedness Plan. The OPP team who conducted the review visited the grounds of Parliament Hill and the RCMP Operational Command Centre. They also interviewed RCMP officers, directors of security on Parliament Hill, Ottawa Police Service Incident Commanders who were involved in the incident, federal employees from Parliament Hill, and a retired House of Commons clerk. They also reviewed previous reports and recommendations on Parliament Hill Security matters.

Responsibility for the protection of Parliament Hill is shared between the RCMP (responsible for the security of the grounds of Parliament Hill) and the House of Commons Security Service and Senate Protective Services (responsible for security inside the buildings). Ottawa Police Services is responsible for responding to crimes on Parliament Hill and for the area surrounding Parliament Hill. The Report is heavily redacted. However, the report writers made the following findings:

- a. Mr. Zehaf-Bibeau fatally shot Corporal Nathan Cirillo, who was standing in ceremonial guard at the Canadian National War Memorial. The Memorial is located at the intersection of Wellington Street and Elgin Street, east of Parliament Hill. Mr. Zehaf-Bibeau then drove west on Wellington Street, abandoned his car on Wellington just outside the East Block gates of Parliament Hill, and entered the grounds through the pedestrian access at these gates. He ran to a car parked near the East Block, forced the driver (a Member of Parliament) out of the car, and drove up to Centre Block. He entered Centre Block with a long gun in his hands and went through the main doors. Several RCMP officers who were on duty on Parliament Hill saw the gunman on his way to Centre Block but were unable to stop him before he entered. Several officers hesitated to enter the building because of directives to never enter the building armed. Once the Shift NCO arrived, he ordered the officers to enter. They did so and assisted in eliminating the threat. Several reports of other gunman sightings in the vicinity followed. Various agencies responded, police command centres were set up, and lockdowns were put in place while police searched for other suspects. Eventually, police confirmed that there was only one gunman involved, the Parliament buildings were cleared, and the lockdown was lifted.

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<sup>324</sup> "RCMP Security Posture, Parliament Hill, October 22, 2014: Ontario Provincial Police Review and Recommendations," Royal Canadian Mounted Police (March 2015), <https://www.rcmp-grc.gc.ca/en/rcmp-security-posture-parliament-hill-october-22-2014>. Note that although the redacted version of this report is available on the RCMP website, the PDF version contains a footer stating that the report is "not to be used in affidavits, court proceedings or subpoenas or for any legal or judicial purpose without consent of the originator," and the report's contents are not to be reproduced in whole or in part without consent of the originator.



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- b. The OPP Report was not critical of the officers' responses and actions and noted that they had not received any mandated training to address threats such as this. The Report also identified issues with Incident Command and Control; this discussion was redacted.
- c. The approach to the security and protection of Parliament Hill was highly inadequate. The security framework for Parliament Hill makes it extremely difficult for all three agencies to provide proper service, making this area vulnerable and difficult to protect. The vast majority of security resources are stationed inside the buildings. (Further details are redacted.) The security posture on Parliament Hill the day of the incident was consistent with the procedures set out in the Parliament Hill Security Unit Standard Operating Procedures. However, the response was limited because of pre-existing deficiencies in training, pre-incident planning, and equipment. A "great number" of these deficiencies were identified in prior reports on video surveillance, perimeter pedestrian screening, and a proposal for a Parliamentary Precinct Security Force. The OPP Report found that the RCMP was not prepared to deal with this type of threat due to lack of planning, training, and resources.
- d. There is no radio interoperability between the RCMP and other police agencies; all communications with multi-jurisdictional partners take place over the OCC phone system. This lack of communication interoperability was a "major issue" during the incident. Members of the three agencies responsible for security were unable to communicate with each other directly, which delayed the effective relaying of information and prevented the efficient deployment of resources. The OCC was also short-staffed, which affected their operations.
- e. The Report identified issues with training of officers assigned to Parliament Hill and with joint training with other agencies such as the Ottawa Police Service and other emergency responders. (The details are redacted.) The Report also noted that the RCMP officers on Parliament Hill need access to a long gun with multipurpose capability.
- f. Budget cuts in 2012 limited the resources available for the RCMP posture on Parliament Hill. The resources have had to be maintained through reliance on reservists and overtime to meet required staffing levels. The RCMP's threat assessment of Parliament Hill was changed in January 2013 (presumably increased, but this information is redacted), but no additional resources were assigned. RCMP officers often request a transfer to Parliament Hill when they want to return to Ottawa. It is considered an inferior posting because it is perceived as a "security guard" position. Specific training and support would improve working conditions and make postings to Parliament Hill sought after.
- g. Only plainclothes officers of the House of Commons Security Service are armed. There is unlimited pedestrian access to the grounds through openings in the fence, and the fence only prevents vehicles from entering. (Parliamentarians and employees driving onto the grounds go through a Vehicle Screening Facility next to West Block.) Members of the public are able to walk to Centre Block, go into the building and through the visitor's area before they are asked to identify themselves, have their bags searched, and go through a metal detector. The Report also identified the fact that the gunman's access to a parliamentarian's vehicle clearly limited officers' ability to intercept him.
- h. The Report made reference to previous public complaints, the need to maintain the concept of "open public access," and the historic refusal to limit access by parliamentarians to the grounds, but the discussion on these issues is redacted. The Report made findings and recommendations on "outdated and lack of security equipment," evacuation plans, and airspace monitoring, which are redacted. The ongoing construction

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on Parliament Hill, which was expected to last another 15–25 years, creates challenges for providing proper security.

- i. The working relationship between the House of Commons Security Service, the Senate Protective Service and the RCMP is inadequate. They work separately with limited information-sharing and only interact during meetings of the Master Security Plan Committee. These three agencies use different communications systems with no interoperability, have separate training with no formal joint training exercises, and limited interactions between their members. The Report described them as operating in silos. Officers from each agency are unfamiliar with each other. Numerous reports have recommended a unified security force on Parliament Hill, which has led the three agencies to focus on self-preservation and fostered an “us-against-them” attitude. They are quick to find fault with each other instead of working together to provide a superior service. Following the incident, the House of Commons Security Service and Senate Protective Services announced that they would unify their services to have one service for Parliament building interiors. They also announced that their officers would be equipped and trained to carry firearms. The following year, the federal government announced that the RCMP would take over operational command of all security on Parliament Hill, including security oversight and the command of interior building security. The OPP review Report identified this unification as the most important change required to improve security on Parliament Hill and noted that it had been recommended in numerous other reviews.
- j. The relationship between the RCMP and Ottawa Police Service is excellent, with good cooperation and exchange of information between them. However, there is no consistency in calls for service to the OPS on Parliament Hill. The Review noted that OPS should be made part of the Master Security Plan Committee and should participate in training exercises with the Parliament Hill security agencies.
- k. The Report noted three earlier attacks at Parliament Hill that demonstrated how vulnerable the area is to attacks. It also identified six earlier reports regarding Parliament Hill security that made consistent recommendations in several areas, including interoperability with other services, tactics and training, staffing, and communications. The Report concluded as follows:

The unfortunate incidents of October 22, 2014 at the Cenotaph and Parliament Hill are a grim reminder that Canada is ill-prepared to prevent and respond to such attacks.

Fortunately, the attacker was unorganized. The end results could have been much worse with the likelihood of many more casualties.... There have been other terrorist related incidents and in Canada since October 22, 2014, that are indicators that similar attacks are possible and probable.<sup>325</sup>

- l. Historical and political influences (which are not named in the Report) have led to a resistance to changes in security recommendations made in past reports, reviews, and audits. The Report stated:

There have been numerous reviews and reports previously authorized by the RCMP, the Office of the Auditor General, Parliamentarians, other departments and individuals focusing on the Security of Parliament Hill. All of these reports have resulted in numerous recommendations similar to those proposed in this review. Unfortunately, few of these recommendations have been implemented... The escalation of terrorism threats and the ability for these terrorists to successfully utilize new technology support the need for updating security measures on Parliament Hill... Parliament Hill is a symbol

<sup>325</sup> “RCMP Security Posture,” p. 29.

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of Canadian democracy. If Canada is to remain vigilant and proactive in dealing with threats directed to this country, there has to be a willingness to implement changes to protect this area.<sup>326</sup>

### Recommendations Relevant to the Mandate of the Mass Casualty Commission

1. (Recommendation 23) Radio interoperability between police services in North America is an officer and public safety issue and has become the standard for multi-jurisdictional police operations. Radio interoperability allows one police service the ability to patch their radio system with another police service's radio system and conduct a joint operation where communications usually play a key role. This allows, when required, one police service to contact the other service by telephone and request & initiate radio interoperability. The patching of two talk groups would occur rapidly allowing two way radio communications to exist between both police services controlled by the dispatcher(s). Memorandums of Understandings should be in place with weekly testing of the system performed between the two agencies. Plain language should be used and not the traditional ten codes. Interoperability has proved invaluable during multi jurisdictional police responses for such events.
2. (Recommendation 60) The RCMP needs to provide training to its supervisors with respect to site management and control during a critical incident. The supervisor needs the ability to coordinate and direct resources to mitigate any situation.
3. (Recommendation 61) The RCMP should develop SOP's to have a trained Critical Incident Commander immediately attend the site and assume control of the incident from the site supervisor.
4. (Recommendation 63) Officers involved in a critical incident such as the incident on October 22, 2014, should be relieved and provided access to proper support and professional assistance at the earliest opportunity.
5. (Recommendation 66) Interagency debriefs must occur to identify gaps or issues with the developed plans.

### 5.6. External Engagement and Coordination: Parliament Hill Incident After-Action Review (RCMP National Division Review Team, 2015)<sup>327</sup>

After the incident on Parliament Hill in October 2014 and in addition to the security posture report prepared by the OPP (summarized above in section 5.4.), the RCMP National Division also conducted an "after action" review, focused on the external coordination and engagement of partners and the protective actions taken by the RCMP on the grounds of Parliament Hill. This review did not examine any pre-incident knowledge of the perpetrator or resourcing of the partner

<sup>326</sup> "RCMP Security Posture," p. 10–11.

<sup>327</sup> "External Engagement and Coordination: Parliament Hill Incident on October 22nd, 2014 – After-action Review" RCMP National Division Review Team (29 April 2015), <https://www.rcmp-grc.gc.ca/en/external-engagement-and-coordination-parliament-hill-incident-october-22nd-2014-after-action-review>. Although the Report is available on the RCMP website, the publicly available version contains the following note: "Throughout the document \*\*\*\*\* denotes where content was redacted as per the Access to Information Act and Privacy Act. Due to the content redactions, the report was reformatted and therefore differs from the original version submitted to the RCMP." The Mass Casualty Commission issued a subpoena to the RCMP on 25 February 2022 for two reports associated with the RCMP response to this incident. As of 16 May 2022, the Mass Casualty Commission has not yet received these records.

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agencies. (A separate OPP review investigated the shooting of Michael Zehaf-Bibeau and concluded it was justified.) The National Division worked with representatives from the RCMP Internal Audit, Evaluation and Review Branch to conduct the review, using interviews, questionnaires, video and other evidence from the incident, and a focus group with external partners and RCMP members. The draft report and recommendations were circulated to the partners prior to finalization of the report.

The Report described Operational Plans as “predefined courses of action that culminate into an overall response that is believed to have the highest probability of achieving success, relative to an organization’s strategic and tactical goals and objectives.”<sup>328</sup> It noted the importance of Emergency Operational Plans (EOPS):

In crisis situations, organizations shift into a reactive mode, and the likelihood of communication breakdowns increase. An EOP strives to alleviate the potential impact of communication breakdowns on operational responses by:

- a. Assigning responsibility to organizations and individuals for carrying out specific actions at specific times and places relative to a specific situation;
- b. Clearly defining governance structures (authorities and organizational structures);
- c. Detailing how resources (human, financial and capital) will be protected during an emergency;
- d. Identifying the resources available for use during the response to an emergency situation; and
- e. Articulating mitigation strategies that are acceptable in responding to an emergency situation.<sup>329</sup>

The Review identified the following issues with respect to the external engagement and coordination of the events of 22 October 2014:

1. There had been almost no joint training between law enforcement and security service providers within the Parliamentary Precinct prior to the events. The review stated that all first responders in a multi-jurisdictional environment should be familiar with the various operational approaches of their partner organizations. They should also have a pre-established approach to responding to a critical incident. The review identified the success of the RCMP ERT and Ottawa Police ERT in securing and evaluating the buildings during the event as evidence of the value of joint training.
2. The Report noted issues with respect to the ability of first responders to deliver urgent trauma care in critical incidents. It identifies that “life or death can be directly attributed to the first responder’s ability to provide life saving techniques and strategies to trauma victims.”
3. The Report also identified problems with the evacuation of the grounds of Parliament Hill and confusion around access and evacuation routes. It noted that in a crisis, the greatest risk of injury arises from the efforts of a mass of people trying to leave a contained area. (Further details of this discussion are redacted.) The Report also identified issues with vehicle traffic on Parliament Hill, the availability of up-to-date floor plans, surge capacity and operational readiness, and the capacity of the National Capital Region Command

<sup>328</sup> “External Engagement and Coordination,” p. 8.

<sup>329</sup> “External Engagement and Coordination,” p. 8.

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Centre (NCRCC) to sustain 24/7 operations for long periods (the details of which are redacted).

4. The Review considered the decision-making process and governance structure at the time of the events. It found that the overall decision-making was effective because of the existing relationships and coordination between the RCMP, the House of Commons Security Service, and the Senate Protective Service. However, it identified the fact that the governance and accountability for these agencies operate in silos as potentially impeding the implementation of the recommendations in the review and other reviews, as well as limiting operational and administrative efficiency.
5. The NCRCC is a permanent facility responsible for the direction, control, coordination, and support of incidents or major events in the National Capital Region and operates as the NCR's Emergency Operations Centre. It operates under the direction of the National Division's Officer in Charge (OIC) of Criminal and Protective Operations. It includes representatives from all partner agencies and is activated in crises situations that constitute threats to the security of Canada. It houses the Communications Centre for the event, monitors equipment and personnel requirements, acquires, analyses, and disseminates intelligence, and records key response activities, including emergency notifications, major response actions, evacuations, and responder casualties. The NCRCC was activated during the October 22, 2014 incident. The After-action Review found that there were significant concerns regarding the structure within the NCRCC. The Incident Commanders received conflicting information, which complicated the decision-making process and impeded the NCRCC's ability to fulfill its mandate effectively. As well, no investigative information was communicated to the NCRCC during the incident, which affected its ability to make informed decisions aligning tactical responses with investigations. Although the recommendation on this issue was redacted, the Review noted that as a result of the Moncton incident, Air Services was engaged at the onset of NCRCC or Division Emergency Operations Centres, which was well received.
6. Further discussion of the use of Air Services was redacted, except for a reference to an onsite resource having provided necessary information surrounding the regulation of the aviation industry and providing a direct link to aviation resource requirements.
7. The Review described the Incident Command System, which had been proven and highly refined over the previous years and followed by the RCMP and the Ottawa Police Service. It noted that there are two different training mechanisms for critical incident command: the Critical Incident Commanders Course is taught at the Canadian Police College and available to any law enforcement member who will be responsible for leading and commanding a critical incident, while the Incident Commanders Course is taught at the Justice Institute of British Columbia and available to any individual who would be responsible for leading, managing or commanding a critical incident. The Review stated the following regarding critical incident responses:

Critical incidents require special organizational skills and abilities on the part of responders managing personnel in order to attain a successful outcome. These special skills make it essential that all first responders (with[in] a jurisdiction) have consistent and appropriate training in order to ensure the seamless management of crisis situations. Having a common understanding and approach to a wide range of crisis and critical-incident intervention strategies, will ensure that all responders within a specific jurisdiction are able to manage and control a complex critical-incident environment.<sup>330</sup>

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<sup>330</sup> "External Engagement and Coordination," p. 13.

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8. The Report also identified a lack of clarity regarding which organization had authority to issue and lift the lockdowns placed on government buildings in the downtown core of Ottawa, regarding whether this incident should be investigated as a criminal matter by the Ottawa Police Service, or by the RCMP as a national security matter. The incident also raised issues with respect to the RCMP's mandate to protect the Prime Minister.
9. All of National Division's operational and administrative resources were deployed to respond to the incident. Employees from National Headquarters filled the gaps left by this deployment, but poor coordination and inconsistent messaging between National Division and National Headquarters caused confusion and frustration among employees.
10. A significant portion of the Report focused on communication issues. The review stated:  
Inefficient and ineffective operational communications during a critical incident will not only result in a breakdown in operational responses but create undue frustration and confusion amongst stakeholders, negatively impact the reputation of all organizations involved, and increase the length of time for complete resolution of a critical incident.<sup>331</sup>
11. The Report identified the following problems with operational communications during the incident:
  - a. Interoperability of communication technology, which created unnecessary delays in creating situational awareness. An example was given of the initial 911 call.
  - b. Communication centres in makeshift/secondary command posts, which were intended to provide a centralized point of coordination for all tactical responders as well as act as the communications bridge between the NCRCC and frontline responders;
  - c. Integration of member-to-member communication during the incident;
  - d. Lack of a standardized radio protocol;
  - e. Inability to communicate with people locked down in the Parliamentary Precinct buildings; and
  - f. Delays in providing key partners and potential responders with situational awareness.
12. The Report also identified issues regarding external communications during the incident:
  - a. Representatives from National Communications were sent to assist the National Division communications team during the first press conference held at National Division. However, the National Division communications team was not part of the coordination process, which led to failures to meet the National Division communication standards in the use of social media, translation, and logistics. The Review identified as a best practice the fact that National Division Communications was in constant communication with the Communications and Media Relations Unit at the Ottawa Police Services, which led to joint press releases and coordinated and consistent messaging.
  - b. Occupants locked down within the Parliamentary Precinct were sharing information, including operational movements and situational details, via social media, telephone interviews, and other media sources. (The details of this discussion are redacted.)
  - c. Various representatives from National Communications at Headquarters placed pressure on the National Division communications representative in the NCRCC, and there were problems providing the Communications lead in the NCR with timely information on operational decisions that would result in an increase in media requests. The Review identified as a best practice the use of Twitter to issue warnings

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<sup>331</sup> "External Engagement and Coordination," p. 14.

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to people in the downtown core to stay away from rooftops and windows, to advise the public of the status of the situation, and to support the ongoing investigation. The Report referred to the successful use of Twitter during the Moncton incident and said “Moving forward, it is essential that the best practice of leveraging social media as a vehicle for all communications (i.e., during a critical incident and as a means to increase public awareness) ... be continued.”<sup>332</sup>

The Report concluded by noting that although there were gaps and unacceptable levels of risk requiring recommendations for improvement, the organizations involved worked together to ensure the safe resolution of the incident and were courageous in their operational response.

#### Recommendations Relevant to the Mandate of the Mass Casualty Commission

1. (Recommendation 1) It is recommended that mandatory Joint scenario based training, that includes a mix of table top exercises and operational training exercises, between all first responders (RCMP, OPS, Parliamentary Security, SQ Gatineau Police, OPP, EMS) within the National Capital Region be continued and expanded upon on an annual basis (at a minimum) to enhance tactical familiarity, establish trust, which will foster efficient and effective operational interactions and responses to incidents within the Parliamentary Precinct.
2. (Recommendation 16) It is recommended that make shift command posts have the capacity to provide communication centres for all first responders during a critical incident/emergency, including ERT and Ottawa EMS.
3. (Recommendation 17) It is recommended that a cross-jurisdictional working group be established to examine the issue of integrated operational communications during a critical incident and/or emergency situation. The feasibility of solutions like primary and secondary radio channels should be examined. The mutual aid channels would enable all first responders to communicate with each other as required. The primary channel would be dedicated for critical incident/emergency communications and the secondary channel would be reserved for non-urgent communications.
4. (Recommendation 22A) It is recommended that any and all communications relating to a critical incident that is unfolding in a Division be led by the Division's communication lead. Coordination between National Headquarters and the Divisional leads should align with established communication protocols that clearly define the roles and responsibilities surrounding communications during a critical incident. In the event that these communication protocols don't exist, it is recommended that they be developed, formalized and implemented.

#### 6. GENDER-BASED AND INTIMATE PARTNER VIOLENCE

The Order in Council directs the Mass Casualty Commission to examine “contributing and contextual factors, including the role of gender-based and intimate partner violence” ((b)(i)) and “police policies, procedures and training in respect of gender-based and intimate partner violence” ((b)(iv)). Media reports suggest that members of the community may have reported concerns about assaults by the perpetrator against his partner years prior to the events of April 2020 and may likewise have reported that he had a cache of illegal firearms. Other media reports suggest that past behaviour of the perpetrator towards one neighbour may fit the definition of gender-

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<sup>332</sup> “External Engagement and Coordination,” p. 18.

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based violence (criminal harassment). The events of April 2020 reportedly started when the perpetrator restrained and attacked his common-law spouse.

The Mass Casualty Commission research and policy team has adopted the following deliberately expansive working definitions of gender-based and intimate partner violence in order to identify potentially relevant reports for this environmental scan:

Gender-based violence is defined as any violence (including threats, harassment, coercion, or other conduct that instills fear in the target of the behaviour), where that behaviour may have a gendered basis or component.

Intimate partner violence is defined as any violence (including threats, harassment, coercion, or other conduct that instills fear in the target of the behaviour), where the target of that behaviour is or has been in an intimate partner relationship with the perpetrator of the violence. Intimate partner violence may be mutual violence – i.e., it may be violence committed by two parties who are within an intimate relationship, against one another.

## 6.1. Nova Scotia

### 6.1.1. Changing Perspectives: A Case Study of Intimate Partner Homicide in Nova Scotia (Health Canada, 1995)<sup>333</sup>

Following the murders of a number of women in Nova Scotia and elsewhere in Canada, the Family Violence Prevention Division of Health Canada commissioned Peggy Mahon from St. Francis Xavier University to conduct a study, which was released in February 1995. The study identified the factors involved in intimate partner homicides and made recommendations to improve government and community responses to escalating spousal violence. Ms. Mahon reviewed seventeen intimate partner homicides from the previous five years, using qualitative methodology. The specific methodology used is not explained in the excerpts available to the Commission, but the author states that she examined the dynamics of the relationships leading to the homicides and determined the history of contacts made by both partners in each case with the criminal justice system, health care system, child protection agencies, community supports such as family members and friends, shelters, churches and workplaces.

Eleven of the seventeen cases had male perpetrators who killed their female partners or ex-partners; six had female perpetrators who killed their male partners or ex-partners. (The author noted that these ratios are not the norm and that there were no known same-sex intimate partner homicides during the study period.) Two of the cases were Black couples, and the remainder were white. The relationships ranged in duration from four months to 24 years.

Ms. Mahon made the following findings regarding the dynamics of the intimate partner relationships:

- a. Most of the relationships started as “normal” relationships in the eyes of the couple.

<sup>333</sup> “Changing Perspectives: A Case Study of Intimate Partner Homicide in Nova Scotia,” Family Violence Prevention Division of Health Canada (February 1995). The Mass Casualty Commission requested this report through a subpoena to the Government of Nova Scotia. Only the report’s Executive Summary and Chapter 9 (Recommendations) were provided in response to the subpoena. This summary is drawn from these excerpts.



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- b. Male possessiveness or ownership over the woman was a common factor, as was emotional dependency by the men on the women.
- c. In each case, there was a “turning point” that led to an escalation of control, violence and, ultimately, the homicide. In fifteen of the cases, the turning point involved the man’s perception of the woman’s behaviour (such as real or imagined affairs, efforts to gain economic independence, challenging the man’s control or potentially leaving) as threatening to the status of the relationship. In the two other cases, the woman perceived the man’s behaviour (such as real or imagined affairs or potentially leaving) as threatening to the status of the relationship and confronted the man, who in turn escalated the control and violence. The key element in all the cases was the potential or actual loss of the relationship, and the man’s belief that he owned the woman and had the right to keep her in the relationship.
- d. The escalation in violence leading to the homicides involved economic control, physical and sexual violence, and psychological terrorism. This included threats of murder and suicide, stalking, forced isolation, use of weapons, and using the children. Prior to the turning point, the women had managed the violence. Following the turning point, the women tried to resist the increased control, protect the children, and escape. They often returned. They became exhausted and worn out.
- e. The men denied the violence, blamed their partners for the violence they inflicted, developed problems with their employment, and their health deteriorated, including their emotional health. They became agitated, anxious, and exhibited erratic or unusual behaviour. Male abuse of alcohol intensified the violence. The eleven men who killed their partners became obsessed or fixated over the partner’s alleged affairs or career, or about getting the partner to return to the relationship. They refused to believe the relationship was over. Eight of the eleven men attempted or committed suicide.
- f. The women who killed their male partners were in relationships in which the male partner inflicted severe physical violence upon them. Both partners in these relationships tended to abuse alcohol and were frequently intoxicated. The women were violent with the men and used weapons during the period of escalation. They had experienced trauma from violence in their past and in their current relationships and felt desperate and trapped. They believed they were unable to escape the violence due to poverty, fear of potential homelessness, and fear of the partner.
- g. There were what the author referred to as “observable indicators” of the turning point and escalation of violence, noticed by friends, family members, and neighbours, as well as by service providers.
- h. Over half of the couples shared the following points of contact with service providers: police, family doctor, hospital Emergency Room, municipal social services, workplace, and families. Some couples had contact only with their workplaces and their children’s schools. The author described these points of contact as significant because they are common opportunities for intervention. The family doctor, in particular, was the most frequent point of contact and, because of their role as a referral source, was in contact with the most other service providers. Probation was another common contact point for abusive men.
- i. The Report analyzed the reasons for these contacts, which the author described as “presenting problems.” The women sought help from a variety of service providers for problems associated with the violence, including personal safety, housing, economic issues, health, emotional support, and protection of their children. Almost all of the women had economic issues, frequent moves, evictions for “disturbances,” and many presented

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with mental health problems. The women were more likely to voluntarily disclose the violence to family, friends, clergy, people in the workplace, and staff at women's shelters than they were to government agencies.

- j. Many of the children also demonstrated behaviour problems such as sleeplessness, hyperactivity, and conduct problems at school and in the community.
- k. The men also sought assistance for emotional support, housing, economic or health problems. Some men were unable to go to their parents' home upon the end of the relationship because they had experienced abuse as a child or had been abandoned. Five of the men who had left the family home or been removed by police had nowhere to go and were virtually homeless. Thirteen men had significant problems with employment during the period leading to the homicide. Men were most likely to seek emotional support from family members, friends, or members of the clergy. A third of the men had health problems, including depression, suicidal tendencies, and anxiety. Five of the men were being treated for mental health issues in the two years before the homicides. All of them had acute anxiety, depression, and suicidal thinking. Two had told their therapist or doctor of homicidal-suicidal thinking or that they had attempted to kill their partners and themselves.
- l. The women who became violent primarily did so when they experienced an escalation in violence by their male partners. The Report found that "it was the men in these cases who repeatedly beat the woman, who sexually assaulted the women," who tried to prevent them from working or accepting promotions, who beat them over suspected affairs, and who relentlessly stalked the women when they tried to leave the relationship. The Report also noted that these men used ropes, knives, forced isolation, threats to kill, suicide pacts, and attempted homicide and homicide-suicide plans before the women killed them.

The Report identified the following issues with government agencies and community supports:

- a. The "failure to identify and link the violence or patterns of violence in the relationships to the presenting problems."<sup>334</sup> The author identified this as the most critical issue in service response. This was caused by a lack of mechanisms to systematically document patterns of violence and communicate those patterns through the system. As well, the limited mandates of service providers other than police to identify and record patterns of violence led them to fail to ask questions about the relationships and violence.

Nine of the couples were involved with the criminal justice system before the homicides. Ms. Mahon made the following observations:

There were severe problems with the lack of mechanisms to identify the patterns of violence and to link the patterns to the presenting problems and to appropriate charges. There were also problems with lack of mechanisms to document the patterns of violence. Therefore, the police, Crown prosecutor, the courts, and probation officers were not able to recognize, understand and communicate the patterns of violence, (such as stalking behaviour and indicators of an intimate partner homicide-suicide plan) from one component of the system to the other.

Most of the presenting problems the police responded to in these cases were directly linked to physical assaults, psychological terrorism involving threats to kill, use of weapons, stalking, forced isolation and to homicide-suicide plans. The police, however, were responding incident by incident. When taken incident by incident, a number of the presenting problems were primarily summary offences,

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<sup>334</sup> "Changing Perspectives," Executive summary, p. xvi.

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such as property damage, intoxication in a public place, causing a disturbance, and mischief. The resulting charges were neither linked to the women nor to violent behaviour. What happened then was a chain reaction through the criminal justice system. Because the charges were not linked to the pattern of violence, and because there is no way, at present, for the police to systematically link each incident to the patterns of violence, the information to the Crown was not documented in a way to understand it as a pattern of violence or an indicator of a very serious situation, such as a homicide-suicide plan. The Crown and the court then did not prosecute or sentence in a way to reflect the seriousness of the situation, results were that the court did not treat men as violent offenders, did not hold some men on remand to a bail hearing and sentenced lightly.

In many situations the police had a great deal of information, but they had no mechanisms to systematically document the information. Information was documented as separate incidents, documented in different locations within their information systems, or not documented.<sup>335</sup>

- b. Failure to recognize the degree of danger when violence was identified; and failure to take the situation seriously:

The police did not treat some situations seriously. They did not tend to lay charges in the known reported assaults and did not link the threats to kill or suicide threats to patterns of stalking behaviour or forced isolation. In a number of cases the police stopped laying charges, stopped responding, did not investigate thoroughly or did not respond. The individual's demeanour, how they were known, a history of not showing to testify, substance abuse, and focusing on another theory, influenced their response. The police became frustrated and de-sensitized in repeat cases involving alcohol.<sup>336</sup>

- c. Lack of or poor documentation; and lack of or poor communication within a system or between various systems: "Neighbouring police forces, which were dealing with the same situation, did not communicate with each other. This resulted in fragmented information on past history of offences and contact with police and, therefore, poor response by police."<sup>337</sup>
- d. Overloaded systems, including high caseloads, lack of resources, and long waiting periods. This in turn led police, probation officers, income assistance, and child protection workers to focus only on the highly visible issues. The presence of substance abuse in particular tended to draw attention away from all other issues. A number of the people in the couples had multiple presenting problems (such as substance abuse, poverty, and health problems), which made the police and other service providers feel powerless to help them and required them to focus on the most immediate crisis rather than explore underlying causes. Only four of the women in the 17 couples went to transition houses or other shelters, and they did not stay long enough to use their services. The remainder did not seek the support of a transition house or called and were told there was no space available. A number of people working in transition houses told the author that they did not have the outreach resources to effectively reach some of the more remote rural communities. A lack of shelters for men in rural communities was a significant problem. None of the men in the study were referred to men's counselling programs. In many of the communities such programs did not exist at the time. Most of the existing programs did

<sup>335</sup> "Changing Perspectives," Executive summary, p. xix.

<sup>336</sup> "Changing Perspectives," Executive summary, p. xix.

<sup>337</sup> "Changing Perspectives," Executive summary, p. xx.

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not treat men who deny their violent behaviour, meaning that there was no counselling available for those men.

- e. The need for improved policies and training on identifying and responding to violence. When developing policies,

consideration must be given to the imbalance in the power dynamics of violence relationships, which usually results in women being the victims of coercive control and violence. In this respect, consideration must also be given to how and why women become violent, and why men become the victims of violence.<sup>338</sup>

Child protection agencies also failed to address the safety of women. Their focus on the welfare of children and lack of engagement with the male abusers who had left the home led them to ignore the women's continued safety as long as they appeared to be attempting to protect the children. Health care providers' tendency to focus on diagnosis with predictable methods of treatment led them to miss opportunities to properly identify the danger facing the patient or their spouse and to intervene and provide adequate treatment or services.

- f. Racism, both systemic and individual, which resulted in a lack of understanding of and sensitivity to people and also led to missed interventions. The vast majority of service providers were white, and members of the Black community interviewed by Ms. Mahon said they were not comfortable accessing predominantly white service providers, given the discrimination and racism they may experience. Black women were also protective of their families and communities and reluctant to testify against their partners. A lack of understanding of cultural differences and the impacts of racism led to service providers misunderstanding women's reactions, providing inappropriate supports, and missing opportunities for intervention.
- g. A lack of early intervention and public education programs. An early prevention strategy could address childhood abuse, self-esteem, male/female roles, conflict resolution, and relationship violence. Virtually all the people interviewed for the study also spoke of the need for public education and awareness.
- h. Problems with the accessibility of information, support, advocacy, and counselling for women and men:

There is a need to provide coordinated, comprehensive, and accessible community-based services to all women and men that are reflective of the communities in which they are located. This would include sensitivity to: rural populations; all ethnic communities; persons with disabilities; different age groups; and sexual orientation.<sup>339</sup>

The Report made recommendations focused on the key issues identified in the study. The recommendations focused on strategies for crisis intervention, long-term support, and prevention. Given the author's findings that the women who killed their partners did so in the context of recurring and escalating violence by their partners, the recommendations focused on the women as the primary victims of violence and on men as the primary perpetrators of violence. The author stated:

At any number of intervention points in this study, if the violence had been identified, and an appropriate intervention had occurred, the homicides may have been prevented. While

<sup>338</sup> "Changing Perspectives," Executive summary, p. xvii.

<sup>339</sup> "Changing Perspectives," Executive summary, p. xxvi.

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this study cannot conclude that every violent relationship will lead to homicide, it can strongly suggest that appropriate interventions in violent relationships could prevent a potential homicide. The recommendations assume therefore that appropriate interventions in all violent relationships will not only likely prevent a homicide from occurring but will enable women, children, and men to live in a domestic violence-free environment.<sup>340</sup>

The Report also included a chapter containing guidelines for the implementation of the recommendations. The author noted that in recent years, violence against women had resulted in a number of studies by government and non-governmental organizations:

Many of the studies contain recommendations for improved collaboration and co-operation between all organizations and individuals with a role to play in eliminating violence against women. Unfortunately, a major obstacle to implementation has been the failure to identify a specific process for responding to these recommendations.<sup>341</sup>

The implementation guidelines were developed during a workshop attended by the members of the study's Research Advisory Committee and the people who participated in the study's analysis consultation.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- a. (Recommendation 1-1) The Nova Scotia government should formally declare that the province and its residents advocate and practice living in a domestic violence-free environment, where family violence in all aspects, including intimate partner violence, child abuse, and elder abuse is not acceptable and will be acted upon as criminal offences.
- b. (Recommendation 1-2) The Nova Scotia government should commit to working toward ending discriminatory practices based on sex, race, class, age, ability, or sexual orientation that are perpetuated through schools, government agencies, workplace, the family, and the media. The two areas of discrimination that have particularly surfaced in this study have been sexism and racism.
- c. (Recommendation 1-2-1) The Nova Scotia government should acknowledge that sexism fundamentally impacts on lives of residents of Nova Scotia. Sexism shapes women's and men's attitudes and images about themselves, their intimate partner, their relationships and their expectations about jobs and careers. It impacts on women's right to live in a domestic violence-free environment and their ability to make choices about work, careers, and living arrangements. It impacts on men's beliefs about their ability to take power and control in relationships. Sexism impacts on women when men become violent to maintain their control and power in relationships and when men escalate the violence when their partner wants to be more independent from them.
- d. (Recommendation 1-2-2) It is imperative that the Nova Scotia government recognize that racism has created barriers for the Black community, the Mi'kmaq community, and other ethnic communities, to education and employment opportunities and to accessing resources and services that are reflective of the culture or their experience. This has led to self-protection, fear, and a mistrust of the predominantly "White" system. These barriers should be addressed in order for women of ethnic groups to live in a domestic violence-free environment.

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<sup>340</sup> "Changing Perspectives," p. 252.

<sup>341</sup> "Changing Perspectives," p. 273

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- e. (Recommendation 1-3) The Nova Scotia government should work toward eliminating the social and economic barriers for women to leave their partner or that force them to go back to their partner such as access to an adequate level of income.
- f. (Recommendation 1-4) The Nova Scotia government should recognize that the central issue for women who were experiencing violence by their intimate partner is safety. Women must feel emotionally and physically safe in order to disclose the violence. They need to know they will be protected and believed. Women must be able to make their choices through consistent information, consistent support, and consistent responses when they request help. Women who have been in violent relationships require advocacy, self-esteem building, counselling, adequate childcare, an adequate income, accessible and affordable housing, and help with legal issues.
- g. (Recommendation 1-5) The Nova Scotia government should recognize that the central issue for men who are violent is accountability. Men must be made accountable for their violent behaviour through consistent enforcement of criminal laws and through constructive confrontation to address the denial of the violence. Men need information, education, and counselling to address changes in behaviour and attitudes. The government must recognize [that] the effect of not consistently making men accountable for their behaviour is to reinforce women's silence about the violence and to reinforce that violence is a private matter.
- h. (Recommendation 1-6) The Nova Scotia government should recognize that there are stages to intervention in intimate partner violence. Those stages are prevention, crisis, and long-term support. Strategies must address all three stages.
- i. (Recommendation 1-7) The Nova Scotia government should continue with its commitment to a coordinated strategy to address the issue of intimate partner/ex-partner violence through the Family Violence Prevention Initiative. This study has shown that no one single area can be designated as responsible for dealing with this issue. It is important that there should be awareness among the general public, that there should be coordinated community-based responses, and that there should be commitment to a coordinated response by the justice, health care, social services, education systems, the workplace and the church.
- j. (Recommendation 1-8) The Nova Scotia government should recognize the importance of and ensure that there should be accountability for directives, procedures, and protocols related to identifying and responding to intimate partner/ex-partner violence.
- k. (Recommendation 2-1) All government agencies and community supports should develop identification and response protocols.
- l. (Recommendation 2-2) All policies and procedures must be considered in the development of protocols. Policies and procedures that would re-victimize women for disclosing the violence should be eliminated, (e.g., potential of losing income, losing custody of children, losing housing).
- m. (Recommendation 2-3) All protocol development should be specific and appropriate to the mandate of the agency. Protocols should include the following elements for both women and men:
  - a. Procedures to identify violence
  - b. Procedures for provision of information and support to the victim of violence
  - c. Procedures for referral to appropriate community agencies
  - d. Procedures for provision of information for men to appropriate men's counselling programs
  - e. Procedures and mechanisms for documentation of the violence

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- f. Procedures and mechanisms for communication to other components of the particular system or to other systems
  - g. Procedures and mechanisms for follow-up
  - h. Procedures to ensure consistency of response.
- n. (Recommendation 2-4) All training should include the realities of the dynamics of violent intimate partner relationships, the impact on individuals, the community and their particular government agency or community organization, and the appropriate response according to the agency mandate and protocol.
  - o. (Recommendation 2-5) All workers/service providers should receive ongoing training in the dynamics of violent relationships.
  - p. (Recommendation 2-6) This training should be provided for both new appointees/staff appointments and as in-service courses at regular intervals.
  - q. (Recommendation 2-7) This training should promote an understanding of the various patterns of violence, the contributing factors associated with escalating violence, and the power imbalance in the dynamics of violent relationships. It is important that everyone gain an understanding of the seriousness of economic and psychological violence. Threats, stalking, forced isolation, intimidation, threats of suicide, "suicide pacts," and use of the children are all methods of psychological terrorism and must be treated seriously. Training should include the impact of violence on women—why women do not want to disclose the violence and why women reconcile with a violent partner. Training should include that men tend to deny the violence and blame the problems in the relationship on the women. Training should also include why some women become violent and why some men become victims of violence.
  - r. (Recommendation 2-8) This training also should address personal barriers to identifying the violence, such as attitudes, beliefs, and values about male/female roles in relationships, personal experiences with violence, and raise sensitivity and awareness on attitudes and behaviours that may be racist, sexist or classist.
  - s. (Recommendation 2-9) Workers should have training in nonviolent crisis intervention and workers should address their fears and anxieties in dealing with some clients.
  - t. (Recommendation 2-10) All protocols and training should recognize that the central emphasis should be on the safety of the woman who is abused, and all procedures in contacting and communicating with the woman should concentrate on continuing to support her to make choices, to believe her, and to be non-judgmental regarding her decisions to stay, not to testify, or to reconcile with her partner.
  - u. (Recommendation 2-11) Black communities, Mi'kmaq communities, and other ethnic communities should have services that are reflective of their culture and that understand their experience.
  - v. (Recommendation 2-12) All government agencies and community supports should create environments that are sensitive to and accessible to the Black communities, Mi'kmaq communities, and other ethnic communities.
  - w. (Recommendation 2-13) All government agencies and community supports should consider the particular barriers to people living in isolated rural communities, to persons with disabilities, to various age groups, to people with limited incomes, and to sexual orientation. (Although sexual orientation was not identified as a particular barrier in this study, it could be a barrier to disclosure of violence in an intimate partner relationship).
  - x. (Recommendation 2-14) All workers/service providers should have ongoing sensitivity training.

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- y. (Recommendation 2-15) All government agencies and community supports should include education on addictions for all service providers and supervisors, on how to intervene appropriately for women and men with addictions.
- z. (Recommendation 2-16) All government agencies and community supports should develop partnerships within local communities to offer support to themselves, to share expertise, to add expertise to their service delivery, and to enhance a coordinated response.
- aa. (Recommendation 2-17) All government agencies and community supports should develop mechanisms to assist police and workers with cases that involve multiple issues, to ensure that the response does not deteriorate.
- bb. (Recommendation 2-18) All team case management approaches should include comprehensive approaches to the situation and that has client support as its central focus. Violence and the woman's safety must always be considered as a potential area of consideration.
- cc. (Recommendation 2-19) An assessment instrument should be developed that clearly identifies the presence or absence of contributing factors to escalating violence.
- dd. (Recommendation 2-20) Such an assessment instrument should be administered either through men's counselling programs or through the criminal justice system, with appropriate training.
- ee. (Recommendation 2-21) Assessments should be completed prior to sentencing or prior to application for a judicial interim release, or show cause hearing to determine if the suspect/offender can be released into the community.
- ff. (Recommendation 3-1) All police officers, Crown Prosecutors, judges, probation officers, corrections officers and Victim's Services staff should be given appropriate tools, protocols, training, documentation, communication, and resources to effectively intervene in intimate partner/ex-partner violence.
- gg. (Recommendation 3-2) All police officers, Crown Prosecutors, judges, probation officers, corrections officers, judges, and Victim's Services staff should receive comprehensive and ongoing training in the dynamics of violent relationships, as described in Training and Protocol Development.
- hh. (Recommendation 3-3) In addition to the basic elements of protocols identified under Training and Protocol Development, all criminal justice protocols should include that the woman be given information about conditions of orders and her options for reporting breaches, about changes in incarceration dates, including temporary absences or early releases, about any violations of orders and/or including not meeting conditions of orders due to denial of the violent behaviour.
- ii. (Recommendation 3-4) All components of the criminal justice system should reinforce to offenders of intimate partner/ex-partner violence at each stage of the proceedings that it is the responsibility of the criminal justice system to prosecute all offences involving partner/ex-partner violence. This will include, at the time of arrest, application for judicial interim release, preliminary hearing, trials, sentencing, violations of orders, and no contact conditions.
- jj. (Recommendation 3-5) All components of the criminal justice system should reinforce to offenders of intimate partner/ex-partner violence that no contact means no contact, including letters, phone calls, and gifts.
- kk. (Recommendation 3-6) All policing agencies should follow the charging directive.



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- ll. (Recommendation 3-7) Upon review of the criminal harassment law,<sup>342</sup> a new charging directive should be issued to all policing agencies and Crown Prosecutors. This new directive should include the criminal harassment law.
- mm. (Recommendation 3-8) All police should receive training on the criminal harassment law.
- nn. (Recommendation 3-9) A police response protocol should be developed and adhered to by all police agencies in Nova Scotia in their response to cases of intimate partner violence. The police protocol must include procedures for documentation of the incident and the history of violence in the relationship. Given the findings of the study, the protocol must include the following: that under no circumstances will the demeanour of the woman or man, or past knowledge of her/his behaviour be a determinative factor in consideration of laying of a charge; that under no circumstances will the presence or absence of alcohol on the part of either parties be the determinative factor in the consideration of the laying of a charge; that under no circumstances will a woman be asked either directly or indirectly if she wants charges laid by the police, if she wants to lay charges or if she is willing to follow through with charges or testify in court; that both parties will be advised that it is the responsibility of the police to lay the charge(s)...
- oo. (Recommendation 3-10) All police should receive training to improve their understanding of issues related to women and addictions.
- pp. (Recommendation 3-11) All telephone calls to dispatch and to individual police officers, all contacts, all interventions, and all charges related to the woman or the man should be documented and linked so that patterns of behaviour and violence can be detected and tracked. This would include all the kinds of contacts identified in this study and calls from the woman and others including transition house staff, clergy, neighbours, family members.
- qq. (Recommendation 3-12) Police information systems should be linked so that peace bonds, charges, dispositions, and violations of court orders can be shared between neighbouring policing agencies.
- rr. (Recommendation 3-13) When charges are laid and the basis for the behaviour or the intent is related to intimate partner/ex-partner violence, a mechanism should be developed to link the charge to the violent behaviour and the charge should automatically become indictable. This may involve changes to the Criminal Code of Canada, e.g., damage to property with intent, similar to Break and Enter with intent. The mechanism *must* indicate to the Crown prosecutor and to the judge that the offence is a pattern of intimate partner/ex-partner violent behaviour.
- ss. (Recommendation 3-14) Mechanisms should be developed to document the patterns of violence, such as stalking, forcible confinement, or a homicide-suicide plan. Such documentation should be presented to the Crown Prosecutor as a serious situation. The Crown Prosecutor should request a show cause hearing, based on this documentation, to detain in custody to the court hearing.
- tt. (Recommendation 3-15) Better mechanisms should be developed to remove the man from the home. In some cases, the woman was arrested and locked up for public intoxication because she ran outside after the police or was pushed outside by her partner.
- uu. (Recommendation 3-16) In all cases of intimate partner/ex-partner violence and when an offence is alleged to have been committed under the Criminal Code of Canada and/or any other applicable legislation, the police should exercise their powers of arrest, whether the

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<sup>342</sup> At the time of the study, laws pertaining to stalking were under review.

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alleged offence be summary conviction, hybrid, or indictable, in all but the most exceptional cases.

Pursuant to Section 495(1) of the Criminal Code, a peace officer may arrest without a warrant in certain cases, such as when the peace officer has reasonable and probable grounds to believe that a person has committed or is about to commit an indictable offence, or if the peace officer finds a person committing a criminal offence.

Section 495(2) of the Criminal Code states that peace officer shall not arrest a person without a warrant for, *inter alia*, offences punishable on summary conviction, or offences for which the person may be prosecuted either by indictment or by way of summary conviction (hybrid offences), in any case where:

(d) he believes on reasonable grounds that the public interest, having regard to all the circumstances including the need to (i) establish the identity of the person, (ii) secure or preserve evidence or of relating to the offence, or (iii) prevent the continuation of the offence or the commission of another offence, may be satisfied without so arresting the person.

In situations of intimate partner/ex-partner violence where repetition of offences do occur, the police officer could exercise powers of arrest for summary offences such as assault, breach of recognizance, and breach of probation under (d) (iii).

Under Section 542(2), a peace officer has the power to arrest a person without a warrant when he or she believes on reasonable grounds that the person has disobeyed or is about to disobey any conditions of judicial interim release, or has committed an indictable offence while on judicial interim release.

- vv. (Recommendation 3-17) Police should fully investigate and lay violations on court orders, including probation, peace bonds, recognizances and undertakings and not “second guess” whether the court will treat the violation seriously.
- ww. (Recommendation 3-18) Police should remove firearms, ammunition, and explosive substances from the premises of any offender who has a prohibition order through the court.
- xx. (Recommendation 3-19) The police should give priority to responding to the violence committed against a woman and that any unrelated violations or warrants for her arrest that come to their attention as the result of their intervention be dealt with at a later time.
- yy. (Recommendation 3-20) Upon notification, the police should immediately arrest and detain for a show cause hearing any offender who is on a court order with a no contact clause who has breached the condition of the no contact condition.
- zz. (Recommendation 3-21) No contact condition on a court order should be interpreted as absolutely no contact, which would include no phone calls and no letters.
- aaa. (Recommendation 3-22) Upon notification, the police immediately arrest and detain any offender who violates a condition of an order who is on bail awaiting appeal for a violent offence.
- bbb. (Recommendation 3-23) All police agencies should record particulars of all orders and conditions of orders, in particular no contact conditions, on CPIC (Canadian Police Information Centre) and on their information systems within 24 hours of receiving confirmation of the granting of any such order.
- ccc. (Recommendation 3-24) The police should notify the probation officer within 24 hours if an offender on probation has been charged with any offence or a violation of an order.

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- ddd. (Recommendation 3-25) Every police agency should have a specialist in domestic violence who can be consulted regarding issues related to specific cases, who can assist in the identification of patterns and appropriate police response. Files would be referred for review and follow-up.
- eee. (Recommendation 4-1) All income assistance workers, maintenance support caseworkers, and child protection workers should be given appropriate tools, protocols, training, documentation, communication, and resources to effectively and appropriately intervene in intimate partner/ex-partner violence.
- fff. (Recommendation 4-2) All income assistance workers, maintenance support caseworkers, and child protection workers should receive comprehensive and ongoing training in the dynamics of violent relationships. It is recommended this training will be provided for both new appointees/staff appointments and as in-service courses for at regular intervals.
- ggg. (Recommendation 4-14) Section 22.(2)(i) of the Children and Family Services Act should undergo a serious review.<sup>343</sup> The section as it is currently written should be eliminated altogether. The review should consider the delineation of the direct violence the child experiences by a parent or guardian, from the violence the child witnesses by one parent or guardian toward the other parent or guardian. With respect to the child(ren) witnessing violence by one parent or guardian toward another, the review should consider the following:
- a. (Recommendation 4-14-1) The realities of the dynamics of violent intimate partner relationships;
  - b. (Recommendation 4-14-2) The perpetrator of the violence should be required to take responsibility for their violent behaviour;
  - c. (Recommendation 4-14-3) The parent or guardian who is in receipt of the violence should not be required to take responsibility for the perpetrator's violent behaviour;
  - d. (Recommendation 4-14-4) The violence by an abusive parent against another parent can impact on the parent and the child, whether the perpetrator is living in the household or has separated or divorced from the custodial parent (e.g., stalking the custodial parent);
  - e. (Recommendation 4-14-5) The actions necessary to remove the perpetrator from the household or from contact with the other parent and children, when the perpetrator who may or may not be living in the household, fails to obtain services or treatment to remedy or alleviate the violence; and
  - f. (Recommendation 4-14-6) Protocols and procedures to protect the safety of both the victim and the children.
- hhh. (Recommendation 4-15) Child Protection agencies should consider policies, procedures, and practices that encompass an understanding of the potential impact that the parent's behaviour may be having on the children and the custodial parent.
- iii. (Recommendation 4-16) Protocol development for child protection agencies must take into consideration the particular problems associated with the fear that disclosure of the violence may mean risking losing custody of children.
- jjj. (Recommendation 5-1) All service providers in health care professions receive comprehensive and ongoing training in the dynamics of violent relationships as described in

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<sup>343</sup> At the time, this provision of the Act read: "(2) A child is in need of protective services where ... (i) "the child has suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent or guardian of the child, and the child's parent or guardian fails or refuses to obtain services or treatment to remedy or alleviate the violence." The current version is very similar.

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Training and Protocol Development. This training will be provided for new staff appointments and as in-service courses offered at regular intervals.

- kkk. (Recommendation 5-2) The health care professionals identified through this study and who would be appropriate for this training are: all nurses, doctors (particularly those in family practice), psychiatrists, dieticians, occupational therapists, physiotherapists, psychologists, social workers, and counsellors in Drug Dependency programs.
- lll. (Recommendation 5-3) It should be recognized that diagnostic categories do not facilitate a full understanding of all the issues surrounding violence in intimate partner relationships.
- mmm. (Recommendation 5-4) Protocols should be developed and adhered to for all hospitals, for all community health clinics, for all mental health clinics, and for all doctors in family practice. Protocols should include procedures for asking women directly about the abuse, listening and believing the woman, providing information and referral to community resources.
- nnn. (Recommendation 5-5) A protocol should be developed to identify and respond to abusive men for family doctors, mental health service providers, and Drug Dependency counsellors. Protocols should include training to listen to an abuser, support changes in his behaviour, and to encourage him to seek help in a counselling program for batterers.
- ooo. (Recommendation 5-6) Marriage counselling should not be considered an option for couples in a violent relationship until the man receives individual treatment for his violent behaviour. Men should be referred to programs that help them to take responsibility for their violent behaviour.
- ppp. (Recommendation 5-7) Mental health assessments should be reviewed to facilitate the identification of intimate partner violence and to identify contributing factors to a high-risk situation. In conducting mental health assessments, the questions of cause and effect should be seriously considered, e.g., whether it is the depression that helps cause the violence, or does the violence contribute to the depression in the abuser. The findings of this study support effect rather than cause—that the men's violence contributed to a deterioration in their emotional health.
- qqq. (Recommendation 5-8) A mechanism must be developed to ensure that women are protected from men who are diagnosed with a mental illness and found not criminally responsible for their violent behaviour in the justice system. Regardless of the diagnoses, the man is still at high risk of killing the woman.
- rrr. (Recommendation 5-9) A protocol should be developed between Drug Dependency and probation whereby the court is informed if, after an assessment, the conditions of the probation order have not been met. This would include where the offender did not take treatment for the substance abuse due to denial, lack of motivation, or lack of co-operation. This would also include the cases of repeated referrals through conditions on probation orders, where the offender is not addressing the substance abuse problem for the same reasons. The court would then have information upon which to determine appropriate sentencing alternatives or appropriate conditions on probation orders.
- sss. (Recommendation 5-10) A strong emphasis and appropriate resources should be allocated to Drug Dependency for education and other programs related to the prevention of alcohol and drug abuse. An aggressive preventative strategy is recommended because Drug Dependency was unable to treat many of the addicted women and men due to lack of motivation and denial, and because many of the addicted men began drinking heavily as teenagers.

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- ttt. (Recommendation 5-11) Programs specifically for addicted women should be established throughout the province to include advocacy, drug treatment and education, childcare, self-esteem and self-confidence development, information on the family nature of addiction, therapy for sexual abuse and childhood abuse, and job skills and upgrading.
- uuu. (Recommendation 9-1) Community Advocacy Response Teams should be created to provide advocacy, support, and assistance to families, including women, men, and the children.
- vvv. (Recommendation 9-2) Transition house outreach services, men's counselling programs, police, and health care professionals should be an integral component of the Community Advocacy Response Teams.
- www. (Recommendation 9-3) Transition house services should be adequately funded to provide comprehensive outreach programs in rural communities in Nova Scotia; a toll-free 24-hour advocacy and crisis line; and programs for teen women (if such programs are not currently offered in alternate ways in their communities). Appropriate and accessible counselling for women survivors should be instituted, either through the outreach services of transition houses or by specially trained counsellors within mental health clinics
- xxx. (Recommendation 9-4) Transition houses should consider the promotion of a new public image in light of broad range of programs and services they currently offer, that are not housing related, in order to effectively reach those women who need information, education, advocacy and support and do not currently access their services because they do not need housing, are not physically abused, or are not economically disadvantaged.
- yyy. (Recommendation 9-5) All transition house services, including outreach services and programs, should be reflective of the communities in which they are located.
- zzz. (Recommendation 9-6) Black communities, Mi'kmaq communities, and other ethnic communities should have services for women that are reflective of their culture and that understand their experience. These communities should be involved in the design of programs and services, training of staff, and have control over the delivery of the services in their community.
- aaaa. (Recommendation 9-7) Men's counselling programs should be adequately funded. Men's counselling programs must recognize that denial is an integral part of violent behaviour. Programs must address motivation, address denial of the violence, and ensure that men take responsibility for their behaviour and for changing their behaviour.
- bbbb. (Recommendation 9-8) Men's programs should include educational programs for teen men and counselling programs for abusive teen men.
- cccc. (Recommendation 9-9) A set of provincially recognized standards should be developed to provide guidance and consistency to men's counselling programs.
- dddd. (Recommendation 9-10) Men should be mandated to counselling through the justice system; there must be accountability for attendance at programs to the supervising probation officer.
- eeee. (Recommendation 9-11) Black communities, Mi'kmaq communities, and other ethnic communities should have services for men that are reflective of their culture and understand their experience. These communities should be involved in the design of programs and services, training of staff, and have control over the delivery of the services in their community.
- ffff. (Recommendation 9-12) If men refuse to take counselling or remain in denial of their violence there must be accountability through the probation officer, to the Crown and court. Protocols

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should be established to inform the woman that the man remains in denial of his violent behaviour.

- gggg. (Recommendation 9-13) Public education should be an ongoing commitment of the provincial government and coordinated through the Family Violence Prevention Initiative.
- hhhh. (Recommendation 9-14) Education on the dynamics of violent relationships, its impact on individuals, the family, the community and their profession, and appropriate responses for their profession, should be a component of the college and university curriculum for police, lawyers, doctors, nurses, nurse practitioners, physiotherapists, occupational therapists, social workers, psychologists, teachers, and the clergy.
- iiii. (Recommendation 9-15) Educational institutions should integrate an educational component into the school curriculum for elementary, junior high and high schools as a long-term prevention measure...
- jjjj. (Recommendation 9-16) All teachers and administrators should receive comprehensive and ongoing training in the dynamics of violent relationships and child abuse. It is recommended this training should be provided for both new appointees/staff appointments and as in-service courses for at regular intervals.
- kkkk. (Recommendation 9-17) Specific protocols should be developed and adhered to that will assist teachers in the recognition of and the provision of support and referral for children who are in abusive situations and for teens who are in abusive situations or who are abusive. Safety will be of utmost importance both in the disclosure and follow-up.
- llll. (Implementation Guideline 1) The Minister of Justice should refer the report "Changing Perspectives" to the Deputy Ministers' Committee on Social Policy.
- mmmm. (Implementation Guideline 2) Each department represented on the Deputy Ministers' Committee should review and analyze the recommendations contained in the report and prepare a response.
- nnnn. (Implementation Guideline 3) Relevant community organizations should also develop a response based on a review and analysis of the recommendations.
- oooo. (Implementation Guideline 4) The responses should be submitted to the Family Violence Prevention Initiative (FVPI) for review by a Family Violence Action Committee (a subcommittee of the FVPI composed of representatives from government and community).
- pppp. (Implementation Guideline 5) It is recommended that a senior staff member of one of the departments represented on the FVPI be seconded to chair the Action Committee on a full-time basis for a one-year period, supported by an administrative assistant. This individual would be responsible for liaising with government departments and community organizations to develop an action plan for responding to the report recommendations. Outcome measure would also be devised to facilitate the analysis of progress toward goals.
- qqqq. (Implementation Guideline 6) The Family Violence Action Committee will present regular reports to the Deputy Ministers' Committee regarding results.
- rrrr. (Implementation Guideline 7) Key outcome measures (benchmarks) will be reported to the public on a regular basis.

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**6.1.2. Nova Scotia Family Violence Tracking Project (1995)<sup>344</sup>**

The Nova Scotia Family Violence Tracking Project was a joint initiative of the Solicitor General of Canada and the Nova Scotia Department of Justice. The goal was to obtain detailed information on trends and patterns in family violence and the justice system's response to these offences. The Executive Summary focused on spousal and child abuse and included all offences committed in the context of an abusive relationship. The authors defined abuse to include physical and sexual abuse, psychological and emotional abuse, economic abuse in the form of withholding resources necessary to meet basic needs, and neglect. Psychological and emotional abuse included persistent verbal aggression, isolation, intimidation, humiliation, threats to harm the victim or others, threats to pets or property, and other behaviour intended to control, humiliate, instill fear in the victim, or diminish the victim's sense of self-worth. The authors reviewed the historical police response to spousal abuse in Canada and elsewhere and noted that the first significant policy changes in the United States resulted from class action lawsuits brought by victims against police for failing to protect them from physical abuse. In Canada, policy changes resulted from key research studies and special committees examining wife abuse.

The Project examined all family violence cases reported to 29 police sites in Nova Scotia over six months. The sites included thirteen municipal forces and sixteen RCMP detachments. A total of 1,157 cases of family violence were reported in this period, the vast majority of which were spousal abuse. 40% (458) of these reports led to charges, and of those, 58% of the offenders (228) were convicted. 30% of those convicted (69) were incarcerated, and 81% received probation. Close to half of those incarcerated were given sentences of 30 days or less.

The Report then examined police reports of spousal violence cases specifically. Two thirds involved reports of physical assault, and the majority also involved psychological abuse. Threats were involved in 40% of the reports. Where charges were not laid, the primary reason was that the victim was reluctant (40% of cases). Charges were also found to be "unfounded" in 20% of cases. Perpetrators were charged with threats in only 13% of the cases. Almost no evidence was gathered other than victim testimony.

The Report identified significant problems with the police response, including:

1. Failure to dispatch, particularly where the victim reported threats. Victims were typically advised to come to the station to lay a complaint. This was identified as discouraging victims, particularly in rural areas, from coming forward.
2. Ineffective response to threats. The vast majority of threat reports were not considered urgent.
3. Failure to charge. Despite the mandatory charging policy in place, police were not following that policy and were continuing to place the decision to charge on the victim. Police also failed to lay charges for a range of offences other than assault, and the majority of offenders were not detained or given conditions preventing contact or weapons.
4. Although weapons were involved in 161 of the cases, only 34 were seized.
5. Failure to obtain a statement from the victim; and
6. Failure to search for prior complaints, charges, or convictions, and poor documentation of family violence complaints.

<sup>344</sup> "The Response of the Justice System to Family Violence in Nova Scotia: Executive Summary," Nova Scotia Family Violence Tracking Project (1995).

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The Report also identified problems with the response of Crown Attorneys, who often drop or reduce the few charges that are laid, particularly threats. Plea bargaining reinforces the perception that most wife battering is minor in nature. There was little support for victims prior to trial, which led many women to recant or fail to appear at trial. Sentences were lenient and sent a message to victims that the outcome was not worth the effort of participating in the proceedings.

Only one third of offenders placed on probation were required to attend treatment. The Report stated that “Intervention or treatment for less than six months is unlikely to change abusive behaviour.”<sup>345</sup> Almost 40% of the offenders breached their conditions of probation, most often failing to comply with treatment requirements and contacting their partners. Only half of these men were charged with breaching. The Report noted that separation is the most dangerous point for women, “yet this is the point at which the response of the justice system is weakest.”<sup>346</sup>

The authors also interviewed 76 women who had experienced spousal abuse, identified through their admission to transition houses in Nova Scotia. Some of the women reported that their partners “abused them in sadistic, cruel, and torturous ways and delighted in the power of watching the suffering of others, both people and animals.”<sup>347</sup> Virtually every woman had been threatened. Only 35% of the abusers had ever been charged. More than half had been threatened or armed with a weapon, and 38% with a firearm. The women reported devastating long-term effects of the abuse, including nervous disorders, acute anxiety, and panic attacks. Some went into hiding. The women who did not call police said they felt it was futile to do so and/or it would make the abuser even angrier. Two thirds of those who did call police were not satisfied with the police response, in most cases because the police failed to remove the abuser. They also reported that the police did not have a supportive attitude to them. Charges were only laid in 36% of calls. Most of the women believed the criminal justice system is ineffective and does not treat violence against women seriously.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. It is recommended that the Nova Scotia Department of Justice and Solicitor General Canada request the federal Department of Justice to consider amending section 268 of the Criminal Code to include death threats and threats of bodily harm as elements constituting aggravated assault.
2. It is recommended that the Nova Scotia Department of Justice reinforce the directive of charging with police and that it be accompanied by training and internal and external accountability procedures that hold both individual police officers and police agencies responsible for compliance. Police should lay charges where evidence warrants, including charges for threats and other offences, not simply assault, to the full strength of the law. Police should be instructed not to advise victims to lay their own charges or ask them if they want charges laid. Police should also be instructed to advise victims of services available.
3. It is recommended that police agencies conduct regular internal audits of their domestic dispute and assaults, including monitoring dispatch rates and ensuring appropriate charges are laid. Police supervisors should follow up with the appropriate officer for every domestic violence case that does not result in a charge.

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<sup>345</sup> “The Response of the Justice System: Executive Summary,” p. 22. The source of this statement was not identified in the Executive Summary.

<sup>346</sup> “The Response of the Justice System: Executive Summary,” p. 20.

<sup>347</sup> “The Response of the Justice System: Executive Summary,” p. 30.



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4. It is recommended that police exercise greater diligence to ascertain the presence of weapons at the complaint-taking/dispatch stage; investigate and seize any weapons used in the commission of an offence, particularly firearms; and take steps to revoke a Firearms Acquisition Certificate belonging to anyone who has been convicted of a violent offence or has threatened to use a firearm to harm another.
5. It is recommended that police be encouraged to take victim statements at the scene or as soon as practicable thereafter and to supplement such statements with other evidence.
6. It is recommended that police make more expeditious use of information through the following means:
  - a. Improved documentation for family violence complaints. Every complaint should receive full documentation at the point of call/complaint-taking, including a victim–offender relationship identifier for the file. Charge rates should be routinely entered on computer.
  - b. Dispatcher access to all available information (i.e., past histories, court orders, peace bonds, parole notices, temporary absence notices, and other relevant information), computerized or not;
  - c. Information searches on domestic disputes prior to arrival at the scene;
  - d. Forwarding all relevant information and recommendations for release conditions to the Crown.
7. It is recommended that offenders who have shown themselves incapable of complying with conditions of probation be given a period of incarceration. If treatment is a condition of probation, supervision is recommended to ensure attendance.
8. It is recommended that treatment of six months or more be required for offenders, where recommended, and that some means of evaluation be built into the treatment programs.
9. It is recommended that appropriate programs should be available and accessible to family violence offenders. Every effort should be made to accommodate these offenders in a facility with a treatment program.
10. It is recommended that the provincial and federal governments increase efforts to prevent family violence, such as public and professional education, early intervention programs, education and support to high-risk families.
11. It is recommended that the Government of Nova Scotia monitor the response of the justice system, assessing the impact and effectiveness of various programs, protocols, procedures, and directives in handling family violence cases.
12. The Family Violence Prevention Initiative maintain its commitment to multidisciplinary training, recognizing that a truly effective response to family violence will require the collaborative efforts of all those with a role to play in addressing this serious social problem.
13. It is recommended that the Family Violence Tracking System be implemented province-wide. Cases should continue to be tracked on an individual basis, examining court and corrections data in addition to police data. The Department of Justice should use the Family Violence Tracking System to monitor the activities of the criminal justice system, stressing the importance of accurate data collection and documentation. It is recommended that a person be vested with this responsibility on a full-time basis. In addition to analyzing the findings from the Family Violence Tracking System, responsibilities ought to include the development of policies, programs, and procedures to improve the response of the justice system to family violence.

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**6.1.3. “From Rhetoric to Reality: Ending Domestic Violence in Nova Scotia” (Law Reform Commission of Nova Scotia, 1995)<sup>348</sup>**

The Law Reform Commission of Nova Scotia submitted this Report to the Government of Nova Scotia in February 1995. The Report reviewed the pervasiveness of intimate partner violence in Nova Scotia and Canada, the social and legal context, and the history of domestic violence policies and approaches in Nova Scotia. It documented numerous instances of police belittling women who reported assaults and refusing to lay charges or remove the abuser, in spite of mandatory charging policies. The Commission concluded that “[s]ince the law in Canada already clearly prohibits harassments, threats and all forms of physical violence, it appears that the existing law is not obeyed or respected.”<sup>349</sup> Although some changes could be made to the laws and court structure, the heart of the problem was the way existing laws were being enforced:

Ultimately, and perhaps surprisingly for a legal research agency, the Commissioners concluded that the social and legal problems involved in domestic violence are not unknown or insoluble. The issue does not require a great deal more study or more laws, but rather response to existing information and enforcement of existing laws...

[T]he lack of coordination of resources devoted to dealing with the issue suggests that domestic violence is still not understood to be the large scale problem that it is.<sup>350</sup>

The Report called on the government to ensure that its policy against domestic violence is implemented at all levels: “All forces of society should be combined in actively seeking to prevent and punish this violent crime.”<sup>351</sup>

**Recommendations Relevant to Mandate of the Mass Casualty Commission**

1. (Recommendation 1) It is critical that the government of Nova Scotia make the eradication of domestic violence a priority to which it will target action and resources.
2. (Recommendation 2) The legal response to domestic violence should include improvements both in the criminal and the civil law systems and their delivery.
3. (Recommendation 3) The life-threatening nature of domestic violence, its immense social cost, and the barrier to equality for women must be explicitly recognized in the legal and resources response.
4. (Recommendation 4) The law must ensure that, in addition to protection of women, the fact that domestic violence is socially unacceptable is communicated with clarity and certainty.
5. (Recommendation 5) Develop system-wide interdepartmental Protocols for handling domestic violence cases.
6. (Recommendation 6) Adopt as the central principle of the Protocols the protection and security of the woman and any other endangered people as the priority for all decisions.
7. (Recommendation 7) Commit sufficient human, education, and technical resources, including modern communication systems, to allow the Protocols to be effectively delivered.

<sup>348</sup> “From Rhetoric to Reality: Ending Domestic Violence in Nova Scotia—Final Report,” Law Reform Commission of Nova Scotia (February 1995), <https://lawreform.ns.ca/wp-content/uploads/2020/04/domestic-violence-final-report.pdf>.

<sup>349</sup> “From Rhetoric to Reality,” p. i.

<sup>350</sup> “From Rhetoric to Reality,” p. ii.

<sup>351</sup> “From Rhetoric to Reality,” p. 8.

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8. (Recommendation 8) Ensure that the existing system for monitoring cases of domestic violence is enhanced and that there is personal accountability for individuals involved in implementing the Protocols.
9. (Recommendation 9) Require that an independent agency such as the Advisory Council on the Status of Women prepare and publish an annual evaluation of the government's progress in the eradication of domestic violence.
10. (Recommendation 14) There should be province-wide specially trained interdisciplinary teams of police and government and non-government support workers to respond to domestic violence cases.
11. (Recommendation 17) There must be safe and affordable housing as transitional and long-term alternatives for women escaping domestic violence.
12. (Recommendation 18) The Matrimonial Property Act should be changed in two ways: first, domestic violence should be considered when granting an order for exclusive possession of the matrimonial home; and second, orders for exclusive possession of a shared residence should be available to all common law couples, including same-sex couples. The Act should also include leasehold interests and provide authority to make orders regarding those interests.
13. (Recommendation 23) There should not be mandatory reporting of domestic violence cases until the legal system is sufficiently developed to be able to guarantee the safety of women whose life may be endangered by unexpected police action or responses. Even in that case there should not be a requirement that support workers report domestic violence unless the woman agrees.
14. (Recommendation 24) The Minister of Justice recommend that the Unemployment Insurance Act be amended to allow a woman to leave her employment and obtain benefits if she has been subjected to domestic violence and has left her job to escape harassment from her spouse.
15. (Recommendation 28) Police officers should be directed to exercise their powers of arrest and detention in cases of domestic violence to remove and detain the abuser until released with conditions or until trial. This can be achieved provincially through system-wide Protocols. In addition, the Criminal Code provision governing arrest and detention and judicial interim release should be altered to ensure that where the domestic violence has occurred, the police, prosecution, and justices and judges are directed to arrest and detain the abuser in custody unless he obtains an interim judicial release. Justices giving release orders must be required to consider conditions prohibiting contact with the woman and possession of firearms and other conditions appropriate to the particular case, including mandatory reporting. Breaches of these conditions must result in detention until trial.
16. (Recommendation 29) The criminal offence of torture should be reviewed to make it available for use in domestic violence cases, or alternatively, a new crime of domestic violence should be created with similarly severe sanctions.

**Implementation of the Recommendations**

The Law Reform Commission report was released the same year as "Changing Perspectives: A Case Study of Intimate Partner Homicide in Nova Scotia" (summarized above in section 6.1.1.) and a report tracking the criminal justice system's response to reports of domestic violence in Nova Scotia (summarized above in section 6.1.2). Nova Scotia responded to these reports by

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launching a Framework for Action Against Family Violence in 1995.<sup>352</sup> The Framework had six key components:

1. A pro-arrest, pro-charge, pro-prosecution approach;
2. Comprehensive training of all justice workers on the dynamics of family violence and the roles of justice workers and community agencies in responding to incidents of domestic violence;
3. Enhanced victim support services;
4. Interagency coordination to improve collaboration and cooperation among agencies and individuals who play a role in addressing family violence;
5. The establishment of structured audit mechanisms and regular public reporting by each justice agency to ensure accountability and adherence to protocols and directives; and
6. Advocacy to encourage community support for strong measures by justice agencies.

Nova Scotia implemented a number of policies and procedures pursuant to the Framework, including the following:

- Creation of a Case Management Investigation Procedural Policy for police, which, among other requirements, required police to respond to and fully investigate all family violence cases, gathering as much evidence as possible at the scene to reduce reliance on victim testimony, and requiring police to lay charges and arrest and remove the alleged perpetrator from the home irrespective of the victim's wishes;
- Auditing mechanisms created by police, victims' services, and other agencies;
- Tracking of domestic violence reports to police through the court system;
- Creation of the Family Violence Prevention Initiative, a government–community committee reporting to the Deputy Ministers' Committee on Social Policy, which engaged in public education efforts, collected the results of the audits and case tracking systems put in place under the Framework, and coordinated policy development and the interagency collaboration contemplated by the Framework; and
- Funding for community-based support services.

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**6.1.4. Truro Police Service Program Review (Police and Public Safety Services Division of the NS Department of Justice, 2000); Department of Community Services Review of the Maxwell/George Case (2000); Program Review into the Deaths of Lori Lee Maxwell and Bruce Allen George (Department of Justice, 2000)**

Bruce George and Lori Maxwell started living together in May of 1998 in Canso, Nova Scotia. They moved to Truro later that year. Each had children from previous relationships, some of whom lived with them at various times. Mr. George and Ms. Maxwell had significant involvement with the RCMP in Canso, with the Truro Police Service, and with local children's aid societies. On February 28, 2000, while on probation for assaulting Ms. Maxwell, Mr. George killed her and then killed himself.

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<sup>352</sup> Department of Justice, Nova Scotia, "Framework for Action Against Family Violence" (1995). Available within the Commission's documents as COMM0001035.

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The province of Nova Scotia directed reviews of the interactions of the various services with the family, including the Truro Police Service, a men's intervention program, victims services, and child protection agencies. There was no review of the Canso RCMP involvement, which was brief. A further report by the Department of Justice summarized the results of these individual reports, as well as the involvement of Correctional Services, and examined whether the various organizations that had interacted with Ms. Maxwell and Mr. George had complied with the province's Framework for Action Against Family Violence, which had been in place since 1995.

**Chronology of Events<sup>353</sup>**

In August of 1998, the RCMP detachment in Canso reported to the Children's Aid Society of Cape Breton that they had intervened in a dispute between Ms. Maxwell and Mr. George. There were inconsistencies in Ms. Maxwell's report to the RCMP, reporting that Mr. George had dragged her by the hair to the car, and alternatively that he had grabbed her by the throat. She also reported fear that Mr. George might harm her son. The RCMP reported no injuries to her and described her as under the influence. No charges were laid. The police report noted that Mr. George had threatened to kill himself. It appears that the RCMP identified Mr. George as a person of interest related to weapons on Canadian Police Information Centre (CPIC) around this time.

Three days later, Mr. George admitted to a children's aid worker that he had in fact assaulted Ms. Maxwell. Ms. Maxwell's two children were removed from her care because of concerns about her continued alcohol and drug use and concerns about Mr. George, who had been convicted of assaulting his oldest daughter in 1997. The children were placed with a family member.

The family moved to Truro in October 1998. Ms. Maxwell's five-year-old son was returned to her care soon thereafter. Between December 1998 and June 1999, Truro Police Service responded to four calls, three of which related to verbal arguments. The fourth call, on April 10, 1999, was from Ms. Maxwell, asking police to remove Mr. George because he had hit her 5-year-old son the previous day. Ms. Maxwell denied saying this when police arrived. The officers did not interview the child or follow protocols regarding allegations of violence toward children, despite Mr. Maxwell's previous conviction for assaulting his daughter.

On June 18, 1999, a neighbour called to report that the child had sought his help because of a domestic violence situation. Officers arrested Mr. George and charged him with assaulting Ms. Maxwell, striking her several times in the face and head in the presence of her son. The officers complied with the relevant protocols, notified Children's Aid, and provided Victim Services support and follow-up support to Ms. Maxwell. Mr. George was released under an undertaking that prohibited him from contacting Ms. Maxwell. That term was varied a week later at the request of Ms. Maxwell.

Over the next several months, police received numerous calls to the home. On three of these occasions, the files were identified as "disturb peace" or "public assistance" calls rather than domestic violence calls. These files did not involve findings of physical violence by police.

On July 24, 1999, Ms. Maxwell called police and reported that Mr. George was threatening her. At the same time, Mr. George was on the phone with police asking them to remove Ms. Maxwell from the home. Officers transported Ms. Maxwell and her son, daughter, and Mr. George's

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<sup>353</sup> This chronology was established from review of the various reports. Where specifically indicated, some facts were identified from contemporaneous media reports. The report from Correctional Services provided some facts but was otherwise not relevant to the mandate of the Commission and is not summarized here.

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daughter to a transition house. Police advised Ms. Maxwell and Mr. George to get counselling. The officers failed to document the information regarding the allegations of threats, to use the domestic violence checklist, or to obtain any statements. There was no record of a CPIC check or consideration of referrals to Children's Aid.

In October 1999, Mr. George called 911 and reported that Ms. Maxwell had assaulted him, causing injuries on his head and hand. Ms. Maxwell was arrested and charged with assault. Police followed the relevant protocols. Ms. Maxwell was convicted in December 1999, to be sentenced in March 2000.

On January 18, 2000, Ms. Maxwell called police to report that Mr. George had hurt his daughter's arm. Police records for this incident were very poor. The police did not document any information regarding the injury, did not complete the Domestic Violence Checklist, and did not follow protocols for child abuse allegations. Mr. George was not charged.

On February 2, 2000, Mr. George pleaded guilty to assaulting Ms. Maxwell in connection with the June 1999 charge. He received a conditional discharge and twelve months of probation. The presentence report noted that Mr. George's ex-wife (not Ms. Maxwell) had reported that he had physically abused her and was controlling. It also noted that Ms. Maxwell had reported that she had ended the relationship but that Mr. George was not taking the separation well. The terms of the probation order did not prohibit contact between Mr. George and Ms. Maxwell and did not restrict his possession of weapons.

On February 5, 2000, Ms. Maxwell called police to report that Mr. George was calling her "day and night." An officer asked Mr. George to stop calling Ms. Maxwell.

On February 10, 2000, Mr. George complained to police that there were drug dealers on his property. The officers learned that Ms. Maxwell was paying rent to Mr. George to stay on the property with his daughter and her son. Mr. George was living in a motel. Ms. Maxwell told police that Mr. George wanted to get back together with her, and she did not want to and hoped to move at the end of the month.

On February 22, 2000, Ms. Maxwell reported that Mr. Maxwell continuously phoned her, had said he was going to come to her place after work, and had been making threats. Police overheard part of a conversation between Mr. George and his daughter, who was with Ms. Maxwell, and did not hear any threats. They observed Ms. Maxwell's address for 45 minutes and checked Mr. George's address, where they observed his vehicle. Police did not use the domestic violence checklist or take any statements. The investigating officer told the reviewers that he was aware that there had been previous calls from this family, but he had not dealt with them before. He was not aware that Mr. George owned firearms. He strongly advised Ms. Maxwell to apply for a peace bond and gave her contact information for a domestic violence worker. He also referred her to the Victim Services Coordinator.

On February 25, 2000, Mr. George's daughter reported that Mr. George had kicked in the door to his home, where she and Ms. Maxwell were living. He did not enter the house. He also called the home repeatedly that day, demanding that they be out of the house by the end of the month. The investigating officer urged Ms. Maxwell to get a peace bond as soon as possible. She promised to do so that day. The investigating officer did not use the domestic violence checklist, take any statements, interview Mr. George, or refer the matter to any agency. He told reviewers that he was aware of the incident that led to Ms. Maxwell being charged with assault and was aware of the standard operating procedure (SOP) on Family Violence. The record was marked as relating

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to “property damage” rather than domestic violence. That same day, February 25, 2000, which was a Friday, Ms. Maxwell applied for and was granted a peace bond. In her statement in support of the application, she stated that Mr. George had threatened to kill her and threatened to kill himself. The peace bond was processed by Court Services, and the summons was prepared and ready for the Truro police at noon on Monday, February 28, 2000.

On February 28, 2000, at 11:10 AM, Mr. George called police to report that Ms. Maxwell had caused extensive damage to the property. The officers who attended noted that they had “cleared” the call at 11:40 AM and that they did not note any damage at the property. They did not take any statements, make any referrals, and did not properly document the incident. Later that day, Mr. George called his probation officer, who had advised him earlier that month not to try to reconcile with Ms. Maxwell. Mr. George was very angry at Ms. Maxwell because of the state of the home and said all the counselling he did was pointless. He said that if Ms. Maxwell showed up, he would “tear her head off.” Ms. Maxwell entered the home at that point, and Mr. George yelled at her to get out or he would tear her head off. The probation officer, who was still on the phone, asked to speak with Ms. Maxwell. He told her that Mr. George was in a rage and that she should leave. She refused, saying she had paid rent to the end of the month and had the right to be there. She sounded calm. The line then went dead. The probation officer called Truro Police Service, who went to the home. According to a media report,<sup>354</sup> before the police arrived, a locksmith who had been changing the locks in the home returned after getting lunch. He found Ms. Maxwell covered in blood, trying to get up the basement stairs. Mr. George appeared with a shotgun and tried to shoot the locksmith, who escaped. A neighbour came over, and Mr. George brandished a rifle and told him to get out; the neighbour ran and told his wife to call 911. Mr. George shot Ms. Maxwell and then called 911 before shooting himself. Police arrived and found Mr. George and Ms. Maxwell dead in the home. The children were in school at the time.

The autopsy reportedly concluded that Mr. George had stabbed her seven times in the kitchen and then dragged her to the basement and shot her in the head.

#### **PPSSD Truro Police Service Program Review**

The Truro Police Service Review was conducted by the Police and Public Safety Services Division (PPSSD) of the Department of Justice. The reviewers examined the files and spoke to police officers regarding each of the calls to police relating to the family. They also examined whether members of the Truro Police Service had complied with the provincial standard on relationship violence.<sup>355</sup> The reviewers made the following observations:

6. There was consistently poor documentation of occurrences, which affected the ability to supervise the investigative process, allowed for duplication of investigative steps and limited the ability to successfully prosecute offenders.
7. The police responded in appropriate timeframes each time they were called.

<sup>354</sup> Steve Proctor, “Couple couldn’t escape the past” Halifax Herald, April 16, 2000. This document appears in Relativity in COMM0001251 at 213 – 226. None of the reviews of this matter referred to the involvement of the locksmith or neighbour, or any specifics of the manner of death of Ms. Maxwell and Mr. George other than by shooting.

<sup>355</sup> The Report describes this standard as having been produced by the Police and Public Safety Services Division in conjunction with the Family Violence Initiative of the Province of Nova Scotia. The website of the Nova Scotia government contains a page listing “Policing Standards in Nova Scotia.” There is no “relationship violence standard” listed on this page.

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8. Police did not always take victim/offender statements when warranted.
9. In several instances, police did not seek additional evidence such as photographs or witness statements; however, in other instances they did, particularly when there was evidence to support charges.
10. Police made referrals to Victim Services coordinators, Children's Aid workers, and other social agencies in several instances.
11. Sixteen different officers interacted with Ms. Maxwell and Mr. George throughout this fifteen-month period, with "little or no coordination of investigative efforts by supervisory personnel"; the supervision of files was "limited or non-existent in most cases."<sup>356</sup>
12. There was nothing done to capture the frequency of complaints involving Ms. Maxwell and Mr. George, and dispatch personnel were unable to advise responding officers of the history of past intimate partner violence, as they were required to do under the standard operating procedure. Officers told the reviewers that they were uncertain whether or not CPIC checks were done and assumed dispatchers had conducted these checks. None of the officers were aware that Mr. George had been designated as a Firearms Interest Person, which appeared on his CPIC record (apparently placed there by the Canso RCMP). The reviewers noted, "This lack of historical information contributed significantly to the police dealing individually with each domestic complaint as it occurred, as opposed to addressing the totality of interactions with these individuals."<sup>357</sup>
13. On many occasions, responding officers took steps to diffuse the situation and provide a safer environment. Twice, Mr. George asked officers to take his firearms for safekeeping, because he feared Ms. Maxwell would sell or lose them before he could return to the house to retrieve his belongings. Police told the reviewers there were no criminal grounds to seize the weapons because Mr. George did not use them during the altercations leading to police involvement. None of the officers considered applying for an order under the *Firearms Act*, because the firearms played no role in the altercations.
14. Not all officers were following the Standard Operating Procedures for family violence. Truro Police members had been trained on the SOP and the province's Family Violence Initiative in the fall of 1996 through a provincially mandated training program, but that training had not been repeated for officers hired after 1996.
15. The police service as a whole did not investigate verbal arguments in the same way they investigated incidents of violence. The reviewers concluded that this undermines the police response to family violence. "All calls for service that are domestic in nature, regardless of how minor they seem, must be fully investigated utilizing the full resources of the community in order to combat this widespread societal problem."<sup>358</sup>
16. There was no investigative case management system at any level within the Truro Police Service. No one ensured that staff adhered to the family violence protocol. The reviewers noted:

An effective case management system should allow managers to readily identify community crime trends, as well as high risk situations requiring a managed approach. The

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<sup>356</sup> "Truro Police Service Program Review," p. 3.

<sup>357</sup> "Truro Police Service Program Review," p. 4.

<sup>358</sup> "Truro Police Service Program Review," p. 5.



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agency did not consider bringing together in-house staff and/or community agencies in an effort to create a strategy for a collective approach to the Maxwell/George situation.<sup>359</sup>

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- Senior Management develop a strategic training plan for the Truro Police Service, which addresses supervisory training for newly promoted officers and orientation training for newly hired officers, with particular emphasis on family violence training (Nova Scotia Protocol Model).
  - a. Truro Police Service take immediate steps to introduce remedial training as it pertains to conducting preliminary investigations and the documenting of investigational efforts.
  - b. Truro Police Service take immediate steps to train all sworn personnel in investigative case management, with special emphasis on the roles of the case supervisor and case manager.
  - c. Truro Police Service implement Firearms Legislation Training for all members.
  - d. Truro Police Service ensure that investigating officers conduct all appropriate CPIC and in-house queries related to assigned investigations and ensure these queries are recorded on the investigative file.
- Truro Police Service ensure dispatch personnel have access to all previous family violence/domestic disturbance history, and this information is relayed to responding officers.
- Supervisors ensure all police responses to Family Violence/Domestic Disturbance adhere to Standard Operational Procedure, Part II, Chapter 8.
- Supervisors ensure Domestic Violence Checklists are utilized in all cases of Family Violence/Domestic Disturbance Calls.
- The manager responsible for case management should track repeated instances of individual Family Violence/Domestic Disturbances cases, with the view of developing a departmental and community strategy for the effective management of high-risk cases.
- Truro Police Service review policy regarding the recording and documenting of all criminal occurrences and ensure uniformed [sic] compliance to the policy by all members.

**Department of Community Services Review<sup>360</sup>**

This review examined the involvement with Ms. Maxwell and Mr. George of each service provider funded through the Department of Community Services in Truro and in other parts of Nova Scotia. Ms. Maxwell was involved with child protection services prior to her relationship with Mr. George, due to cocaine addiction. Following Mr. George's arrest for assaulting Ms. George in June 1999, he self-referred to Bridges, a men's intervention program in Truro. He had "extensive" involvement with Bridges over the next several months.

The Review identified problems with the child protection agencies' interactions with the family. It did not identify issues with respect to Bridges or Victims Services' interactions with the family.

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<sup>359</sup> "Truro Police Service Program Review," p. 5.

<sup>360</sup> "Maxwell/George Case Review," Nova Scotia Department of Community Services (October 2000).

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**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. A coordinated response be implemented to address family violence. At the community level this means all agencies, government and non-government, must develop coordinated policies and procedures that remove structural and systems barriers.
2. Existing protocols be reviewed and revised to ensure that they incorporate co-ordinated, effective interventions to ensure the safety of children and women. The need for the development of any additional protocols should also be assessed.
3. All barriers to information-sharing between and among agencies and government offices be identified and procedures be developed to address them.
4. The Department of Community Services immediately undertake training in the following areas:
  - Protocols related to family violence and include participation of other relevant departments and service providers.

**Department of Justice Review of Compliance with the Framework for Action Against Family Violence<sup>361</sup>**

The Framework for Action Against Family Violence contained a police protocol, which the Police and Public Safety Services Division had incorporated into a Standard Operating Procedure to be followed by all municipal police forces. The Justice Sector review concluded that other than the two instances where charges were laid, the police did not consistently apply the Framework's protocol. It echoed the findings of the PPSSD review (above) that there was no indication that police supervisors provided any effective coordination or oversight of the files involving Ms. Maxwell and Mr. George. There were also no meaningful file reviews or assessment of the frequency of the alleged incidents of family violence. Officers diffused the situations but did not conduct full investigations and, in some cases, failed to make appropriate referrals, as required by law, to child protection authorities or referrals to social agencies, as required by the Standard Operating Procedure.

The Department of Justice review concluded that the events leading up to the deaths "seemed to be a textbook case of escalating and persistent family violence." It noted the importance, as set out in the Framework, of a coordinated approach to family violence matters and concluded, "There is no indication that any of the components involved in this review ever individually or collectively attempted to initiate a multidisciplinary solution to the complaints of family violence from Ms. Maxwell, Mr. George, and their children."<sup>362</sup>

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- A. The Minister of Justice should direct PPSSD to immediately conduct a full and comprehensive audit of the Truro Police Service, with special attention to family violence investigations and case management practices. The resulting recommendations from PPSSD would have to be implemented by Truro Police Service within a reasonable timeframe, failing which a Notice of Noncompliance pursuant to subsection 12(3) of the Police Act could be issued. Additional

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<sup>361</sup> "Program Review into the Deaths of Lori Lee Maxwell and Bruce Allen George (February 28, 2000)," Nova Scotia Department of Justice (September 2000).

<sup>362</sup> "Review into the Deaths of Maxwell and George," p. 10.

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Framework for Action and Firearms Act training for all members of Truro Police Service should be ordered, along with training in the area of child abuse protocols.

- B. In conjunction with a comprehensive audit of Truro Police Service, the Minister should direct PPSSD to conduct an assessment of municipal police services to determine if the same problems identified in this report exist elsewhere. The logistics of this assessment would have to be coordinated with the Executive Director of the PPSSD.
- C. With respect to the lack of Interagency Coordination, each component should formulate a policy, in consultation with the other components, outlining when it would be appropriate to initiate interagency coordination in a family violence situation, how to initiate contact, and establish a protocol for appropriate information-gathering and sharing.
- D. Although the Report, with the exception of Truro police and recommendation #3 above, concludes that the justice components acted in accordance with the Framework for Action, we are of the view that the fact that this tragedy occurred makes it incumbent upon all relevant components of government to review their family violence policies to determine whether they can be improved or enhanced based upon the lessons we have learned from these deaths. With this in mind and recognizing that not all deaths will be prevented regardless of government policies, we suggest that someone familiar with family violence review the Framework for Action to determine whether it can be improved.<sup>363</sup>

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#### **6.1.5. Review of the Framework for Action Against Family Violence (“Russell Report”) (2001)<sup>364</sup>**

The Nova Scotia Framework for Action Against Family Violence was the subject of a review in 1999<sup>365</sup> a copy of which was not available at the time this scan was prepared. Then, following the George/Maxwell murder-suicide, the Minister of Justice commissioned Dawn Russell, then Dean of Dalhousie University Law School (and a member of the Law Reform Commission when it released “From Rhetoric to Reality,” summarized above in section 6.1.3.), and Diana Ginn, Assistant Professor of Law, to conduct a further review. It was completed in 2001 and is commonly referred to as the “Russell Review.”

Dean Russell and Professor Ginn reviewed the approaches to family violence of other Canadian jurisdictions and conducted a literature review to identify jurisdictions with policies similar to the Framework for Action and to identify new developments since the Framework was introduced. They also held focus groups with or received submissions from RCMP and municipal police officers, police management, provincial court judges, victims, the Nova Scotia Advisory Council on the Status of Women, Crown attorneys, the Public Prosecution Service, transition houses, men’s intervention groups, Victims’ Services, children’s aid societies, and other violence against women (VAW) and community-based organizations.

The Framework required police to “respond to and fully investigate all family violence cases, gathering as much evidence as possible at the scene to reduce reliance on victim testimony.”<sup>366</sup>

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<sup>363</sup> This subsequent review, known as the “Russell Review,” is summarized below in section 6.1.5.

<sup>364</sup> “Framework for Action Against Family Violence: 2001 Review” (“Russell Report”), submitted to the Department of Justice of Nova Scotia (May 2001), <https://novascotia.ca/just/publications/docs/russell/TOC.htm>.

<sup>365</sup> Nova Scotia, “Implementation of the Framework for Action on Family Violence” (April 1999). This document appears as Appendix B to the Russell Report, above. See COMM0001034.

<sup>366</sup> “Russell Report,” p. 18.

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and where reasonable and probable grounds exist, charge, arrest and remove the alleged perpetrator from the home irrespective of the victim's wishes. The Russell report noted that some police officers had failed to appreciate or accept the obligation to assess reasonable and probable grounds. There were wide variations in attitude and approach to victims, an increase in cross-charging, and uncertainty as to how to deal with difficult cases. There were also some problems with police auditing, and the intensive training delivered to 3000 justice workers in 1997 after the launch of the Framework had not been repeated. The Framework also required the Minister of Justice to direct RCMP subdivisions and municipal police forces of 60 or more officers to create family crime units. However, the Minister had not issued this directive.

The Russell Report noted that the Framework for Action called for improved collaboration and cooperation among all organizations and individuals with a role to play in responding to domestic violence. The Family Violence Prevention Initiative (FVPI) was responsible for the overall coordination of these efforts, but it was eliminated in 2000. The elimination of the FVPI made interagency cooperation more difficult and less likely to occur. Cuts to funding that had earlier been provided by the province to facilitate and support interagency coordination had also had a significant impact on interagency cooperation.

The Russell Report noted that the Framework had required each justice agency to monitor its compliance with the Framework through a structured audit mechanism, including mandatory reporting of each instance where a charge was not laid or was later withdrawn, with reasons. The monitoring would also require information on victim satisfaction, and there was to be a tracking system to permit ongoing monitoring of cases. This information was to be provided to the FVPI. The Report noted that police monitoring was ongoing, but Crowns, courts, and corrections officers had not implemented an auditing system, and, as noted above, the FVPI had been disbanded in 2000.

The Russell Report also identified gaps in the Framework, including a lack of focus on the particular context of Indigenous victims and on the difficulty that victims have in leaving their homes and navigating family court processes.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Chapter 1) That Nova Scotia develop a strategy for delivering an ongoing training program for police and other justice workers, using and building on the successful training done immediately following the implementation of the Framework. The training should address all of the issues dealt with in the original training program and the inconsistencies and difficulties identified in this Report. Participants from all justice sectors and from community organizations should be involved in its development and delivery.
2. (Chapter 1) That in metropolitan areas where the number of domestic violence incidents reported annually justifies it and the size of the police force permits it, RCMP subdivisions and municipal police forces dedicate resources to the establishment of a specialized domestic violence investigative unit. It is also recommended that a process or mechanism be established for each municipality in the Province to do the thorough investigation and follow-up required in difficult cases. This mechanism might include a single specialized domestic violence police investigator within each municipality or, in the case of smaller municipalities, a special domestic violence investigator shared between adjoining municipalities. Each municipality should also have within its police force a crime prevention victims' services coordinator.

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3. (Chapter 1) That police seek legal advice from Crown prosecutors in difficult cases, particularly where there are mutual allegations. It is also recommended that consideration be given to the adoption of a primary aggressor policy requiring officers to determine and arrest the primary aggressor in the incident, thus reducing the likelihood of cross-charges.
4. (Chapter 1) That police procedures within each department or detachment be reviewed to ensure that both victims and Victims' Services are informed regarding interim release.
5. (Chapter 1) That auditing be improved, specifically in terms of the carry-through from the individual domestic violence incident to the larger case file. This carry-through process should be overseen by the case supervisor responsible for noting discrepancies in recordkeeping and in compliance with the Framework. Police should document domestic dispute calls as carefully as they document intimate partner violence incidents, since both are a critical part of the history of family violence in a particular case.
6. (Recommendation 2.1) It is recommended that the primary justice system response to intimate partner violence should be to treat it for what it is: criminal activity deserving of sanctions from the criminal justice system. Furthermore, it is recognized that simply allowing wishes expressed by the victim to dictate whether or not a particular charge proceeds would be a retrograde step, providing perpetrators with an opportunity to coerce victims into asking for stays. Thus, even if some flexibility might be introduced (as discussed below in the portion on diversion), a pro-charge, pro-prosecution philosophy should remain the cornerstone of the Framework. The goal must then be to translate this philosophy into securing convictions where a crime has occurred and enhancing victim satisfaction with the process.
7. (Recommendation 5.1) That the Department of Justice enter into discussions with those within the Department charged with implementation of the Framework, other government departments, and the community, in order to determine the most appropriate and efficient ways of delivering the services needed for full victim support, and it is recommended that the government commit sufficient funding to allow for such delivery.
8. (Recommendation 5.2) It is recommended that the Family Violence Prevention Initiative be reinstated.
9. (Recommendation 6.0) It is recommended that Nova Scotia develop and implement ongoing training for all justice sectors, building on the initial success of the train-the-trainer model used following the implementation of the Framework, involving community agencies early on in both the development and delivery.
10. (Recommendation 7.1) It is recommended that the Minister of Justice require the Public Prosecution Service, Courts and Registries, and Correctional Services to formally restate their commitment to the Framework for Action Against Family Violence and require them, within six months of their restatement, to articulate the means by which they will monitor adherence to the Framework. It is also recommended that the unimplemented prototype information system built by the Province to collect data on an ongoing basis to track the progress of the justice system with respect to domestic violence cases be reviewed and, if at all possible, that it be implemented.
11. (Recommendation 8.1) It is recommended that the Province support and strengthen, with senior level commitment, the coordination of family violence activities within and external to the Department of Justice, involving both government and community stakeholders.
12. (Recommendation 8.2) It is recommended that existing interagency protocols among police, child welfare, transition houses, Corrections and men's treatment programs be reviewed and that, where required, new interagency protocols be developed and confidentiality agreements

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concluded to facilitate the sharing of information necessary to protect and support victims and their children.

13. (Recommendations 9.3) It is recommended that the reluctance of victims living in Aboriginal communities and from visible minorities to report spousal or partner violence be addressed in the training program developed for justice workers.
14. (Recommendation 9.4) Victims of perpetrators from Aboriginal communities and racial minorities sometimes feel that reporting their batterers to police is a breach of loyalty to the community and are also concerned that it will contribute to racial/cultural stereotyping. Such concerns may be alleviated in part by increased reliance on evidence other than victim testimony. It is recommended that this be done wherever possible.
15. (Recommendation 9.5) As well, insofar as evidence suggests that advocacy services can assist victims in finding the strength to escape domestic violence on their own and can help to amplify their voices to enable prosecution policies to be applied in a way that meets the needs of particular victims, it is recommended that Nova Scotia invest in expansion of support services for abused women, including advocacy services to provide outreach and support for women from Aboriginal communities and visible minorities.
16. (Recommendation 10.0) It is recommended that Nova Scotia maintain and expand its initiatives in public education. Such initiatives should assist in identifying behaviours that are abusive, providing information on services available to victims and their families, and increasing public understanding of the fact that intimate partner violence will not be tolerated. Components of the public education message would need to be tailored, both in terms of the specific content and the medium used to convey it, in order to reach various groups within society, including those already in or at risk of entering abusive relationships.
17. (Recommendation 11.1) It is recommended that Nova Scotia consider adopting domestic violence legislation as a supplement to the Framework for Action, which should likely include provisions allowing victims the exclusive occupation of the home, temporary care and custody of the children, and a specific prohibition against selling, converting, or damaging property. Provisions directing removal of the abuser and seizure of weapons are also important.
18. (Recommendation 11.2) In the event that such legislation is adopted in Nova Scotia, it is recommended that training be conducted well in advance of the introduction of the legislation and it include: (1) the dynamics of family violence; (2) the Framework policies and procedures and application of the Criminal Code; and (3) the elements of the civil legislation. It is recommended that coordination and monitoring occur at both the local and provincial levels through interagency committees and that, if implemented, the legislation be monitored through ongoing data collection and that it be evaluated within five years of its introduction. Public education should also accompany the legislation to ensure the victims and the community are aware of it. Issues pertaining to the application of the legislation on reserves should be addressed in consultation with Aboriginal communities.

#### **Implementation of the Recommendations**

Between 2001 and 2003, the government took the following steps in response to the Russell report:

1. Introduction of the Domestic Violence Intervention Act, which allowed for emergency protection orders and came into effect in 2003 (summarized below in section 6.1.6.)

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2. Creation of a Justice Learning Centre in Truro, in partnership with the Nova Scotia Community College, to provide ongoing training for justice personnel
3. Creation of the Deputy Minister's Leadership Committee on Family Violence
4. Creation of the Police Domestic Violence Case Coordinator Program, a province-wide program to enhance police capacity in coordinated case management (identifying high-risk situations, information-sharing, and referrals)
5. Development of a High-Risk Case Coordination Protocol Framework for Spousal/Intimate Partner Violence
6. Amendments to the Framework

Other initiatives between 2004 and 2009 include:

- Adoption of a Danger Assessment Tool developed by Dr. Jacquelyn Campbell (in 2004)
- Establishment of the Family Violence Tracking Project (2004)
- Issuance of a Police Pocket Guide (2005), which includes risk assessment for intimate partner violence
- Establishment of a risk assessment tool committee in 2005 to evaluate the Ontario Domestic Assault Risk Assessment (ODARA); subsequent adoption of the ODARA for use in Nova Scotia in 2008
- Creation of a joint government–community Domestic Violence Prevention Committee in 2008.

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#### **6.1.6. Evaluation of the Nova Scotia Domestic Violence Intervention Act (Department of Justice, 2006)<sup>367</sup>**

Nova Scotia enacted the Domestic Violence Intervention Act (DVIA)<sup>368</sup> in 2003 in response to the Maxwell/George murder/suicide (see above section 6.1.4.) and the recommendations of the resulting review of the Framework for Action Against Family Violence in 2001 (the “Russell Review”) (summarized above in section 6.1.5.). The Nova Scotia Department of Justice commissioned this evaluation two years after the DVIA came into effect in order to evaluate its overall effectiveness and identify any unintended consequences. The authors of the report reviewed data relating to the DVIA, conducted interviews and focus groups with victims, police, transition house staff, victim services staff, and other stakeholders. They also conducted three surveys with additional stakeholders, including domestic violence case coordinators, DVIA trainers, and child protection workers.

The DVIA permits victims of intimate partner violence, or a person acting on their behalf, to apply for and obtain a 30-day emergency protection order (EPO). The EPO can be extended to a total of 60 days. The application is heard by Justice of the Peace over the phone and can be heard at

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<sup>367</sup> Barbara Herring and Associates, “Evaluation of the Nova Scotia Domestic Violence Intervention Act”, prepared for the Department of Justice, Province of Nova Scotia (March 2006). This document is available in Relativity at COMM0001041.

<sup>368</sup> Domestic Violence Intervention Act, SNS 2001, c. 29, <https://nslslegislature.ca/sites/default/files/legc/statutes/domestic%20violence%20intervention.pdf>.

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any time. The applicant does not need to give notice to the respondent, and the order will be binding on the respondent once that person receives notice of the order. The Act sets out conditions that can be attached to the order, including conditions to give the applicant exclusive possession of the home, temporary care of the children, and control over finances. The order can also prohibit the respondent from having contact with the applicant or other people or from attending at specific places. It can also give police the power to remove the respondent from the home or seize weapons.<sup>369</sup> The JP hearing the application must fill out a checklist (provided for in the regulations to the DVIA)<sup>370</sup> and must consider the nature and history of intimate partner violence, whether the applicant could wait until the next court sitting to obtain the order, and other factors. Once an EPO is granted, a judge of the Nova Scotia Supreme Court must review the order and determine whether to confirm, vary, or terminate it, or whether to hold a hearing. The applicant or respondent can also seek a hearing in the Supreme Court to vary or terminate the order. Breach of the order carries with it a maximum penalty of three months' imprisonment and/or a \$5000 fine for a first offence. Second or subsequent breaches have a maximum penalty of two years' imprisonment and/or a \$10,000 fine. The same penalties apply if a person is found to have falsely and maliciously applied for an order.

The DVIA defines domestic violence in terms of physical assaults, threatened or actual acts or omissions that cause a reasonable fear of bodily harm and damage to property, forced confinement, actual or threatened sexual assault, exploitation or molestation, or "a series of acts that collectively causes the victim to fear for his or her safety, including following, contacting, communicating with, observing, or recording any person."

The reviewers found that overall, the DVIA had been successful. Victims felt safer and appeared to in fact be safer with an EPO in place. They also felt more empowered and heard. Police were generally advising victims of the option to seek an EPO and referring them to a transition house or victim services. Police often encouraged victims to seek an EPO even where they laid charges and there were similar conditions for release, in order to give the victim added protection. They also encouraged them where police did not have sufficient evidence to lay a charge.

Most orders were served within one day. 59% of applications were granted, and the vast majority of those (91%) were confirmed by the Supreme Court review.

However, the reviewers found that the denial of an application could be devastating for victims. Transition house workers therefore only sought EPOs where they believed they were likely to be successful. The reviewers also found that the way JPs responded when denying an order "can be as damaging as the denial itself."<sup>371</sup> People reported cases in which JPs yelled at applicants who were consumers of mental health services and other instances of insensitivity toward the applicants. The reviewers also noted concerns reported by police that a person served with an EPO could become agitated, leading to more violence. About half of the stakeholders believed that the DVIA was helping to address the societal impacts of intimate partner violence. Others did not, in part because breaches carried such mild penalties.

The authors also found that JPs did not consider threats without physical violence, or emotional abuse, when considering EPO applications. They recommended that emotional and

<sup>369</sup> There is no provision in the DVIA permitting police officers to search for weapons. However, the DVIA does allow an EPO to "do any other thing that the justice considers necessary to ensure the immediate protection of the victim or any child." (s.8(1)(l)).

<sup>370</sup> "Domestic Violence Intervention Act: Justice of the Peace Emergency Protection Order Application Checklist," .

<sup>371</sup> "Evaluation of the Nova Scotia Domestic Violence Intervention Act", p. 14.



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psychological abuse be included as grounds for an EPO, as well as threats to kidnap or harm a child.

The reviewers found some issues with the checklists JPs were required to fill out. The JPs they spoke with suggested that the checklist should be changed to set out the risk facts the JP should consider, which would focus the JP's attention on the danger facing the applicant. Stakeholders reported that there was significant variation among JPs as to whether or not they would issue an EPO and little rationale provided by the JPs of their decisions.

The report noted the extent to which the JPs relied on their telephone interview with the applicant to determine whether to grant the EPO. Although the Department of Justice advised the reviewers that the intention of the DVIA had been to allow transition house or other designated applicants acting on behalf of the victim to give evidence, in practice the JPs wished to hear only from the victim. Transition house staff told the reviewers that victims are in a very vulnerable state when they apply for EPOs. They may have trouble focusing and presenting their information clearly and completely and may minimize the abuse out of embarrassment or because they feel safe at the time. JPs did not ask specific questions, such as whether the perpetrator has weapons, and women may leave out such crucial information. Where victims have mental or emotional disabilities, transition house staff will generally not encourage her to apply for an EPO because they believe she will not be able to convey the required information to the JP. The reviewers noted that this apparent bias toward victims who are articulate and refusal to hear from anyone other than the victim have implications for members of immigrant and Indigenous communities as well as people with disabilities. The reviewers recommended that the use of designates to provide information to the JP be reviewed.

The reviewers noted other challenges for victims from Indigenous, Black, and immigrant communities. These included lack of awareness of the DVIA, fear of interacting with the justice system, fear of being ostracized from their husbands' families should they seek an EPO, fear of deportation if their husbands refuse to continue sponsoring them, and a reluctance to expose the abusers to criminal consequences for breaching the order. The reviewers also noted concerns regarding cultural differences in the use of courts for "family" matters, lack of diversity among frontline agency staff, language barriers, which make it difficult for women to apply for and obtain EPOs, and concern that interpreters may be from the same community as the abuser. There was also uncertainty about whether EPOs granted under the DVIA would be enforceable on First Nation lands. Some people also suggested that stakeholders should be trained on the context and conditions of violence in gay and lesbian communities.

Stakeholders were very critical of the penalties for breach. They were of the view that these penalties were lighter than those for breaching of an undertaking. Police officers reported issues with pursuing breaches aggressively because the penalties were so light. Statistics showed that out of 30 charges for violating an EPO in the period 2003–05, fourteen were dismissed, ten were withdrawn, and six resulted in a sentence. There was an increase in charges and in sentences from the first to the second year.

Some peace officers, Crowns, and child protection workers said they believe people apply for EPOs dishonestly, particularly where there is a custody dispute, as a way to get an order they would not otherwise be able to obtain. (EPO conditions relating to custody prevail over other custody orders, except those issued in a child protection proceeding.) Transition house staff were of the view that this is rare and pointed out that applying for an EPO is draining and time-consuming. The reviewers thought there might be some benefit for JPs obtaining corroborating information, such as police records, information from transition houses and victim services, and

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custody proceeding records. However, they noted that this would likely delay the decisions by JPs, which would be a significant negative consequence.

Most of the Crown prosecutors in Halifax said they believed the DVIA is unconstitutional because the orders are made without notice to the respondent. There had been three Charter challenges brought against the DVIA, which were abandoned. They also said that it was difficult to prosecute breaches because the DVIA is civil legislation, because orders are granted without notice, and because the underlying IPV incident has not been proven in court. For the same reasons, it was difficult to justify detaining a person charged with a breach of an EPO. Other Crowns and other legal staff did not express concern about prosecuting these breaches and pointed out that some family court orders are also made without notice to the respondents.

Because only Supreme Court judges can vary an EPO, it is difficult for victims to add conditions because of a change in circumstances or correct an error in the order. Some Crowns were also concerned that the provisions of the DVIA that allow a JP to deem that an EPO had been served—and therefore deemed effective—where the respondent appeared to be evading service may also be unconstitutional.

The review did not find that the fact that JPs are required to inform child protection authorities in cases where they believe a child is at risk was a deterrent to women seeking orders. Child protection workers reported that EPOs add a little to children's safety. The reviewers found that more awareness is needed for child protection workers and for the public about the DVIA. There were also concerns about whether JPs should report an applicant's allegations of violence to police (where there are no concerns about the welfare of a child). Police and Crowns were in favour of this practice, while others believed it would discourage women who did not want to become involved in the criminal justice system from using the DVIA as an alternative response to IPV.

Stakeholders reported difficulties getting extensions for EPOs, which can only be granted by Supreme Court judges. The process is confusing, and they are rarely granted. One victim services worker told the reviewer that JPs will grant an extension "if they believe the woman has 'tried hard enough,' but if she is in trauma, it may be hard for her to do things this fast."<sup>372</sup> Stakeholders also expressed frustration that hearing dates were sometimes unavailable until after the 60 days had expired, particularly in outlying regions and in the summer. That left women without orders to protect them. Respondents can seek adjournments of the hearing, which has the effect of running out the order.

There was consensus that there needs to be much more public education about the availability of EPOs. Only those victims of IPV who were in contact with specific service providers appeared to be aware of it. Funding for transition houses, which are the primary support for applicants, had not increased to account for this increase in their workload.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. Amend the DVIA to include the full definition of domestic violence, thereby including emotional and psychological abuse as grounds for an EPO.
2. Amend the DVIA to specifically consider a threat to commit kidnap or harm a child as a situation where an EPO for a relevant adult should be considered.

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<sup>372</sup> "Evaluation of the Nova Scotia Domestic Violence Intervention Act", p. 40.

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3. Review the use of designates with representatives of the Transition House Association of Nova Scotia and the other designate groups and with the judiciary. Consider how to meet the judicial requirements of evidence and at the same time ensure that EPO application information is provided fully and effectively.
4. Continue to encourage service providers in Aboriginal, minority, and immigrant communities to recommend use of the DVIA when appropriate and encourage them to participate in finding ways to use its provisions in ways that are appropriate for their communities.
5. With service providers in the immigrant and Aboriginal communities, prepare materials to help victims in these communities understand the usefulness of the current approaches to domestic violence including use of the DVIA.
6. Encourage other stakeholders to seek out information on cultural differences with respect to Aboriginal, minority, and immigrant cultures and help them understand the barriers these groups face in accessing their services.
7. Provide the resources to create materials on domestic violence and the DVIA in the languages most needed by immigrant communities and, if there is a need, in Mi'kmaq and French.
8. Provide information to immigrant communities about the language interpretation provisions for EPO applicants.
9. Consider ways to include service providers serving the Aboriginal, minority, and immigrant communities within a new category of designates, perhaps in partnership with transition houses.
10. Encourage elders and other community leaders in immigrant and Aboriginal communities to learn about the DVIA and support the victim in EPO applications when asked.
11. Discuss with these community leaders other conditions that could be included in an EPO to make it more relevant to immigrant and Aboriginal communities respectively.
12. Hold discussions with immigration officials and with immigrant support organizations to determine how best to mitigate any negative immigration-related consequences on the victim of reporting domestic violence or applying for an EPO.
13. Meet with representatives of the appropriate partners from other jurisdictions to ensure understanding and agreement on how jurisdictional issues with respect to the DVIA on Aboriginal land should be handled.
14. In training about the DVIA, include an awareness and sensitivity to the conditions and culture of gay and lesbian communities.
15. Research the appropriateness of the penalties being awarded for EPOs and take corresponding action if necessary.
16. Communicate to stakeholders the current data on penalties for breaches of EPOs. It would be helpful to provide comparable data on penalties for breaches of court orders in domestic violence situations.
17. Review the legislation to determine if further corroboration is required, particularly with police detachments in the location of the events, transition house and victim services staff if involved, and court records related to custody if the conditions of the EPO include custody.
18. If the department considers it helpful to have more corroborative information, consult with stakeholders and with the judiciary about how this could be incorporated into the EPO process.

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19. Encourage an exchange of information between the judiciary and other stakeholders about how to ensure the EPO will be accurate and relevant to the applicant's needs.
20. Provide more information/training for child protection workers about the DVIA and their related responsibilities.
21. Encourage dialogue and co-ordination of efforts among child protection workers, transition house and victim services staff, and the police. Encourage these stakeholders to develop a coordinated response protocol.
22. Encourage an exchange of information between these stakeholders and the judiciary.
23. If the victim is in a transition house (or other safe place), provide an option for the 30-day EPO timeframe to begin once the victim leaves the place of safety.
24. Discuss further with all stakeholders the overall impact of JPs reporting all incidents of domestic violence to the police where the police have not already been notified.
25. If the department decides to encourage JPs to report all instances of domestic violence to the police, consider beginning this change with a pilot project that includes a careful evaluation of outcomes.
26. Ensure that peace officers, transition house staff and victim services staff in particular have thorough and up-to-date information about the DVIA and EPOs since they are the main sources of this information for victims of domestic violence.
27. Encourage JPs and other stakeholders to reinforce to EPO applicants and potential applicants the process in the case of a hearing and the options available.
28. Include information about the DVIA in any public education campaign about domestic violence.
29. Develop public information tools, such as a poster about the DVIA to be distributed by means of stakeholders, other public sector and not-for-profit organizations in conjunction with public education efforts around domestic violence.
30. Encourage the use of the DVIA in conjunction with police involvement and police assessment of the possibility of a charge, while indicating that the DVIA could also be used when no charge has been laid.
31. Provide a forum for representatives of the police, transition houses, victim services, and the judiciary to meet periodically to discuss issues related to application of the DVIA and increase co-ordination of response.
32. Communicate to JPs that other stakeholders observe a need for JPs to have additional education about domestic violence, especially regarding the seriousness of emotional and psychological abuse, sensitivity to the mental/emotional state of victims after an incident, and assessing risk factors.
33. Encourage peace officers to use the Police Pocket Guide on Spousal/Intimate Partner Violence (flip book, June 2005) and include use of the flip book in police training.
34. Develop regular DVIA training for new police recruits and for RCMP officers newly posted to the province, including how to respond to breaches of an EPO.
35. Continue to provide "refresher training" and updates for all stakeholders, particularly for designates. In that training, focus on the following areas:
  - Forms that peace officers and others need to complete;
  - Details of the EPO process;

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- Communication related to court hearings;
  - New information about the DVIA, its implementation and how effective it is.
36. Encourage transition houses that have developed training and other support materials related to the DVIA to inform other transition houses of the existence of these materials and facilitate the sharing of these resources.
37. As opportunities arise, provide information and/or training for court staff and lawyers who practice family law.
38. Discuss the DVIA with Crown prosecutors, clarify their role, if any, with respect to this legislation and respond to their concerns where appropriate.
39. Provide transition houses with compensation for the additional time their staff spends in the role of DVIA designates.

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**6.1.7. Report of the Domestic Violence Prevention Committee (2009)<sup>373</sup>**

The Domestic Violence Prevention Committee (DVPC) was created in 2008 by the Ministers of Justice and Community Services. Its mandate was to make recommendations regarding the development of a domestic violence strategy for Nova Scotia, including victim services, prevention and public education, interventions for abusers, and judicial and legislative responses. The DVPC included representatives from the provincial government, women's shelters, men's intervention programs, Mi'kmaq healing centres, police, and sexual assault centres. The Committee also consulted with Acadian, African Nova Scotian, and Aboriginal women, women with disabilities, women involved in the criminal justice system, and rural and immigrant women. The Committee's guiding principles included making decisions using the Feminists for Just and Equitable Public Policy Modified Consensus Model. It defined "intimate partner abuse" to include physical, sexual, mental, emotional, financial, and spiritual abuse. The DVPC submitted the Report to the Deputy Ministers' Leadership Committee on Family Violence in June 2009.

In the introduction to the DVPC report, the authors stated:

In decades of dealing with the effects of domestic violence in Nova Scotia, many tools, programs, and services have been created to address the needs of victims and perpetrators of domestic violence. These programs and services have been supported by both government and community. What has been lacking is an approach that coordinates them to create the continuum of care and support needed to allow those who are affected to make real changes in their lives.<sup>374</sup>

The Report did not refer specifically to the Framework for Action Against Family Violence or any of the previous reports or recommendations. Its recommendations were broad and numerous. It included a list of "overarching recommendations," including making the safety of victims the most important consideration, making collaboration between government and community the standard practice, and ensuring that new and existing programs and supports honour the diversity of the people who need them.

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<sup>373</sup> "Report of the Domestic Violence Prevention Committee," submitted to the Nova Scotia Deputy Ministers' Leadership Committee on Family Violence (June 2009), [https://novascotia.ca/just/global\\_docs/DVPC\\_recommendations.pdf](https://novascotia.ca/just/global_docs/DVPC_recommendations.pdf).

<sup>374</sup> "Report of the Domestic Violence Prevention Committee," p. 4.

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1. Create, enhance, and sustain services for identifying and addressing domestic violence in the early stages. Make early identification and referral part of a continuum of services for both victims and abusers.
2. Increase capacity to respond to victims of domestic violence. Train health professionals and other first responders, such as 911 operators and volunteer fire fighters, to identify and support victims of domestic violence. Train other direct service providers (e.g., providers of supported employment, residential care facilities, etc.) to screen for domestic violence and to provide sensitive and appropriate referrals and support.
3. Ensure that provincial and municipal police agencies commit to domestic violence training on an ongoing basis. This could include coaching in addition to formalized training sessions, to ensure that there is no gap in access to trained and supportive police champions in communities.
4. Develop a framework for applied research through government and community groups to examine issues relating to domestic violence in the province that include:
  - a. The role of alcohol and other drug use/abuse as a contributing factor in domestic violence
  - b. The cost of domestic violence in the provincial economy
  - c. The role that children's advocates could play in Nova Scotia
  - d. Exploration of why sexual violence is under-reported in cases of domestic violence
  - e. The effectiveness of public education campaigns
  - f. The availability of legal aid services to victims of domestic violence
  - g. Effective methodologies for men's intervention programs
  - h. Violence perpetrated in same-sex relationships and on transgendered individuals, to understand their unique needs for prevention and supports
  - i. New ways to screen for domestic violence
  - j. New ways to connect with and serve those who do not use existing services, such as women reluctant to report incidents of domestic violence, male victims, and transgendered individuals
5. Facilitate linkages between governments (provincial, federal and First Nation) and Aboriginal organizations so that the needs of Aboriginal people experiencing domestic violence can be addressed through timely and effective programs and services.
6. Support all victims, whether they live in rural or urban areas, with access to a continuum of domestic violence services that includes:
  - a. A transition house with professionally trained staff, on duty at all times
  - b. Second-stage housing with ongoing counseling support
  - c. Access to crisis services by phone
  - d. Crisis-response services
  - e. Counseling and support for children with follow-up and outreach programs that are available for at least two years
  - f. Extended supervised access visit and exchange programs
  - g. Outreach that is delivered by both community-run and government-run programs
  - h. Community organizations that support women and their families, such as women's centres, family resource centres, sexual assault centres, and other services
  - i. Services that are coordinated for victims whose cases are designated as high risk

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- j. Accessible services for victims with disabilities (e.g., safety planning tools that build on existing emergency planning preparedness for persons with a disability or interpretation for victims who are non-verbal)
  - k. Qualified interpreters for language and culture
  - l. Support of holistic models of service delivery, particular to the Aboriginal community
  - m. Services that can identify domestic violence in early stages
7. Recognize the web of social supports that are required to support victims and help them stay safe, such as housing, transportation, income, childcare, and education. These supports should include the following:
    - a. Housing in both rural and urban communities that is affordable and safe. Create second-stage, third-stage, and independent housing with supports. Explore ways to provide off-reserve second- and third-stage housing for Aboriginal victims.
    - b. Programs for parents in life skills and parenting
    - c. Programs in life goal-planning
    - d. Support services to help victims upgrade their education, prepare for work, and move into a career
    - e. Personal supports and services for women with disabilities to maintain their ability to parent and participate in the community
    - f. Replacement of assistive devices damaged or lost through domestic violence
    - g. Access to transportation
    - h. Access to dental care
    - i. Access to affordable childcare
  8. Create community-based navigator positions to support victims who are accessing a variety of systems (for example, employment supports, income assistance, housing, health) that support their move away from abusive relationships.
  9. Develop provincial standards, guidelines, safety planning, referral and monitoring procedures for a victim-centred and comprehensive response to domestic violence in emergency rooms and primary care settings.
  10. Consistently apply and monitor screening tools in public health and primary care settings.
  11. Review how jurisdictional mandates and responsibilities create additional barriers for Aboriginal victims seeking services.
  12. Create and sustain primary prevention programs aimed at preventing domestic violence. These programs should be available to people starting with early childhood and continuing across the life span. These programs should recognize and reflect the social determinants of health, including gender, poverty, employment, and inequality.
  13. Promote collaborative partnerships among government agencies, government departments, and community-based agencies with expertise in domestic violence and prevention and intervention.
  14. Integrate and coordinate domestic violence prevention initiatives across government, including health promotion services, early intervention and childcare services and primary health care services.
  15. Create tools and resources for friends, neighbours, faith communities, and families to support women and children who are experiencing domestic violence.

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16. Support Aboriginal and other diverse communities in the development of programs that deal with prevention of domestic violence. Offer this support in a holistic way that is relevant to their culture.
17. Inform Aboriginal people (both on and off reserve) and other diverse communities about the domestic violence services available. Invest in community organizations so that they can develop programs and projects that deal with the prevention of domestic violence. Include funding to evaluate the programs and long-term funding to support programs that are successful.
18. Explore how a social marketing campaign could be useful in changing attitudes and behaviours, and especially in reaching diverse communities about issues of domestic violence. Any campaign should include the messages that:
  - a. Anyone can experience domestic violence.
  - b. Domestic violence, in all its forms, is unacceptable.
  - c. Sexual violence in intimate partner relationships is a crime.
  - d. Men have a responsibility in ending violence against women, including the promotion of positive male role models.
  - e. There are supports for victims to move forward from domestic violence.
19. Encourage adult education programs, schools, universities, and other institutions that offer education and training, to add training about domestic violence to their curricula.
20. Host conferences and workshops for practitioners in the field of domestic violence and develop a network to help them share new and innovative approaches and practices that look promising for addressing domestic violence.
21. Provide programs and follow-up services for abusers that address concerns other than their abusive behaviour, such as the impact of racism and needs such as education, housing, transportation, health, and literacy. Recognize that supporting the abuser to change behaviour assists in keeping victims safe.
22. Amend the Residential Tenancies Act to allow a tenant to end their lease without penalty if it is not safe for them to stay in their home because of the risks from domestic violence.<sup>375</sup>
23. Explore with First Nation communities and the federal and provincial governments the use of emergency protection orders on First Nation lands. This should include researching how First Nation communities across Canada are dealing with housing protocols and Band Council bylaws in relation to violence and abuse.
24. Establish collaborative relationships between police and First Nation service providers so appropriate approaches and protocols are established for dealing with Aboriginal people who experience domestic violence.
25. Support ongoing initiatives regarding Aboriginal models of restorative justice, First Nation tribunal and specialized court processes (e.g., *Gladue*) and perpetrator intervention.

### **Implementation of the Recommendations: NS Domestic Violence Action Plan**

The Nova Scotia government responded to this Prevention Committee Report by launching its Domestic Violence Action Plan in 2009.<sup>376</sup> The Plan was overseen by the Deputy Minister's

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<sup>375</sup> See Article 1974.1 of the Civil Code of Quebec [footnote in original].

<sup>376</sup> "Domestic Violence Action Plan" (Government of Nova Scotia, 2009).

[https://novascotia.ca/just/publications/docs/Domestic\\_Violence\\_Action\\_Plan\\_EN.pdf](https://novascotia.ca/just/publications/docs/Domestic_Violence_Action_Plan_EN.pdf)



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Committee on Family and Intimate Partner Violence. That committee included policy and program staff from numerous departments and was coordinated by the Department of Justice. The Plan stated that the Nova Scotia government “has been working on the issue of domestic violence for many years, but we have more to do.... We need a coordinated and sustained effort. This plan creates a coordinated and sustained effort to address one of society’s long-standing and pervasive problems.”<sup>377</sup> The Plan noted that only one in four Nova Scotian women who experience spousal violence reported it to police, and one in three reported it to a service-providing agency.<sup>378</sup>

The Action Plan set out the policies, programs, and services that were already in place and that were already dealing with issues/recommendations in the Prevention Committee report. It noted that some of these initiatives were started in 1995 based on the Framework and then the 2001 Russell Report. These initiatives including pro-arrest, pro-charge, and pro-prosecution directives; a province-wide intimate partner violence risk assessment by police; the high-risk case coordination protocol framework; domestic violence coordinator positions within police agencies; and ongoing intimate partner violence prevention training delivered to police and other frontline workers. The Action Plan also committed to a number of new initiatives, including:

1. Developing frameworks for evaluation by working with service providers and victims, perpetrators, and friends and family members; their experiences would be collected and analyzed as a “continuous feedback loop.”<sup>379</sup>
2. Co-facilitating regular networking sessions among government agencies and departments and community agencies focused on domestic violence prevention and intervention;
3. Creating a research and evaluation partnership with universities and other sources of expertise on domestic violence;
4. Formalizing a coordinated approach to training to ensure consistent material and efficient use of resources, consult with key stakeholders about training needs, and provide annual training targeting police, health professionals, frontline staff working with children, and community agencies;
5. Using existing committees and mechanisms in place to identify and respond to operational issues, including program and service evaluation, to build on the investments already made to address domestic violence;
6. Piloting a Neighbours, Friends, and Family campaign to educate the public about woman abuse and help them prevent it. This pilot would be run in three communities (urban, rural, and Aboriginal, with a culturally distinct campaign for Aboriginal communities) and be based on a similar Ontario program.
7. Developing a communications strategy and take other steps to ensure Nova Scotians know about and can access services and consistent resources on safety planning;
8. Amending the Police Act to allow police to share victim information with Victim Services;
9. Designing policy and guidelines to help health care providers identify, assess, and intervene appropriately in domestic violence cases;

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<sup>377</sup> “Domestic Violence Action Plan,” p. 1.

<sup>378</sup> “Domestic Violence Action Plan,” p. 2.

<sup>379</sup> “Domestic Violence Action Plan,” p. 7

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10. Working with justice partner agencies and departments to make sure that appropriate policies and practices are in place to enforce the laws and meet provincial guidelines;
11. Conducting annual public opinion polls on attitudes about domestic violence;
12. Exploring options to provide second-stage housing for Indigenous women; and
13. Creating methods to evaluate the overall success of the Action Plan.

There do not appear to be any reports available online on the evaluation of the Domestic Violence Action Plan. The *Residential Tenancies Act* was subsequently amended to allow victims of domestic violence to leave a lease early without financial penalty.

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### 6.1.8. The 2014 HRM Roundtable Review (“Clairmont Review”) (Halifax Regional Municipality, 2014)<sup>380</sup>

The Halifax Regional Municipality commissioned a Mayor’s Roundtable to review its public safety programs in 2008.<sup>381</sup> That report, written by Professor Don Clairmont of Dalhousie University, did not address intimate partner violence. In 2014, the Halifax Regional Municipality asked Professor Clairmont to review the implementation of the 2008 report and identify any new areas and strategies that needed attention. For the 2014 report, Professor Clairmont reviewed data, policies, and programs, and conducted interviews with stakeholders.

Professor Clairmont noted positive trends in reported IPV in Halifax between 2008 and 2014, although he also noted that sexual assault reports in Halifax had increased and were well above the national average.<sup>382</sup> He stated, “One has to consider whether police and crown resources are adequate and whether the criminal justice system can do more to respond to sexual assaults... One area where the Justice system clearly can be improved is in providing more services to victims...”<sup>383</sup> He said that getting at the roots of sexual assaults would require changing the consumption of alcohol, which he described as a “key immediate cause” of sexual assault, and changing the deep support in the culture for sexual violence.<sup>384</sup> Professor Clairmont also described changes in the nature of sex work in Halifax toward what is seen as a safer indoor approach. He noted that there continued to be significant exploitation in sex work and that more data was needed.

Professor Clairmont commissioned a report by Verona Singer, Ph.D., on “Gendered Violence in the Halifax Regional Municipality”<sup>385</sup> and adopted her recommendations in his Report, along with a recommendation that the specialized domestic violence court in Sydney be adopted in Halifax. Dr. Singer’s report focused on intimate partner violence, sexual violence, and violence in sex work. She conducted interviews with service providers as well as a literature and data review.

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<sup>380</sup> “The 2014 HRM Roundtable Review,” Halifax Regional Municipality (2014). Volume I is available here: <https://dalspace.library.dal.ca/handle/10222/64613>. Volume II is available here: <https://ns.johnhoward.ca/images/HRMVolume2The2014RoundtableReview.pdf>

<sup>381</sup> “Violence and Public Safety in the Halifax Regional Municipality: A Report to the Mayor as a Result of the Roundtable,” Halifax Regional Municipality (April 2008), [https://dalspace.library.dal.ca/bitstream/handle/10222/64559/Violence\\_and\\_Public\\_Safety\\_in\\_HRM\\_Main\\_Report.pdf?sequence=1&isAllowed=y](https://dalspace.library.dal.ca/bitstream/handle/10222/64559/Violence_and_Public_Safety_in_HRM_Main_Report.pdf?sequence=1&isAllowed=y).

<sup>382</sup> “2014 HRM Roundtable Review,” Volume I, pp. 30–31.

<sup>383</sup> “2014 HRM Roundtable Review,” Volume I, p. 31.

<sup>384</sup> “2014 HRM Roundtable Review,” Volume I, p. 32.

<sup>385</sup> Contained in Volume II of “2014 HRM Roundtable Review,” available here: <https://ns.johnhoward.ca/images/HRMVolume2The2014RoundtableReview.pdf>

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She noted that some women in Nova Scotia wanted officers to use more discretion when deciding to lay charges. For example, some women wanted more control over the response to their partner's violence; others wanted the violence to stop but did not want their partner charged. She also reported that service providers reported that cuts to social assistance rates and fewer affordable housing options were forcing more women to use transition houses for housing only rather than for safety reasons. The lack of mental health services also led to more women becoming transient and therefore returning to their abusers. She also reported that little to no funding had been attached to the Domestic Violence Action Plan (summarized above in section 6.1.7.) except for the pilot domestic violence court program in Cape Breton, and no staff members had been allocated to monitor the initiatives from the Action Plan or ensure they continued. Service providers also reported that prior to the amalgamation of the City of Halifax, the City had spearheaded initiatives such as community safety audit tools for women in the early 1990s. Since amalgamation, the municipality did not appear to have invested in intimate partner violence support except through its existing policing and victim services.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission<sup>386</sup>**

1. Improved cooperation, information-sharing, and knowledge exchange between and among government and non-profit agencies and organizations across the region, and more coordination and liaison between the municipality, the province, and the federal government. Options include creating a social development planning capacity in the Halifax Regional Municipality that would look at gendered violence from a holistic approach, where the public safety unit would not be attached to the police department, and gendered violence would be part of a broader social planning concept, beyond the narrow confines of a legal framework.
2. Increase access to safe and affordable housing for women experiencing violence.
3. Develop a funding strategy for service providers, including shelters, second-stage housing, counselling services and supports, men's programs, along with greater resources for police and their victim services. Review all programs and policies implemented in the municipality for how they will affect the safety and well-being of women.
4. Train service providers, including initial training for organizations and agencies on how to conceptualize and respond to intimate partner violence, and provide police officers with refresher and updated courses on intimate partner violence, intimate partner violence in immigrant communities.
5. Create a domestic violence unit or specialized domestic violence police officer within the police force.
6. Ensure staff are solely dedicated to the provincial Domestic Violence Action Plan to ensure recommendations are implemented, evaluated, and reported on.

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<sup>386</sup> These recommendations have been condensed and reworded for clarity.

## 6. GENDER-BASED AND INTIMATE PARTNER VIOLENCE

**6.1.9. Independent Review of the Police and Prosecution Response to the Rehtaeh Parsons Case (2015)**<sup>387</sup>

Rehtaeh Parsons was a high school student in Dartmouth. In 2011, she was sexually assaulted by several teenage boys while others watched and took photographs. Students harassed Ms. Parsons after a photograph of the assault was disseminated, causing significant distress to Ms. Parsons. The police investigation of the assault and photograph dissemination took a year, and police did not lay charges or take steps to prevent the further dissemination of the photograph or bullying of Ms. Parsons. Ms. Parsons changed schools several times to try to escape the harassment. In April 2013, Ms. Parsons died by suicide at the age of seventeen. Following her death, the RCMP reviewed the case and laid child pornography charges against two of the youth in light of new evidence. No charges were laid regarding the assault.

The government of Nova Scotia asked Murray Segal to review the police investigation, the decision not to lay charges for the assault and the dissemination of the photograph, and the role played by Victim Services. The police investigation had been conducted by the Halifax Regional Police (HRP), which is an integrated service that includes the RCMP (in certain geographical locations) and the Halifax municipal police (in the centre of Halifax)). Ms. Parsons first met with members of the RCMP in Cole Harbour, where she lived. This interview was not recorded, and there was no representative from the Department of Community Services, as required in interviews with children. The RCMP then forwarded the electronic file to the Sexual Assault Integrated Team (SAIT); this should have been done immediately, but there was a delay of a day. When the file arrived at SAIT, only one of two of the NCO positions in that office was filled at the time, so it was not immediately assigned. After several months of investigation, the Crown advised police that it would not proceed with sexual assault or child pornography charges, based on their assessment of whether there was a realistic prospect of conviction. Police therefore did not lay charges. Segal found that the Crown's opinion relating to the child pornography charge was legally incorrect.

The Report noted that police officers in Nova Scotia were offered a new course on trauma-informed responses to sexualized violence as a result of Ms. Parson's case. Segal noted that although considerable training is now available to members of the SAIT, members are not required to take that training upon their assignment to the unit. This is contrary to the RCMP Operational Manual, which requires that divisions ensure that members receive "adequate training in sexual assault investigations and have continual access to resource and training material."<sup>388</sup> The Review also identified problems arising from the decision to have the incident investigated by the sexual assault team rather than by the child pornography team or a joint team, given the overlap in the two offences. Communication between the police and the family was also an issue, although Segal noted that officers are required to protect information they gather during an investigation. He therefore recommended that Victims Services act as a conduit between the police and victims both after charges are laid and during the investigation. (At the time of the Parsons investigation, Victims Services only provided pre-charge services in domestic violence cases; however, it did become involved in the Parsons case for a short period of time.) He also recommended that investigations involving child abuse should generally be prioritized over adult

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<sup>387</sup> "Independent Review of the Police and Prosecution Response to the Rehtaeh Parsons Case," submitted to the Minister of Justice and Attorney General of Nova Scotia (October 2015), <https://novascotia.ca/segalreport/Parsons-Independent-Review.pdf>.

<sup>388</sup> "Independent Review of the Rehtaeh Parsons Case," p. 47.

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sexual assaults, given children's particular vulnerabilities and the challenges of prosecuting when young people's recollections are involved.

Segal also identified workload, short-staffing, and the practice of drawing SAIT investigators into homicide investigations or other special projects that needed resources as issues affecting the investigation. He did not find any obvious reliance on myths and stereotypes about sexual assault complainants in the investigation or in the Crown's assessment of the case. However, he noted that underreporting, undercharging, and low conviction rates appear to be particularly prevalent in Nova Scotia compared with other provinces.<sup>389</sup> He identified this as a problem warranting attention.

The Report also noted the limitations of traditional police investigations and criminal prosecutions as tools for reducing cyberbullying, noting that cyberbullying requires additional solutions outside that framework, even where those solutions may on occasion interfere with prosecutions. He noted that Nova Scotia had developed several such initiatives in the wake of Ms. Parson's death, including the Cyber-SCAN initiative developed by the Department of Justice under the Safer Communities and Neighbourhoods Act. The unit is composed of non-police investigators employed by the province to investigate allegations of cyberbullying and intervene if warranted. Segal also noted new legislation, the Cyber-safety Act, which created the tort of cyberbullying and permitted protection orders to stop cyberbullying.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 2) An integrated "sex crimes unit" should be created, or there should be closer collaboration between SAIT and ICE on investigative files that touch on both their areas of expertise. Joint task forces should be created when appropriate. ICE and SAIT should be located in closer physical proximity to facilitate exchanges of information and advice, and investigators should be encouraged to work collaboratively and share information.
2. (Recommendation 3) More efforts should be made to make both the general public and key institutions, such as the police and schools, aware of novel ways to address cyberbullying. The police, along with other authorities and stakeholders such as the Department of Education and the Department of Justice representatives from the CyberSCAN Unit, should develop a "cyberbullying" protocol that would identify in which instances to use these new alternatives. The protocol should be designed with a view to flexibility and acknowledge that various approaches can be used simultaneously. Given the kind of damage that cyberbullying can rapidly cause, the protocol should state that if police investigators have the requisite grounds to prevent further instances of cyberbullying or to seize images or electronic devices used to commit cyberbullying-type offences, they should consider obtaining a recognizance order or seizing the images or devices in a timely way. They should at all times consider interim remedies to promptly put an end to the cyberbullying. [...]
3. (Recommendation 4) Upon being assigned to SAIT or as soon thereafter as practicable, investigators should receive training specific to sexual assault investigations and to victim responses to sexual violence. Consideration should be given to creating a buddy system or assigning a mentor to officers who are new to SAIT. Investigators should also develop a tentative overall investigative plan to be discussed with and reviewed by a superior at the outset of the investigation. This value-added step should be integrated into the current quality assurance system to make it less pro forma. Crown prosecutors who handle sexual assault

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<sup>389</sup> "Independent Review of the Rehtaeh Parsons Case," p. 83, fn. 100.

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cases should also receive more training about sexual violence and responses to sexual violence, with a particular focus on trauma-informed responses. [...]

4. (Recommendation 5) Police services should assess whether police-based victim services can be expanded to cover sexual assault investigations and other crimes involving serious violence. Police officers who may come into contact with victims of sexual violence should be made aware of the availability of victim services to facilitate communications with complainants and their families and be encouraged to make appropriate referrals to and use of these services.
5. (Recommendation 6) Police should prioritize investigations involving young persons—both as potential targets and/or complainants or victims—over cases involving adults. Investigations involving persons in crisis should also be prioritized over cases that do not have a similar urgent component.
6. (Recommendation 7) SAIT should be sufficiently resourced so that investigators can complete their investigations in a timely manner. SAIT should be a last resort for additional human resources that may be required to assist with other matters such as homicide investigations.
7. (Recommendation 8a) The PPS Directive on Providing Advice to Police should be amended to require that, in cases where the Crown prosecutor opines that there are insufficient grounds to lay a charge or that there is no realistic prospect of conviction—and unless the prosecutor has himself or herself undertaken a thorough review of the file, the factual assumptions that underlie the opinion should be set out for the police investigator.
8. (Recommendation 8b) The PPS Directive on the Decision to Prosecute should clarify that the “realistic prospect of conviction” threshold involves a determination that a conviction is “more than technically or theoretically available” and, in the event of uncertainty on that point, the Crown prosecutor should consult with supervisors and experienced colleagues.

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#### 6.1.10. Independent Officer Review: Susan Olive Butlin & Ernie “Junior” Duggan, Complaints (RCMP, December 2019)<sup>390</sup>

Susan Butlin was a resident of Bayswater, Nova Scotia and the mother of two adult children.<sup>391</sup> Ms. Butlin complained to her local RCMP detachment in Colchester County about the conduct of her neighbour, Ernie “Junior” Duggan, including sexual assault and suspected vandalism. The RCMP officers who investigated her initial complaint did not lay charges. They recommended that Ms. Butlin apply for a peace bond against Mr. Duggan. After Mr. Duggan was served with the peace bond summons, his wife called 911 to report that she feared Mr. Duggan would kill Ms. Butlin or himself and that she believed he may have a gun. Police arrested Mr. Duggan for impaired driving but did not lay other charges. The judge hearing the peace bond requested that the RCMP investigate the matter, as Ms. Duggan’s application suggested that a sexual assault had occurred. The RCMP reviewed the file but confirmed its decision not to lay charges. On

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<sup>390</sup> “IOR: Butlin – Duggan complaints.” This document is available in Relativity, at COMM0048906.

<sup>391</sup> In the investigation materials attached to the Independent Officer Review, Ms. Butlin is sometimes referred to as “Susan” or “Susie McNutt.” She is referred to throughout the Review itself as “Susan Butlin.” The information regarding the events preceding Ms. Butlin’s death is set out in the Agreed Statement of Facts filed in support of Mr. Duggan’s guilty plea: <https://www.halifaxexaminer.ca/wp-content/uploads/2020/06/1-1.pdf>.

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September 16, 2017, Mr. Duggan murdered Ms. Butlin. Police then pursued Mr. Duggan, who engaged in a standoff with police for several hours before he was arrested.<sup>392</sup>

After Mr. Duggan was convicted of Ms. Butlin's murder, the RCMP arranged for a review of its officers' interactions with Ms. Butlin and Mr. Duggan. Three senior officers with the Halifax Regional Police/RCPM Integrated Criminal Investigation Division conducted the review.

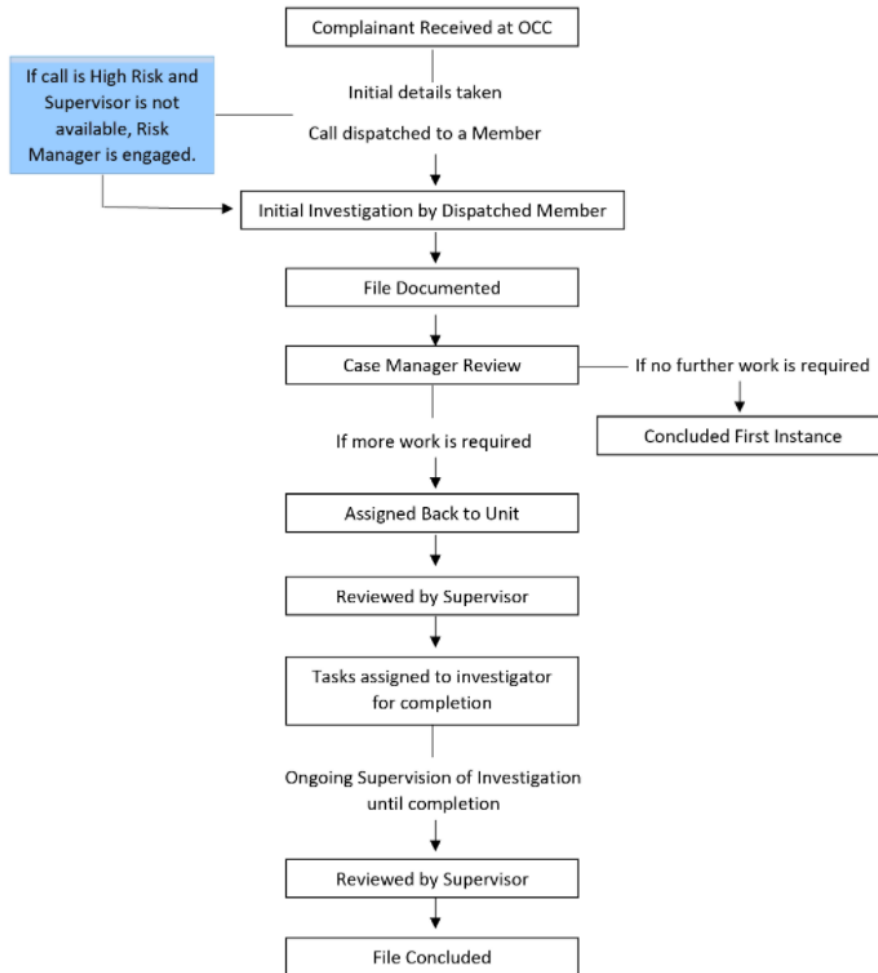
The Colchester County RCMP District has three local detachments, in Tatamagouche, Stewiacke, and Bible Hill. There are 28 constables and five corporals in the district; one sergeant, who is the Operations NCO; and one staff sergeant, who is the District Commander. The Review set out the responsibilities and process for investigating calls in the following flow chart. The OCC is the Operational Communications Centre, which receives and dispatches calls from the public; the Case Manager is an NCO (non-commissioned officer) who reviews the initial documentation on the file and sends it back for further investigation if necessary; the Supervisor is the officer with direct supervisory responsibilities for the investigating officer; and the Risk Manager is a senior NCO who works in the OCC and provides guidance in the initial response to critical or high risk calls where a supervisor or Operations NCO is not available.

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<sup>392</sup> This information is set out in the Agreed Statement of Facts filed in support of Mr. Duggan's guilty plea. <https://www.halifaxexaminer.ca/wp-content/uploads/2020/06/1-1.pdf>

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**Investigative Process Flow Chart**



On August 7, 2017 at 2:23pm, Susan Butlin called 911 and spoke with a call taker at the Operational Communications Centre, then based in Truro, Nova Scotia. The call was recorded, and later transcribed. During the call, Ms. Butlin stated that she wished to make a complaint about a sexual assault that had occurred in July. She named her neighbour as the perpetrator, provided some details about the incident, and requested that a female member be dispatched. The call



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taker stated that no women were scheduled to be on shift at that time, and suggested that Ms. Butlin speak with a male member who would call her, reassuring her that “they’re pretty empathetic”.

An RCMP member from the Bible Hill detachment spoke with Ms. Butlin by phone that day. At the end of that conversation, the RCMP member “informed Butlin that based on what she stated there was no criminal offence and referred her to the Peace Bond process. Butlin responded that this was the reason she had requested a female member.” The RCMP member who originally responded therefore arranged to have a female member follow up with her.

At 6:37pm on August 7, 2017, Ms. Butlin spoke with a female RCMP constable from Bible Hill detachment, in Ms. Butlin’s home near Tatamagouche, Nova Scotia. This conversation was recorded, and later transcribed. Ms. Butlin advised the RCMP member that she was “quite shocked” and “totally floored” when her neighbour, Mr. Ernie Duggan, crudely initiated sexual activity after inviting himself to her home for a drink. She clearly stated that she was not open to that activity and walked away from him. When Mr. Duggan did not leave or desist, she became “friggin scared” and engaged in some sexual activity “to keep things calm ... you don’t know ... what in the hell this neighbors gonna do to ya”. Ms Butlin reiterated in response to follow up questions that when the sexual touching occurred she told Mr. Duggan clearly that she was not interested in sexual activity, that when he did not listen or desist, she became “really, really scared” and “trying to keep him calm, to think, okay, is he gonna jump me or what.” Afterwards, she “just kept saying no”. On further follow up, she explained “I was scared, because he’s a very strong man ... and he was really, really drunk, and when you put those two things together, you don’t know what they’re gonna do.”

Ms. Butlin moved to another area of her home. Mr. Duggan followed and made further vulgar remarks, in response to which Ms. Butlin insisted that she was not interested in sexual activity and he should go home to his wife.

The transcript records that Ms. Butlin told the RCMP member that as Mr. Duggan left, he said “well, I may be back ...” and that she took this as a threat.

After receiving this statement, the RCMP constable confirmed that “based on the information at hand there was no criminal offence, and that she could pursue via Peace Bond if she wished.” A note within the Independent Officer Review states that “the member and supervisors after review came to the conclusion that the sexual contact did not appear to be forced and was consensual.”<sup>393</sup>

No charges were brought against Mr. Duggan and there is no record of the RCMP having sought a statement from Mr. Duggan about these allegations.

On August 10, 2017, Ms. Butlin filed her own information for a Peace Bond. In the grounds for seeking a Peace Bond, she reiterated many of the details she had provided to the RCMP. Mr. Duggan was served with a summons for the Peace Bond on August 16, 2017.

On August 21, 2017 Mr. Duggan’s wife, April Duggan, called 911 “in distress” to report that she thought her husband was going to kill Ms. Butlin. Mrs. Duggan reported having fled her family home after Mr. Duggan had kicked in a locked door. She expressed fears for her own safety and

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<sup>393</sup> Ibid at 37.

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that of Ms. Butlin, and also that Mr. Duggan may harm himself. Mrs. Duggan subsequently called 911 again to report that Mr. Duggan may have obtained a gun.

Two RCMP constables attended the Duggan residence. Due to the lengthy response time anticipated, 911 dispatch called Ms. Butlin and, after confirming that there was no immediate disturbance at her residence, advised her to “hold tight there and just ... I’m not trying to scare you or anything there, but if you just want to lock your doors and stuff, just, just until officers come out” to deal with Mr. Duggan.

Meanwhile, the responding RCMP members “became aware that DUGGAN may be operating his truck while impaired”. They investigated and confirmed that this was the case, and arrested and charged Mr. Duggan for impaired operation of a motor vehicle.

On August 26, 2017 Ms. Butlin reported that she had been receiving text messages from Mr. Duggan “trying to intimidate her from going through with the Peace Bond process.” She stated that she had called Bible Hill RCMP detachment on August 25, 2017 and left a message for the female RCMP constable who had taken her statement, but that no one had returned her call. An RCMP constable reviewed the text messages that Ms. Butlin had received and “determined there was no basis for charges”. The internal review report notes that the responding member ascertained that Ms. Butlin “had not directly advised DUGGAN to stop contacting her.”

On August 29, 2017, the RCMP received an email from a Crown attorney. The email was sent at the request of the judge who had heard the application for a Peace Bond. This judge suggested that the police look into the matter “as it was likely more than a Peace Bond.” An RCMP Sergeant reviewed the file and subsequent harassment complaint and “supported the decision not to pursue charges.” He assigned two constables to review the file.

On August 30, 2017, one of these constables conducted a further review and “concurred with previous investigators that there were no grounds for charge”. He documented his reasons for this conclusion, including that “Butlin’s statement provides no evidence of sexual assault, rather consensual touching.” On this day, Ms. Butlin’s application for a Peace Bond was heard. It was adjourned to September 13 and subsequently to October 3, 2017.

On September 13, 2017, an RCMP corporal documented that Ms. Butlin “had contacted him regarding not being satisfied with police response to her sexual assault complaint. He reviewed her file in full and agreed no charges were warranted.” This corporal met with Ms. Butlin on September 14, 2017 to explain his review and decision not to charge.

On September 17, 2017, Mr. Duggan murdered Ms Butlin with a shotgun. At the time of the RCMP review of these matters, Mr. Duggan had been charged but the case had not been tried. In June 2019, Mr. Duggan pleaded guilty to the second-degree murder of Ms. Butlin.<sup>394</sup> Ms. Butlin was 58 years of age at the time of her death.

The Independent Officer Review made the following findings:

1. The initial investigation of Ms. Butlin’s complaint on August 7, 2017 was incomplete. The initial statement from Ms. Butlin was taken over the phone, which was not a trauma-informed

<sup>394</sup> CBC News, “Tatamagouche-area man pleads guilty to murdering neighbour” 21 June 2019 online: <https://www.cbc.ca/news/canada/nova-scotia/ernest-duggan-susie-butlin-tatamagouche-murder-guilty-plea-1.5185162>.

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approach to a sexual assault investigation. It was only because Ms. Butlin mentioned during this phone call that she had hoped to speak to a female officer that an officer interviewed her in person. Police did not speak to any of the people who might have had information about the assault, such as Mr. Duggan's wife, her boyfriend, sister, therapist, children, or the friends whom she said were present when Mr. Duggan contacted her after the incident. Police also failed to obtain any of the texts or Facebook messages Ms. Butlin had mentioned. They also failed to pursue the possible threats made toward her through her son.

2. They did not conduct a background history check on Mr. Duggan and did not enter this incident into the Violent Crime Linkage Analysis System (ViCLAS).
3. They did not speak to Mr. Duggan.
4. Even though Ms. Butlin said she was fearful of Mr. Duggan, the officers did not discuss safety planning or the Protection of Privacy Act<sup>395</sup> with her. There is no record of any referral to victims services. The referral to the Peace Bond process appeared to have been verbal only, despite the fact that the Public Prosecution Service had created a brochure, available in hard copy and online, which outlines the process for obtaining a peace bond.
5. The officers documented the information about the swimming pool in the sexual assault complaint file but did not open a separate occurrence for it and did not investigate it.
6. The officers did not appear to consider consulting with a Crown or subject-matter expert.
7. It does not appear that officers informed Ms. Butlin of their decision regarding whether to charge until she requested it.
8. During the interview of Ms. Butlin at her home, which was recorded, the investigating officer did not pursue issues in detail, such as what exactly happened in the bathroom, Mr. Duggan's level of intoxication, his stature, the size of the bathroom, whether he was blocking the door, or the difference in their ages and physical fitness. Ms. Butlin also mentioned that Mr. Duggan started to touch her breast, but the officer did not explore this further. The officer also failed to fully explore the complaint of harassment.
9. Ms. Duggan referred to her sons being contacted by a friend of Mr. Duggan, who Ms. Butlin said was involved in criminal activity. This was not followed up in questioning or documented in the file.

The Review noted that although taking these additional steps might not have changed the ultimate decision regarding charges, "it is important to understand the gravity of the allegation and the obligation to both the complainant and the accused for the police to take all reasonable steps to gather as much information as possible to form an informed decision."<sup>396</sup>

The Review also identified several instances of apparent bias by both members and supervisors. These include:

1. Supervisor comments on the file stating that the sexual contact was consensual, despite Ms. Butlin having clearly stated that she was saying "no" to Duggan, that he touched her, that she feared she would be raped, that he was "big and drunk," that she felt isolated, and that she was concerned about what Mr. Duggan would be capable of if she did not cooperate.
2. It appeared that officers believed that the fact that Ms. Butlin returned to the bathroom to see what Mr. Duggan was doing constituted an invitation to the sexual contact. She was never

<sup>395</sup> This legislation addresses trespassing and other property offences.

<sup>396</sup> "IOR: Butlin – Duggan complaints", p. 16.

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given the opportunity to explain her reasons for returning to the bathroom in more detail, and the fact that her grandchildren were in the home appeared to have been lost in the review of the file.<sup>397</sup>

3. There were references in the file to the fact that Ms. Butlin described Mr. Duggan as drunk even though she had said she only gave Mr. Duggan one glass of wine. The officers do not appear to have considered the possibility that Mr. Duggan consumed alcohol before coming to her house.<sup>398</sup>

The Independent Officer Review also considered the officers' response to the August 21, 2017 call from April Duggan, which led to the impaired driving charge against Mr. Duggan. The review noted that Ms. Duggan had said that she believed her husband "was going to kill the neighbour," that he had been deteriorating over the past several days since learning of Ms. Butlin's allegations, that she feared for her own and Ms. Butlin's safety, that her husband had been violent that evening, kicking in a locked door, and that she believed he may have gone to get a gun. Given this very concerning information, which clearly demonstrated a significant safety risk to Ms. Butlin, there were significant deficiencies in the investigation,<sup>399</sup> including:

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<sup>397</sup> The written Supervisor Review, dated August 30, 2017, stated:

[Ms. Butlin] admits she was not forced to do anything with Duggan. She made no attempt to call for help or even report the incident to police until her pool was damaged. She knew he was in the bathroom with his pants down and she went back to the bathroom a second time without his prompting, which is when she engaged in sexual activity with him... Butlin's statement provides no evidence of sexual assault, rather consensual touching. Duggan would need to have touched her for a sexual purpose, or in a manner which violated the sexual integrity of the person... Duggan did not display any violent or domineering behaviour, and Butlin did not provide any evidence to support a reason for fearing Duggan other than he was "big and drunk" (drunk from one glass of wine that she provided).

In Ms. Butlin's recorded statement to the female officer, she states several times that if her grandchildren had not been there, she would have kicked Mr. Duggan or fought with him, and she said she did not want to traumatize them. She also said, "Your other officer said, well because you touched his penis and you sucked it, because I was friggin scared, and what else would you do, like, when your [sic] trying to keep things calm, I did only what, trying to keep him, tame, or whatever you wanna call it, because I can't explain, unless your [sic] in a situation, that you don't know if your [sic] gonna get raped er, what in the hell this neighbors [sic] gonna do to ya..." (p. 85). She also said she went back into the bathroom because he wasn't coming out, and she wanted to get him out. She then said "I was scared, obviously I was scared, and I did touch it... I was really scared, and I just kept saying no..." (p. 88). Although the Independent Officer Review noted the significant distance between the detachment and Ms. Butlin's home, there was no reference to the likely response time as a possible factor in Ms. Butlin's decision not to contact police at that time. Ms. Butlin also told the female officer that she did not call the RCMP immediately after the incident out of concern for the impact on Mr. Duggan's wife if she did so.

<sup>398</sup> The file materials appended to the Independent Officer Review show that in Ms. Butlin's original call to the police, she stated that she and Mr. Duggan and others were having a bonfire down at the beach before he came into her home. In her recorded statement, she said that her grandson was at the neighbouring property, and they were starting to have a bonfire with some friends, that she went over to get her grandson, that one of the people there offered her a beer, and that Mr. Duggan was there. At that point he agreed to bring her grandson back to her home on his tractor. He then asked to come into her home and have a drink.

<sup>399</sup> The investigation reports appended to the Review show that the officers who responded to April Duggan's call spoke to Mr. Duggan outside his home while he drank a beer. He was cooperative and understanding and said he respected policing. He said he and April had been going through a rough patch and she had locked him out, so he kicked the door in. He said he would never hurt, threaten, or assault his wife and would never hurt anyone. He said he was not suicidal. He was intoxicated and continued to drink beer during this conversation. Ms. Duggan, who had fled to a friend's house, told the police that Mr. Duggan had been paying off his mortgage and bills and saying he wanted her financially sound before he left. She believed he was suicidal. Officers then found Mr. Duggan driving his truck and arrested him, placing him in custody overnight. They told April Duggan that he was in custody. There is no record of any further discussion with her regarding safety planning or her fears of Mr. Duggan. There is also no indication that the officers considered investigating this matter as an intimate partner violence incident, despite Ms.

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- The officers did not obtain a statement from April Duggan or another person (name redacted) who may have relevant information.
- They took no steps to determine if Mr. Duggan had obtained or had access to a gun.
- They did not document their contact and conversation with Mr. Duggan.
- There was no indication that a Risk Manager or supervisor was involved in this call.

Next, the Review examined the report by Ms. Butlin on August 26 that Mr. Butlin was sending messages to her and trying to intimidate her into giving up on the peace bond process. The investigating officer documented that he spoke to Ms. Butlin, and the messages were not of a criminal nature. In the messages, Mr. Duggan said he would tell people about Ms. Butlin on Facebook. The Review concluded, “Given the ongoing events since the initial sexual assault complaint, these allegations should have been taken seriously and a thorough investigation conducted.” Such an investigation would have included taking a formal statement from Ms. Butlin, obtaining copies of the text messages, obtaining a statement from April Duggan, and speaking to Mr. Duggan. Because these steps were not taken, it is impossible to know whether there were grounds for charges of harassment or intimidation of a justice participant.<sup>400</sup> The Review noted that there were differences between what Ms. Butlin said in the recorded initial call and what the investigating officer documented. Because the officer did not take a recorded statement from Ms. Butlin, it is unclear whether the officer misunderstood what Ms. Butlin was saying or whether Ms. Butlin said something different to him from what she said when she called in her initial complaint. A recorded statement would have eliminated these questions. The Review also noted that at the very least, the information regarding Mr. Duggan’s contact with Ms. Butlin should have been forwarded to the Crown to assist her in preparing for the first appearance on the peace bond application, which took place four days later.<sup>401</sup>

The Review also noted problems with documentation by both investigating members and supervisors in all of the files, in officers’ notes and in written reports. Without this documentation it is impossible to know if the investigating officers acted properly or made decisions appropriately given the information known to them at the time. The Review made a particular note that other than the reviews that occurred at the request of Judge Bégin and the Crown Attorney, “there is virtually no documentation on any files indicating that the files were ever reviewed by a Case Manager or Supervisor.”<sup>402</sup> Despite the fact that supervisors were involved at various times, they did not identify or address the problems with the investigation. The two separate supervisors who reviewed the sexual assault and harassment files on August 29 and 30 did not identify any issues for follow up, and both agreed that no charges were warranted. Neither of them included the Impaired Operation file in their reviews, which contained important information on the threats against Ms. Butlin. They may not have realized it contained relevant information because it was coded as an Impaired Operation file. A third supervisor, who reviewed the sexual assault investigation at Ms. Butlin’s request on September 13, 2017, also reviewed the peace bond

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Duggan’s report that he had broken down a door in the course of an argument between the two. The Review does not make reference to these omissions.

<sup>400</sup> The investigative records appended to the Review suggest that the investigators considered only whether the messages were “threats of a criminal nature” rather than whether the communications could amount to the offence of intimidation of a justice system participant or other offence. In her initial call to the OCC to report the messages, Ms. Butlin said that Mr. Duggan was texting her with allegations of improper sexual conduct on her part and said that he would go to authorities to prevent her from having exchange students in her home.

<sup>401</sup> The court record shows that at the first appearance of the peace bond application on August 30, 2017, Judge Bégin directed Mr. Duggan to have “no contact whatsoever” with Ms. Butlin.

<sup>402</sup> “IOR: Butlin – Duggan complaints”, p. 20.

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application. However, that supervisor also failed to direct members to take any additional steps. The Review stated:

It is vital that supervisors are fully engaged in reviewing files, including identifying deficiencies and outstanding tasks that need to be taken. This is especially vital in serious allegations such as a sexual assault. In instances where supervisors do not have training or dedicated experience in a specific area it is key that they identify outside parties who do possess the required background so that consultation can be undertaken if needed.<sup>403</sup>

Finally, the Review identified problems with training. None of the members involved in the investigations appeared to have had any advanced investigative training, particularly regarding sexual assault investigations. None had had training in trauma-informed approaches. Because the Case Manager and Risk Managers are only available at the initial stages of an investigation, the day-to-day supervision of investigations is left to the unit or team supervisors. However, none of the training required for supervisors include training on advanced investigations.

The RCMP National Headquarters Sexual Assault Review Team (SART) had prepared a Best Practice Guide for Sexual Assault Investigations, which included a checklist. The Review described it as an effective tool for members and supervisors to ensure that steps in the investigation are not missed. There was nothing in the files suggesting that any of the investigators or supervisors used this guide during their investigations or reviews of Ms. Butlin's sexual assault complaint.

As noted, the Review concluded the investigators had not contacted a subject matter expert. The Review noted that consultations with such experts, such as officers with specific training or experience, or with Crown counsel "provide an opportunity for an impartial review of the information at hand and can assist investigators in making a determination of what, if any, outstanding tasks need to be completed."<sup>404</sup> It noted that this kind of consultation is routinely done in homicide investigations.

There was no indication of any personal relationships between any of the investigators and Ms. Butlin or Mr. Duggan. The reviewers concluded that the gaps in the investigations appear to be related to performance rather than intentional acts or omissions, and the initial conclusion that the sexual contact between Mr. Duggan and Ms. Butlin was consensual appeared to have affected the police perception of their subsequent interactions. The Review noted the increasing scrutiny of police investigations of sexual assault and the fact that SART reviews from across the country

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<sup>403</sup> "IOR: Butlin – Duggan complaints", p. 21.

<sup>404</sup> "IOR: Butlin – Duggan complaints", p. 23. A timeline of events, which was appended to the Independent Officer Review, states that the Crown, Ms. Brown, agreed with the officers that there were no reasonable and probable grounds to support a charge. However, nothing in the file materials suggests that Ms. Brown gave any opinion or was asked to give her opinion about whether the evidence supported a charge. The correspondence between the reviewing officer and the Crown on August 30, 2017 shows that the officer sent a brief email stating that he and another officer had reviewed the file and that based on that review and the comments of the supervisor, "we would support the decision made not to proceed with charges in relation to the sexual assault allegations. We have also noted there are inconsistencies in the information written on the Peace Bond application compared to the information she provided previously." The officer did not provide any other explanation of the conclusion that there were no grounds for a charge and did not provide Ms. Brown with any information about the contents of Ms. Butlin's statements to police. Ms. Brown expressed reluctance to tell the court about inconsistencies in Ms. Butlin's statements and said she would simply advise the court that the investigator does not have reasonable and probable grounds to believe an offence has been committed (pp. 67–68). There were no records of any further communication with the Crown about the decision not to charge.

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had identified problems with investigators' understanding of consent and other issues in sexual assault cases. This had led to many "unfounded" complaints being reopened for investigation.

The Review concluded that this case "clearly demonstrates the need and priority required for specialized training for all investigators and supervisors tasked with these often-complex investigations"<sup>405</sup> and for continued oversight of sexual assault investigations by SART and Division Management, as was being planned at the time of the Review. The gaps in knowledge, skills, and abilities of investigators in sexual assault cases were not unique to the Tatamagouche Detachment. The reviewers recommended that until all members receive advanced training in sexual violence investigation, the members of the Halifax Integrated Sexual Assault Investigation Team (SAIT), who are highly trained subject-matter experts, be made available to consult with frontline investigators across "H" Division.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission<sup>406</sup>**

1. Increase availability of advanced investigative training for frontline members. While it is not likely feasible for all general duty members to receive advanced or sexual based investigative training, steps can be taken to ensure more members are trained. It is important for all detachments to have persons well versed in advanced investigations. These members can then be utilized for investigations such as this, where further investigation is beneficial in working to gather all available evidence prior to making a determination on an allegation. This could be done through an online training course in order to train large numbers in a short period time.
2. Investigative training for supervisors. Similar to the recommendation that all frontline members have more access to advanced investigative training, all members performing investigative supervisory roles should have a training component that deals with advanced investigations. A portion of this training should focus specifically on sexual offences. Again, this could be delivered online.
3. Referral to/use of the Best Practice Guide including Advanced Checklist. In areas where members (both frontline and supervisors) do not have training and experience, the Best Practice Guide for Sexual Assault Investigations prepared by the National Headquarters Sexual Assault Review Team (SART) should be reviewed and consulted and the checklist completed.
4. Identify and Utilize Supports (SMEs). In situations where there is uncertainty, it is reasonable for members to seek out Subject Matter Experts (SME) to review the information collected and identify potential outstanding issues. This could fall to members who have received specific training, members who have extensive experience in a specific area of investigation or by direct consultation with Crown Counsel.

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<sup>405</sup> "IOR: Butlin – Duggan complaints", p. 24.

<sup>406</sup> The text of these recommendations has been condensed and slightly paraphrased.

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**6.2. Federal****6.2.1. The War Against Women: Sub-Committee on the Status of Women (House of Commons, 1991)<sup>407</sup>**

The Standing Committee on Health and Welfare, Social Affairs, Seniors and on the Status of Women established the Sub-Committee on the Status of Women in December 1990. Its mandate was to inquire into the definitions, incidence, causes, and costs of violence against women, as well as the response of the criminal justice system, community groups, and government, and the role and responsibility of governments to seek solutions to the problem of violence against women. The Sub-Committee heard from abused women, government officials, service providers and community-based agencies, advocates for victims of violence against women, and experts and commentators.

The Report, issued in 1991, opened with reference to the murder of fourteen women engineering students at École Polytechnique two years earlier: "The Montreal massacre was the catalyst for Canadians to demand that violence against women be put on the public agenda." It accepted the definition of violence against women provided by the Canadian Advisory Council on the Status of Women, as "a multifaceted problem which encompasses physical, psychological, and economic violations of women which is integrally linked to the social/economic/political structures, values, and policies that silence women in our society, support gender-based discrimination, and maintain women's inequality."<sup>408</sup>

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. The Committee recommends that the federal government exercise its leadership role to ensure security of the person for all Canadian women by mounting a national multimedia education campaign on violence against women. The campaign should expressly denounce violence against women as criminal behaviour and emphasize societal responsibility for its prevention.
2. The Committee recommends that the federal government initiate discussions with provincial and territorial governments to ensure that the community has adequate resources to accommodate the demand for services that will emanate from the multimedia campaign on violence against women.
3. The Committee recommends that the federal government take the lead role on gender sensitivity training for law enforcement personnel by requiring police officers in the federal sector (RCMP) to take mandatory training and refresher courses that focus on the prevalence of violence against women and children, its symptoms, its consequences for victims, and appropriate ways to respond to victims' needs. The content of the courses should be developed in consultation with frontline agencies that work with female victims of violence. The federal government should make available appropriate resources to provincial and municipal governments to enable them to require their personnel in the law enforcement, social and health sectors to take these courses.

<sup>407</sup> "The War Against Women: Report of the Sub-Committee on the Status of Women," House of Commons Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women (June 1991).

<sup>408</sup> "The War Against Women," p. 3.



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4. The Committee recommends that the federal government take the lead role to ensure that secure long-term funding is available for frontline agencies providing services to assaulted and abused women and girls. Financial support is needed to ensure that services will be accessible to all women in need and sensitive to the needs of women with disabilities, elderly women, and women who are immigrants and or members of visible minorities.
5. The Committee recommends that the federal government take the lead role in coordinating the development of a housing policy in Canada and providing tangible support to resolve the crisis in affordable and accessible accommodation confronting low-income earners and the poor, particularly for women who are not safe in their homes.
6. The Committee recommends that the federal government take the lead role in stressing the importance of the mandatory charging policy in cases of physical and sexual assault and abuse by directing the RCMP to assiduously follow the policy. The federal government should also encourage provincial governments to direct their police forces to consistently support their respective mandatory charging policies.
7. The Committee recommends that an administrative body or task force, comprised of individuals with expertise in law as well as other expertise in areas affecting women's equality, be struck and charged with the task of developing equality-enhancing legislative responses to violence against women through timely and meaningful consultation with equality-seeking groups. The groups should be provided with funding to enable them to develop their expertise and provide the committee with input and assistance. This task force would be responsible for the screening of all legislative initiatives to determine their consistency with women's equality.
8. The Committee recommends that Parliament revisit the issue of gun control and introduce registration that will be stronger in the following specific ways: that gun ownership be reformed as a privilege, and not as a right; that the privilege of gun ownership not be granted to persons who have been convicted of crimes against the person or other serious offenses; that the minimum age for gun ownership be raised from sixteen to eighteen years; that semi-automatic weapons be made restricted weapons; that all weapons be required to be registered by type and serial number on the owners firearms acquisition certificate (FAC); that a FAC be required for the purchase of ammunition; that a national database of gun owners and guns be set up; that women and non-gun owners be included in the process of defining safe storage requirements for guns and that the safe storage requirements be enforced; that all assault weapons be removed from circulation; and that the necessary resources be allotted to each of these initiatives.
9. The Committee recommends that the federal government take a leadership role and work with women's groups across the country and with the provinces to establish a royal commission on violence against women.

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#### **6.2.2. Ad Hoc FPT Working Group Reviewing Spousal Abuse Policies and Legislation (2003)<sup>409</sup>**

The Federal/Provincial/Territorial Ad Hoc Working Group Reviewing Spousal Abuse Policies and Legislation was established in 2000 at the direction of the federal, provincial, and territorial

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<sup>409</sup> "Final Report of the Ad Hoc Federal–Provincial–Territorial Working Group Reviewing Spousal Abuse Policies and Legislation," prepared for the Federal–Provincial–Territorial Ministers Responsible for Justice (2003), <https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/pol/index.html>.

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ministers responsible for justice. It was co-chaired by the Department of Justice Canada and the Nova Scotia Department of Justice. The working group was directed to review the implementation and status of mandatory/pro-charging and pro-prosecution policies for spousal abuse as well as proposed legislative reforms. Its first report, issued in 2001, focused on Criminal Code reforms and recommended amendments regarding breaches of court orders. Its second report, focused on spousal abuse policies, was issued in 2003. This was the first coordinated review of these policies across Canada.

The Working Group noted that the pro-charging and pro-prosecution policies for spousal abuse are the applicable standard for all criminal conduct, and the need to create specific policies in the spousal abuse context reflected the historical treatment of spousal abuse as a private matter. The Final Report reviewed the adoption of spousal abuse policies in Canada since 1981, reviewed the experiences of police, Crown prosecutors and victims, and focused on three objectives: criminalizing spousal abuse; promoting victim safety and security; and maintaining confidence in the administration of justice. The Working Group recommended the continued retention of pro-charge/pro-prosecution policies. It concluded that the charging policies had some unintended negative consequences, but they were strongly supported by the majority of victims and had contributed significantly to strengthening the criminal justice system response to spousal abuse. The Report also reviewed other measures that had been implemented to support these policies and better protect victims. It noted that ongoing training for criminal justice personnel and evaluation of new measures are critical to the effective response of the criminal justice system to spousal abuse.

The Working Group called for coordination in each jurisdiction across policy sectors and at the provincial, community, and individual levels, stating:

The essential ingredients of an effective strategy addressing domestic violence within each jurisdiction include resources, a focal point of leadership and co-ordination, senior-level commitment and support to undertake these initiatives, and an accountability framework based on commitment to a long-range vision.<sup>410</sup>

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 1) The Working Group recommends the retention of the current pro-charging policies for spousal abuse cases. In this regard, the current test should continue to apply, namely that a charge should be laid where there are reasonable grounds to believe that an offence has been committed and, in jurisdictions with Crown pre-charge approval, when it is in the public interest to lay a charge.
2. (Recommendation 3) The Working Group also recommends that the elaboration of pro-charging policies for spousal abuse specifically address, at a minimum, the following key issues:

**Test not met:** Where there are no reasonable grounds to believe that an offence has been committed but police nonetheless believe that the victim's safety may be at risk, police should consider the availability of other responses, including civil protection orders under provincial and territorial legislation on domestic violence and recognizance orders under section 810 of the Criminal Code. However, these alternative responses should not be used in place of charges where the test has been met.

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<sup>410</sup> "Final Report of the Ad Hoc FPT Working Group," p. 83.

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**Arrest:** The pro-charging policy should not be viewed as modifying the standard criteria used to determine whether the circumstances of the case require the arrest of the offender. All of the circumstances should be evaluated before police decide to arrest, with or without a warrant.

**Dual charges:** Where the facts of a particular case initially suggest dual charges against both parties, police should apply a “primary aggressor” screening model, seek Crown review and approval of proposed dual charges for spousal violence, or do both.

**Pre-charge diversion to alternative justice processes:** The majority of the Working Group recommends against pre-charge diversion of spousal abuse cases to any alternative justice processes. The minority (British Columbia and Prince Edward Island) only allow pre-charge diversion of spousal abuse cases to Alternative Measures programs established pursuant to the Criminal Code on Crown approval.

**Investigation:** Attending police must be directed to conduct a complete investigation and to collect all available evidence from all sources and not just from or primarily from the victim.

**Risk assessment:** When conducting any risk assessment, police should apply validated tools to assess the safety and security of the victim throughout the process, including for bail purposes. Police should be supported in this regard through on-going training and education regarding risk assessment in spousal abuse cases.

**Release of an accused from custody by the officer in charge:** In assessing whether there are reasonable grounds to believe that the accused should not be released, the safety and security of the victim should be paramount. The officer in charge should consider whether there is a history of abuse, including previous breaches of bail or probation conditions, and criminal or civil court orders. Where the decision is made to release the accused, the officer in charge should require the accused to enter into an undertaking that includes appropriate conditions such as non-communication, non-attendance (for example, at residence, schools, and place of employment), firearms and drug and alcohol prohibitions. The victim should be advised of the decision to release an accused from custody and of any applicable conditions.

**Victim support:** Police should be required to advise of and direct victims to available victim services and other supporting agencies (such as shelters).

3. (Recommendation 8) It is recommended that jurisdictions support and strengthen, with senior-level commitment, co-ordination of initiatives to respond to family violence within and outside departments of justice that include multiple government and community stakeholders. Models of co-ordination may differ among jurisdictions but should incorporate the key elements of an effective response identified below. An effective coordinated response requires leadership and a focal point of coordination of government family violence initiatives with:
  - authority to shape policy development to achieve a co-ordinated and consistent policy framework among a variety of departments;
  - representation by all affected departments at senior levels by people with the ability to influence departmental policy and who have access to the Deputy Minister;
  - resources to implement a co-ordinated policy framework;
  - an accountability framework with mechanisms to track and report on progress;
  - some form of representation and involvement or partnership with community stakeholders with roles of parties clearly defined;
  - processes to enhance relationship-building at all levels among all players, and to promote a sense of partnership and a shared vision based on a common understanding of the problem;

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- encouragement of local inter-sectoral committees;
  - support at a local level for government staff in the field, who implement provincial and territorial policy and who participate meaningfully in interagency forums to create positive working relationships and solutions to problems identified; and
  - some joint case management function across agencies to develop co-ordinated case plans for individual families where abuse is a concern (that is, protocols governing exchange of information and service provision; and roles and ways of working together).
4. (Recommendation 10) It is recommended that jurisdictions consider whether the adoption of civil domestic violence legislation would provide more immediate and broader remedies than presently exist, for example, under the Criminal Code. Of particular importance are provisions granting to the victim exclusive occupation of the home, temporary possession of personal property, temporary care and custody of the children, and a specific prohibition against selling, converting, or damaging property. Provisions directing removal of the abuser and seizure of weapons are also important. In jurisdictions where it has been enacted, civil domestic violence legislation is not to be used as a replacement for criminal charges where reasonable grounds exist for such a charge. However, criminal and civil process may be used concurrently. The following critical success factors should guide the implementation of the legislation:
- training should be conducted well in advance of the proclamation of this legislation and should include the information about its relationship to the Criminal Code;
  - attention should be paid to the importance of garnering community and stakeholder support;
  - mechanisms and co-ordinating committees should be implemented to ensure that problems such as training or interpretation issues are identified and addressed early;
  - the legislation should be closely monitored and evaluated, a task that should include developing methods for tracking breaches of the legislation;
  - public education should accompany the legislation to ensure that victims and the community are aware of it;
  - issues pertaining to the application of the legislation on reserve or settlement land should be addressed in consultation with Aboriginal communities to enlist their support to ensure the protection of victims and their children and to ensure the same degree of protection is available to individuals on- and off-reserve; and
  - provision of adequate legal aid resources will be required to assist women with the longer-term victim assistance orders, to make them effective remedies.
5. (Recommendation 11) It is recommended that jurisdictions, in collaboration with community agencies, continue to ensure the provision of support services to victims to assist them throughout their involvement with the criminal justice system. These services should include, at minimum:
- a. information about abuse, the criminal justice system, the role of the victim-witness, and case status;
  - b. referral and access to a range of supporting agencies and services to meet the multiplicity of victim needs;
  - c. victim notification of and participation in decisions regarding the release of accused individuals and offenders, and notification of conditions associated with the release;
  - d. emotional support and crisis intervention;
  - e. assistance with victim impact statements; and
  - f. risk assessment and safety planning.
- g. Key components of an effective service are:

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- h. intervention as soon as possible following the incident;
  - i. access and referral to a continuum of services;
  - j. services that recognize the unique needs of spousal/partner abuse victims;
  - k. collaboration and co-ordination among agencies providing services;
  - l. clarity of roles (between criminal justice-based victim services and community support agencies); and
  - m. availability of information and effective communication mechanisms among players within and external to the justice system.
6. (Recommendation 12) It is recommended that jurisdictions explore ways to ensure the provision of a continuum of accessible, comprehensive, and co-ordinated community-based and government services to victims and their families, including both shelter and outreach services. Training for criminal justice professionals and service providers in a variety of disciplines serving abused women and their children is necessary to strengthen working relationships, to understand differing objectives, and to implement an effective response. Services required include the following:
- a. emergency access to a safe place (including emergency transportation and overnight accommodation, particularly for those in rural and isolated areas);
  - b. counselling and emotional support (immediately following a crisis and through follow-up and outreach on a residential or non-residential basis);
  - c. information and referral;
  - d. access to affordable and safe housing, and to legal and medical services;
  - e. employment and income support;
  - f. mental health and addiction services where required;
  - g. childcare, child support, and counselling for children to overcome trauma;
  - h. safety planning; and
  - i. assistance with the family law system (spousal maintenance, custody and access, child support and accommodation).
7. (Recommendation 15) It is recommended that the use of validated risk assessment tools be recognized as a way to help people make decisions at various stages of the justice system. It is recommended that jurisdictions further explore the use of risk assessment tools and exercise caution when offering guidelines for intervention based on the results of their use. Any related training should communicate the limitations associated with risk assessment tools.
8. (Recommendation 16) It is recommended that jurisdictions develop and enhance mechanisms for monitoring justice system performance in family violence cases, to support sound executive decision-making and measure the impact of new initiatives. It is recommended that jurisdictions support the development of information systems based on the collection of common key performance indicators to enable evaluation of justice system performance. The development of common methodologies for examining programs is also recommended (for example, when evaluating abusive partner treatment programs) to facilitate knowledge exchange and advancement. Elements of an effective response include the following:
- a. the use in all data collection systems of a family violence identifier to distinguish cases of spousal/partner abuse;
  - b. identification and collection of justice system key performance indicators (such as charge and arrest rates, “drop” rates, conviction rates, dispositions, duration of offender treatment and supervision, offender compliance with conditions, charges for noncompliance and rates of reoffending) to enable comparisons both within and between jurisdictions;

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- c. capacity to produce management reports on justice system performance (byproducts of operational systems) for executive decision-making purposes;
  - d. information system integration (from police to courts to corrections) so that individual cases can be tracked; use of research to inform policies and practices; and
  - e. performance management to ensure that frontline workers comply with policy and procedures.
9. (Recommendation 17) It is recommended that each jurisdiction develop and implement a plan for the development and ongoing delivery of cross-sectoral training to new and existing staff dealing with family violence issues within the criminal justice system. This training should be based on the critical success factors identified below to ensure an effective response to family violence. It is suggested that jurisdictions share training resources to avoid duplication of effort and to minimize the burden of developing course material. The work of the National Judicial Institute should be supported to ensure that the judiciary continues to receive education regarding the dynamics of spousal/partner violence and the impact of the criminal justice response. The following best practices have been identified:
- a. integration of domestic violence training into pre-service training and additional annual training sessions to update information;
  - b. assignment of training co-ordination to a specific individual or group;
  - c. content that addresses information about the dynamics of family violence, the legislative remedies and options available—both criminal and civil—and the interplay between them, and the unique roles of particular parties (case studies are a useful method to “test” the learner’s ability to apply the policies and procedures, as well as to create a common understanding of “real-life situations” and the approaches to be used);
  - d. specialized training for police and Crown Prosecutors on evidence collection and prosecution of domestic violence cases;
  - e. specialized training regarding the dynamics of spousal violence for correctional services officials;
  - f. a train-the-trainer approach, which facilitates training of large numbers in a cost-effective manner;
  - g. training that underscores the partnership between people with expertise in family violence and people with knowledge of the particular sector or profession to be trained, ensuring a sound foundation for the development of the training content and the delivery strategy; and
  - h. provision of training at the local level to build on resources available in the community, since successful training initiatives involve criminal justice professionals together with community representatives, in order to emphasize the community–justice partnership (training is not only a means to impart information but also a process of building community capacity and of enhancing critical relationships among players—an approach that contributes to a common understanding of the problem and of the appropriate means of intervention, as well as to a shared sense of responsibility).
10. (Recommendation 18) It is recommended that resources at the government, corporate, and community levels be committed to broad-based prevention activities. An effective preventive strategy must address all stages of the continuum of family violence and include the following:
- a. programs for children and youth exposed to family violence or exhibiting aggressive behaviour;
  - b. school-based healthy relationship courses to teach the elements of healthy relationships and acceptable and unacceptable behaviour to both adolescent boys and girls as they begin to date, and to teach the concept of respect for others and conflict

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- resolution techniques in earlier grades, as well as anti-violence campaigns and programs, including sexual assault and harassment prevention;
- c. public education to change attitudes, which contribute to the continued existence of family violence, in order to help victims identify abusive behaviour, to inform them of assistance available, and to encourage individual and community action;
  - d. early intervention measures, which seek to intervene early in relationships before abuse escalates to prevent further harm; and
  - e. programs that enable abusive partners to address their abusive behaviour, preventing further harm to others.

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**6.2.3. Aboriginal Women and Family Violence (Indian and Northern Affairs Canada, 2008)<sup>411</sup>**

This report is a condensed version of a 2006 report prepared by the Ipsos-Reid research firm for Indian and Northern Affairs Canada. The introduction noted that no comprehensive studies had detailed the scope of family violence within Indigenous communities. The authors held focus groups with groups of First Nations and Métis women in four locations in Canada (including Sydney, Nova Scotia), and conducted telephone interviews with fifteen “first responders” representing RCMP and provincial police agencies, health care workers, social workers, and crisis centre staff. Five of these first responders worked with Inuit women in the north, and the remainder worked with First Nations women living on reserve and in urban centres in Southern Canada. Many of the focus group participants had personal experience with intimate partner violence.

The authors noted that first responders expressed the perception that there is a higher incidence of intimate partner abuse in Indigenous communities than elsewhere. Participants identified many causal factors for violence, including loss of identity and way of life and the continued impact of residential schools. Nearly all participants pointed to drug and alcohol consumption by both parties as an aggravating factor. Despite the significant consequences to women and children of this violence, the criminal justice system response was viewed as minimal and ineffective.

The report listed suggestions made by the focus group participants and first responders that would allow Indigenous women and first responders to become better informed about the problem of male violence against Indigenous women and improve first responders’ ability to assist. There is no information suggesting any government response to this report.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission<sup>412</sup>**

1. Increased funding for resources to assist Aboriginal women victims of male violence, encompassing:
  - a. Educational programs to teach Aboriginal women about healthy relationships;
  - b. Short-term and long-term housing for victims
  - c. Short-term and long-term counselling for victims
  - d. Counselling and provision of basic resources (e.g., food and clothing) for children;

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<sup>411</sup> “Aboriginal Women and Family Violence,” Indian and Northern Affairs Canada, National Clearinghouse on Family Violence (2008), [https://www.talk4healing.com/files/9413/5057/1341/Aboriginal\\_Women\\_and\\_Family\\_Violence.pdf](https://www.talk4healing.com/files/9413/5057/1341/Aboriginal_Women_and_Family_Violence.pdf).

<sup>412</sup> The recommendations were not numbered in the Report.

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- e. Interim financial assistance for victims
  - f. Affordable transportation to available services
2. Emergency 24-hour, 7-day crisis hotlines
  3. 24-hour, 7-day access to assistance from first responders within reasonable proximity to communities
  4. Increased convenience and privacy in reporting acts of violence on reserves and in settlement communities
  5. Cultural sensitivity training for all first responders (police, health care professionals, educators and others who directly assist women victims of intimate partner violence or otherwise work with communities to reduce the incidence of such violence)
  6. Strong incentives or mandatory training for community leaders to ensure that they treat the issue of male violence against women as a high priority and a serious community-wide problem
  7. A “piggy-back” use of existing programs (such as Friendship Centres and medical facilities) or government-sponsored mailings (such as regular mailings of payments) to provide information on this issue and spare women from having to seek it out
  8. Training for personnel dealing with victims of abuse about privacy issues and the consequences of failing to respect the confidentiality of women dealing with this sensitive issue in communities with tight and overlapping familial ties

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#### **6.2.4. Ending Violence Against Aboriginal Women and Girls: Standing Committee on the Status of Women (House of Commons Committee, 2011)<sup>413</sup>**

The Standing Committee on the Status of Women issued this Report in 2011. The stated focus was to empower young Aboriginal girls and women with the goal of reducing the victimization, poverty, prostitution, and abuse they experience. The Committee heard from several Indigenous women’s organizations, VAW advocates, government officials, RCMP representatives, representatives from Friendship Centres, Indigenous community leaders, and academics. The New Democratic Party (NDP) and Liberal members of the Committee issued dissenting opinions, and the NDP issued its own set of recommendations.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission<sup>414</sup>**

- (page 16) The Committee recommends that the federal government collaborate with the Native Women’s Association of Canada to explore the feasibility of i) sharing some or all of the information in the database with the Royal Canadian Mounted Police Support Centre for Missing Persons; and ii) deciding what if any information can ethically be made available more broadly beyond police and justice system officials.
- (page 19) The Committee recommends that the federal government, under the aegis of the Family Violence Initiative, work with the Canadian Police College, Aboriginal women’s

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<sup>413</sup> “Ending Violence Against Aboriginal Women and Girls: Empowerment, a New Beginning—Report of the Standing Committee on the Status of Women,” House of Commons (December 2011), <https://publications.gc.ca/site/eng/9.572804/publication.html>.

<sup>414</sup> The recommendations were not numbered.



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organizations, and the Department of Public Safety Canada to develop and disseminate training materials with respect to the cultural and historical context in which violence against Aboriginal women occurs.

- (page 20) The Committee recommends that the federal government, under the aegis of the Family Violence Initiative, work with the Canadian Association of Chiefs of Police, Aboriginal women's organizations, Status of Women Canada, Aboriginal Affairs and Northern Development Canada, and the Department of Public Safety Canada to pilot and disseminate results of collaborative approaches at the community level to violence against Aboriginal women.
- (page 21) The Committee recommends that the federal government continue to work with its provincial and territorial partners and stakeholders to determine what more can be done within existing service models to better address the needs of Aboriginal victims of violence.

**Recommendations of the NDP Dissenting Opinion Relevant to the Mandate of the Mass Casualty Commission**

- (page 60) New Democrats recommend that the Government of Canada, in collaboration with Aboriginal, Inuit, and Métis women's organizations, provincial and territorial governments, address violence against Aboriginal women through coordinated, strategic interventions on a number of fronts, including but not limited to: poverty, child welfare, education, housing, missing and murdered Aboriginal women, the justice system, healing of communities, families and individuals, empowering Aboriginal women, and dealing with the impacts of systemic racism.
- (page 60) New Democrats recommend that the Government of Canada designate stable funding for programs and non-governmental Aboriginal organizations across the service spectrum.
- (page 60) New Democrats recommend that the Government of Canada implement a coordinated, collaborative, national housing strategy to combat violence against Aboriginal women. The Committee heard that the unmet housing needs of Aboriginal women are correlated to a greater risk of violence.
- (page 62) New Democrats recommend that Statistics Canada and the Royal Canadian Mounted Police—in collaboration with the Native Women's Association—work to reform data collection techniques to identify victims of violence by gender and, specifically, if applicable, as Aboriginal.
- (page 62) New Democrats recommend that the Royal Canadian Mounted Police and the Department of Justice Canada ensure that its employees receive specialized cultural sensitivity training—that has been developed in collaboration with Aboriginal organizations—on how to handle cases of violence against Aboriginal women. We further recommend that Aboriginal police forces receive specialized training on how to proceed with missing persons, domestic violence, and violence in all its forms.
- (page 63) New Democrats recommend that the Government of Canada take immediate steps to implement the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) recommendations on violence against Aboriginal women.
- (page 63) New Democrats wish to acknowledge that the lasting effects of racism perpetrated against the first peoples of Canada are among the root causes of the violence that afflicts Aboriginal women.

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- (page 63) New Democrats further recommend that Canada implement without delay the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- (page 64) New Democrats recommend that the Department of Aboriginal Affairs and Northern Development Canada, in collaboration with other government departments and agencies, report annually to Parliament on the effectiveness of federal government programs in reducing violence against Aboriginal women and request from time to time that this report be evaluated by the Auditor General.

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**6.2.5. Invisible Women: Special Committee on Violence Against Indigenous Women (House of Commons, 2014)<sup>415</sup>**

This Special Committee was created in 2013 following a unanimously passed motion in the House of Commons recognizing the disproportionate number of Indigenous women and girls who had suffered violence, been murdered, and/or gone missing in the previous three decades. The mandate of the Committee was to conduct hearings on this issue and propose solutions to address the root causes of the violence. The Committee heard from families and individuals, Indigenous organizations, police representatives, VAW advocates, child welfare officials, and government officials. (The Native Women's Association of Canada (NWAC) apparently withdrew from the Committee's process in the fall of 2013.) The Committee tabled its Report to the House of Commons in March 2014, with dissenting opinions from the Liberal and NDP members of the Committee. The Report opened by referring to the wishes expressed by many families and witnesses who appeared before the Committee that the Report include recommendations that would make a real difference in the lives of Indigenous women and girls, and not recommend yet more study.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- (Recommendation 1) That the federal government learn from the stories of the families of missing and murdered Aboriginal women and girls and work with the provinces, territories, and municipalities to create a public awareness and prevention campaign focusing on violence against Aboriginal women and girls in Canada.
- (Recommendation 3) That the federal government maintain its commitment to develop the Canadian Victims Bill of Rights, including initiatives aimed at making the criminal justice system more responsive to the needs of victims, such as keeping them informed and providing them with appropriate standing, access, and assistance throughout the process.
- (Recommendation 6) That the federal government continue to support programming and legislation that allow Aboriginal communities to respond to violence.
- (Recommendation 8) That the federal government engage First Nation communities to examine how to improve supports for shelters and frontline services on reserve for victims of violence.

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<sup>415</sup> "Invisible Women: A Call to Action—A Report on Missing and Murdered Indigenous Women in Canada," Special Committee on Violence Against Indigenous Women, House of Commons (March 2014), <https://www.ourcommons.ca/Content/Committee/412/IWFA/Reports/RP6469851/IWFArp01/IWFArp01-e.pdf>.

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- (Recommendation 10) That the federal government in cooperation with municipal, provincial, and territorial governments examine the possibility of collecting police data on violence against Aboriginal women and girls that includes an ethnicity variable.
- (Recommendation 11) That the federal government engage Aboriginal communities and municipal, provincial, and territorial governments to examine options to improving procedures among police services to facilitate multipartite investigations.
- (Recommendation 12) That the federal government encourage Aboriginal organizations, the Canadian Police College, and municipal, provincial, and territorial governments to improve police officer training, including continuing education, to foster cultural understanding and sensitivity.
- (Recommendation 16) That the federal government implement all of the recommendations above in a coordinated action plan.

**Recommendations of the NDP Dissenting Opinion Relevant to the Mandate of the Mass Casualty Commission**

1. That the federal government establish a National Commission of Public Inquiry to analyse violence against Indigenous women and girls, in particular those who are missing or have been murdered; and that where possible, Indigenous women are involved in the design, decision-making process and implementation of this inquiry.
2. That the federal government, based on the motion presented to the House by Niki Ashton (M-444) and with leadership from Indigenous communities, specifically Indigenous women and their representatives, develop and implement a national action plan to address violence against Indigenous women and girls that addresses the structural root of the violence as well as the accountability and coordination of government bodies charged with preventing and responding to violence.
3. The federal government should take all efforts to enable Indigenous women as leaders in any strategy to reduce violence or to promote gender equality. This may include consultation in program design and implementation with sustainable and predictable project funding specifically for Indigenous women to combat violence at the national, regional, community, and family levels.
4. That the federal government address chronic underfunding of:
  - a. frontline services;
  - b. housing;
  - c. child welfare services;
  - d. education;
  - e. health and mental health treatment;
  - f. safe houses, especially in northern and remote communities;
  - g. research, advocacy organizations, and data collection;
  - h. other anti-poverty programming

for all Indigenous women, their families, and communities, in close consultation with Indigenous peoples and while respecting Canada's obligations in section 35 of the Constitution Act 1982 and under the UNDRIP.
5. That the federal government invest in a balanced, effective approach based on prevention, policing, and prosecution to address violence against Indigenous women and girls by providing sustainable and ongoing funding for: preventive, anti-violence, and community

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safety initiatives; police services in Inuit, First Nations, and Métis communities; and victim and healing programs; and also by developing police officer training to counter racism and sexism in the treatment of Indigenous women and girls, in close consultation with Indigenous peoples and while respecting Canada's obligations in section 35 of the Constitution Act 1982 and under the UNDRIP.

**Recommendations of the Liberal Party Minority Opinion Relevant to the Mandate of the Mass Casualty Commission**

- (Recommendation 1) The Liberal Party of Canada recommends that the Government of Canada call a national public commission of inquiry into the issue of missing and murdered Indigenous women and girls. That national public commission of inquiry must have the scope and resources necessary to identify the root causes of this ongoing tragedy, provide justice for the victims and true healing for their loved ones.
- (Recommendation 2) The Liberal Party of Canada recommends the immediate development and implementation of a national action plan to address violence against Indigenous women and girls, the structural root causes of that violence, and the coordination and accountability of government bodies charged with preventing and responding to the violence. The Liberal Party of Canada further recommends that a committee of cabinet be established that will be responsible for the creation of such a national action plan in close consultation with Aboriginal leadership and communities and that a progress report of the work of this cabinet committee be tabled with Parliament no later than June 21, 2015.
- (Recommendation 4) That the federal government, with leadership from Aboriginal communities, develop a working group on violence against Aboriginal women and children, comprised of relevant government departments (including Public Safety Canada, Aboriginal Affairs and Northern Development Canada, Status of Women Canada, and Health Canada), and national Aboriginal organizations, including the Native Women's Association of Canada; that this working group be tasked with collectively developing a coordinated strategy to prevent and address violence against Aboriginal women and girls; and that the working group report to Parliament on its progress no later than June 30, 2015.
- (Recommendation 5) That the federal government, in collaboration with Aboriginal organizations, create a national public awareness and prevention campaign focusing on violence against Aboriginal women and girls in Canada.
- (Recommendation 6a) That the federal government support a national meeting led by the families of missing and murdered Aboriginal women.
- (Recommendation 6b) That the federal government create a fund to help the families of missing and murdered Aboriginal women and girls that have incurred expenses related to the loss of their loved ones.
- (Recommendation 7) That the federal government invest more resources in the program administered by Public Safety Canada that allows Aboriginal communities to develop safety plans and establish emergency management teams to respond to violence.
- (Recommendation 9) That the federal government provides adequate investment in shelters and frontline services for victims of violence to create new shelters and to ensure that funding of existing shelters is comparable to off-reserve shelters.
- (Recommendation 13) That the federal government, in collaboration with provincial and territorial governments, increase funding for police services in Inuit and First Nations communities.

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- (Recommendation 14) That the federal government, in collaboration with Aboriginal organizations and provincial and territorial governments, examine the possibility of collecting police data on violence against Aboriginal women and girls that includes an ethnicity variable.
- (Recommendation 15) That the federal government, in collaboration with Aboriginal organizations and provincial and territorial governments, develop procedures among police services to facilitate multipartite investigations.
- (Recommendation 16) That the federal government, in collaboration with Aboriginal organizations and human rights advocacy organizations, the Canadian Police College, and provincial and territorial governments, develop police officer training and protocols, along with serious consequences for failing to abide by them, in order to counter racism and sexism in the treatment of Aboriginal women and girls.

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#### **6.2.6. Promising Practices to Prevent Violence Against Women and Girls: Standing Committee on the Status of Women (House of Commons, 2015)<sup>416</sup>**

The House of Commons' Standing Committee on the Status of Women studied promising practices to prevent violence against women and girls and issued its report in June 2015. The Liberal and NDP members of the Committee each issued a dissenting opinion. The Committee held eleven meetings and heard from 48 witnesses. The Committee referred to violence affecting 1090 of every 100,000 women in Canada (apparently confusing the yearly rates of violent victimization for women with lifetime rates).<sup>417</sup> The Report identified the causes of violence against women and girls as rooted in women's inequality, harmful concepts of masculinity that reinforce violence as a part of boys' lives, the history of colonial violence and community trauma in Indigenous communities, and particular vulnerabilities such as homelessness, poverty, substance abuse, immigration status, employment in sex work, and disability.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- (Recommendation 1) The Committee recommends that the Government of Canada work with organizations to utilize proven best practices to prevent violence against women and girls.
- (Recommendation 2) The Committee recommends that Status of Women Canada ensure that preventing violence against women and girls continues to be a priority.
- (Recommendation 3) The Committee recommends that the Government of Canada act on the policies and programs in place that are centred on prevention and education in efforts to prevent violence against women and girls, emphasizing best practices.
- (Recommendation 4) The Committee recommends that the Government of Canada continue to fund projects through Status of Women Canada in efforts to prevent violence against women and girls.

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<sup>416</sup> "Promising Practices to Prevent Violence Against Women and Girls: Report of the Standing Committee on the Status of Women," House of Commons (June 2015), <https://www.ourcommons.ca/Content/Committee/412/FEWO/Reports/8021724/feworp07/feworp07-e.pdf>.

<sup>417</sup> The Report referred to "the violence that affects 1,090 of every 100,000 women in the Canadian population" ("Promising Practices," p. 5) and later referred to Statistics Canada data showing that in 2013, "the rate of violent victimization was 1,090 female victims for every 100,000 women in the population" (p. 8).

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- (Recommendation 5) The Committee recommends that the Minister of Status of Women work toward putting the issue of sexual violence and assault on the next federal/provincial/territorial meeting agenda.
- (Recommendation 6) The Committee recommends that the Government of Canada continue to support efforts to engage men and boys in preventing violence against women and girls.
- (Recommendation 8) The Committee recommends that Status of Women Canada continue its practice of issuing Calls for Proposals on preventing violence against women and girls, with a focus on Aboriginal Women.
- (Recommendation 9) The Committee recommends that the Government of Canada continue to support the implementation of the Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls.

### **Recommendations of the NDP Minority Opinion Relevant to the Mandate of the Mass Casualty Commission<sup>418</sup>**

- That the Government of Canada develop a comprehensive National Action Plan on Violence Against Women with adequate human and financial resources, in collaboration with provincial, territorial, and municipal governments, civil society, and First Nations, Métis, and Inuit peoples, with clear goals, measurable targets, and specific timelines as outlined in Motion M-444.
- That the Government of Canada establish a national inquiry into missing and murdered Indigenous women and girls and that, where possible, Indigenous women are involved in the design, decision-making process and implementation of this inquiry.
- That the Government of Canada work with provinces, territories, and Indigenous communities to create a universal early childhood and childcare program delivered with common principles like affordability, availability, and quality that costs no more than \$15/day per child.
- That the Government of Canada take steps to address the economic security of women and girls.

### **Recommendations of the Liberal Party Dissenting Opinion Relevant to the Mandate of the Mass Casualty Commission**

The Liberal Party opinion identified many of the majority recommendations as reinforcing the status quo or saying little. It described the Action Plan as a "laundry list of existing federal initiatives." It also noted the lack of any recommendation to address poverty and the lack of affordable housing, shelters, and transition homes, which prevent women and children from leaving their abusers.

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<sup>418</sup> The following recommendations were not numbered in the Standing Committee Report.

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### 6.2.7. Reclaiming Power and Place: National Inquiry into Missing and Murdered Indigenous Women and Girls (2019)<sup>419</sup>

From 2016 to 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) examined the systemic causes of all forms of violence against Indigenous women and girls in Canada, as well as the institutional policies and practices implemented in response to this violence. The Inquiry heard from hundreds of survivors and their family members, expert witnesses, Elders and Knowledge Keepers, frontline workers, and officials. It concluded that the violence perpetrated against women, girls, and 2SLGBTQQIA people amounts to genocide and has been empowered by colonial structures.

The MMIWG Inquiry adopted a broad definition of violence, including emotional, psychological, spiritual, cultural, and financial violence, and neglect. It also included colonial and institutional violence.<sup>420</sup>

The Report explained the central role that women played in Indigenous communities prior to colonization. Women were engaged in hunting, farming, harvesting, trade, and other land-based and economic labour; they also had significant roles in cultural practices. Female kinship was particularly significant in Métis communities. Women also had significant leadership and decision-making roles prior to colonization. Gender was also understood as being fluid; in many communities, gender-diverse people were respected and same-gender relationships were common. While there was gendered violence in Indigenous communities, it was subject to strong taboos. Punishment included expulsion or banishment. “While traditions vary, what they have in common is that the strict level of social control exercised by women through governance within their own communities meant that redress—and justice—could be found.”<sup>421</sup>

The Report also described Indigenous laws and legal principles, noting that they are rooted in the principles of respect, reciprocity, and interconnectedness. It quoted Indigenous legal scholar Val Napoleon as follows:

The issue of missing and murdered Indigenous women and girls is not only a legal issue within Canadian law. It’s an issue within our different Indigenous legal orders. And the work of Indigenous law includes that of rebuilding citizenries and rebuilding our lawfulness.<sup>422</sup>

These laws, and the rights articulated within them, were identified as having potential to promote safety and justice in ways that are not oppressive, colonial, or exclusionary. However, these laws, which were the foundation of teachings on rights, roles and responsibilities in Indigenous communities, have been fundamentally undermined through colonization, which in turn has undermined the humanity of Indigenous Peoples

The Report reviewed the history of colonization in Canada, noting that this process attempted to alter the identities and community roles of Indigenous women and 2SLGBTQQIA people. For example, the Indian Act and resulting restructuring of homelands often led to the separation of communities from each other and the splitting of extended families into smaller households. This

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<sup>419</sup> “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls” (June 2019), <https://www.mmiwg-ffada.ca/final-report/>.

<sup>420</sup> For definitions of these forms of violence, see “Reclaiming Power and Place,” Volume 1a, pp. 76–78.

<sup>421</sup> “Reclaiming Power and Place,” Volume 1a, p. 167.

<sup>422</sup> “Reclaiming Power and Place,” Volume 1a, p. 139.

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in turn removed family systems that had promoted the safety of women and families for generations.

The Report also examined the ways in which the residential schools system helped to erode the safety of Indigenous women and girls. The schools' focus on the Christian patriarchal system meant that girls were encouraged to leave school early to focus on domestic work and were not equipped for anything other than working in the home or low-paying jobs, even if they completed school. The segregation of girls and boys, the denial of spiritual and cultural teachings about respectful relationships, and the stigmatizing of puberty and sexuality inhibited the development of healthy gender relationships. At the same time, rampant sexual abuse in these schools victimized generations of children and normalized their experiences of violence for the rest of their lives, making them more vulnerable to future violence. Victims went on to struggle to raise their own families, and some survivors turned into abusers, returned to their communities, and abused others. Children of murdered and missing Indigenous women were much more likely to be sent to residential schools or foster homes, compounding the effects of these tragedies. Forced sterilization of those deemed "mentally defective," which was practiced across the country in the 1920s and 1930s, disproportionately targeted Indigenous women. This was another form of direct state violence against these women, adding to their dehumanization and objectification. The "Sixties Scoop," which extended into the 1990s and led to the removal of thousands of Indigenous children from their homes through the child protection system, replicating the trauma of family separation, assimilation, abuse, and trauma of the residential schools system. These children often ran away and lived on the streets, where they were vulnerable to more violence. The Report emphasized that the absence of women and girls in Indigenous communities places family members, entire communities, and Nations at risk. "[W]omen as teachers, leaders, healers, providers and protectors were and remain indispensable parts of the equation to generation solutions for the crisis of missing and murdered Indigenous women and girls."<sup>423</sup>

The Report reviewed the ways in which colonial destruction of cultural practices, social inequality, barriers to education and training, poverty, and the lack of equitable access to health care have also affected the safety of Indigenous woman and girls. In turn, some women, girls, and 2SLGBTQQIA people decide to move in order to escape violence, poverty, or abusive partners or foster placements; some are teenagers who have "aged out" of foster care and have nowhere to go. They often have no access to safe transportation and are forced to resort to hitchhiking or walking, placing them at further risk of violence. They may end up at shelters or living on the streets, where they are vulnerable to predators and traffickers. As well, Indigenous women are often criminalized for protecting themselves and their children against violence.

The Report emphasized that these colonial policies and structures, and the ideas that fed them, are still present today:

The reality is that many of the people who testified before the National Inquiry have lived through, and continue to heal from, these policies. Many more people are in current conflict with them. Many of the policies and ideas in place today, as well as the structures they are associated with, are modern iterations of the same historical atrocities.<sup>424</sup>

The history of policing in Canada has had a significant role in reducing safety for women and girls. The North-West Mounted Police, the precursor to the RCMP, was created in 1873, combining military, police and judicial functions, with a mandate to clear the land still possessed by

<sup>423</sup> "Reclaiming Power and Place," Volume 1a, p. 174.

<sup>424</sup> "Reclaiming Power and Place," Volume 1a, p. 312.



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Indigenous people and to quash rebellions by them. In the next decade, this police force became very involved in regulating, segregating, brutalizing, and criminalizing First Nations and Métis women. Policies, laws, and politicians of the time cast Indigenous women as hypersexualized, suspicious, immoral, lazy, and dirty. Those stereotypes in turn justified the mistreatment and abuse of Indigenous women by police and non-Indigenous settlers, allowing police and others who raped or killed women to be immune from effective prosecution. The Report noted that “The early tone set by the nature and extent of the policing of Indigenous women, including abuse by the police, continues to permeate modern encounters with a deep sense of suspicion and distrust.”<sup>425</sup>

The Report identified a historical and continuing indifference on the part of police to reports of violence and abuse from Indigenous women and girls. That indifference has also manifested in the historic refusal to investigate the disappearances and deaths of many Indigenous women and girls. Many families reported that police responded to their reports with “[d]ismissal, contempt, and outright discrimination, in which police evoke racist stereotypes about Indigenous people as drunks, runaways, or prostitutes, and which ignore the insights that families bring them that something is wrong.”<sup>426</sup> This apathy on the part of the police sends the message that men who kill Indigenous women and girls will face no consequences for doing so, which may in turn increase the risks these women face. Women are also reluctant to report abuse to police due to a well-founded fear that child protection organizations will become involved and will remove their children. Fear of being accused of committing crimes themselves (dual arrests), as well as fear of excessive use of force, sexual harassment, and sexual assault by police also discourage women from reporting.

Police and RCMP representatives told the Inquiry that police abuses and failures to protect Indigenous women and girls were the results of single officers who fail to follow an adequate procedure rather than the result of the policing structure itself. In response, the Report quoted Farida Day of Human Rights Watch:

Generally, in our work on policing abuses in many countries, the response by the police is generally one of denial of the policing abuses taking place, claiming that there are just a number of bad apples on the police force, not a systemic issue, not a structural issue. They will often drown us in policing protocols and policies to show how, you know, advanced they are and how much in line they are with international standards. But our response is always that we’re not really concerned about the policies, we’re concerned about the practice and the implementation of those policies. And [...] even if we were to argue that it was a few bad apples, has there been accountability for those bad apples? Has there been any kind of—how have you used that as a teaching moment to change your training of the police services, to change your recruitment practices? What has happened since then?<sup>427</sup>

The Report also noted that although many officers encouraged families and survivors to report police abuses, this places the onus on Indigenous people to hold police accountable. This is impossible, given the barriers and power dynamics involved in interactions between Indigenous people and police.

The Report identified numerous specific problems with the police investigations of murdered and missing Indigenous women and girls, including delays in commencing investigations, accidental

<sup>425</sup> “Reclaiming Power and Place,” Volume 1a, p. 258.

<sup>426</sup> “Reclaiming Power and Place,” Volume 1a, p. 650.

<sup>427</sup> “Reclaiming Power and Place,” Volume 1a, p. 654.

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destruction of evidence, refusal of investigating officers or coroners to provide any information (to the point, in some cases, of threatening the family member if they continued to seek information), and confusion caused by the multiple agencies and departments involved. Although victim services programs were often described as helpful, providing support and advocacy for the families, access to these services has been inconsistent. Many families of murdered and missing Indigenous women and girls were not taken seriously or believed when they reported the disappearance of their loved ones and were discriminated against during the judicial process. Because the system did not value their loved ones, they had to become full-time advocates to get real investigations and real access to justice. This advocacy came at great cost, both in terms of time and emotion. The Report identified the inadequate responses of the police and justice system as a breach of domestic and international human rights law.

The Report noted that many representatives of police agencies, including Brenda Lucki of the RCMP, apologized to the Inquiry for the harm their agencies had caused and committed to change. The Report identified a number of initiatives, including changes in policy, the creation of Indigenous advisor committees for police agencies, recruitment of Indigenous police officers, and national policies and strategies on missing persons. However, police representatives also acknowledged that there remained serious challenges to providing equitable policing to all Indigenous people. The Report noted that the underlying reality is that the Canadian justice system and its conception of policing are at odds with Indigenous conceptions of justice, which are focused on responsibilities, relationships, and restoration rather than rights and punishment.

The Inquiry collected over 1200 recommendations from reports and commissions on the issue of combatting violence against women, girls, and 2SLGBTQQIA people. It noted that greater interjurisdictional cooperation is a crucial recommendation in these reports. For example, confusion and disputes between federal and provincial governments regarding their jurisdiction over issues relating to Indigenous peoples have created gaps in funding and services for Indigenous communities, which in turn lead to the targeting of and violence toward Indigenous women, girls, and 2SLGBTQQIA people. The Report referred to this as “jurisdictional neglect.”<sup>428</sup> The Report identified human trafficking and other crimes involving movement across jurisdictions as creating significant jurisdictional challenges. Investigation of these crimes can involve multiple police agencies, often including RCMP and provincial and municipal agencies, which must coordinate and share information.

The Report noted that 51 recommendations from 22 reports written between 2003 and 2016 called on provincial and/or federal governments to ensure that services and programs for Indigenous women were funded adequately and sustainably, and at levels equal to those provided to non-Indigenous women. The Inquiry reviewed recent funding decisions by various governments, and concluded that while some improvements have been made, “pledged amounts still fall short of Indigenous communities’ needs, and, in several areas, Indigenous Peoples still receive less funding compared with non-Indigenous people.”<sup>429</sup> For example, only 38 shelters were operational in the 634 recognized First Nations communities as of January 2018; Inuit women have even fewer shelters available to them. Counselling programs for women, men, and children have long waiting lists. Family members of murdered women and girls identified the lack of shelters and other services as contributing to their loved ones’ deaths. Few of these resources are culturally specific and do not serve the unique needs of Indigenous women. Many refuse to accept clients in active addiction or who are part of the sex trade, excluding many Indigenous

<sup>428</sup> “Reclaiming Power and Place,” Volume 1a, pp. 561–62.

<sup>429</sup> “Reclaiming Power and Place,” Volume 1a, pp. 570–72.

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women who cope with trauma, violence, and poverty this way. The Inquiry also learned that First Nations police services are chronically underfunded, impeding their ability to prevent crime and to investigate it.

The Report noted the legacy of racism and colonialism in numerous ways. In one instance, it referred to the inquest into the death of Victoria P. in Nova Scotia (presumably Victoria Paul, whose case is summarized above in section 2.1.4.). It noted that the president of the Nova Scotia Native Women's Association, who was an Indigenous woman, spent months trying to secure a review of the investigation by the Office of the Police Complaints Commissioner. However, government officials responded to her concerns only once she was accompanied by a respected and well-connected university professor.

The Inquiry issued numerous Calls for Justice. One of its interim recommendations was as follows:

That the federal government work collaboratively with provinces and territories to create a national police task force to which the National Inquiry could refer families and survivors to assess or reopen cases or review investigations.

In response, the federal government announced funding for the RCMP to provide national oversight to major RCMP investigations, including investigations into missing and murdered Indigenous women and girls. The Final Report emphasized that this announcement did not fulfill the recommendation:

We maintain that Canada needs an independent national police task force specifically designed to meet the needs of family members and survivors of violence against Indigenous women, girls, and 2SLGBTQIA people, which would include non-police members and investigators, and other built-in, transparent oversight mechanisms.

Our most important objection to providing additional funding to the RCMP in this manner is that, once again, this involves police policing themselves. The RCMP have not proven to Canada that they are capable of holding themselves to account—and, in fact, many of the truths shared here speak to ongoing issues of systemic and individual racism, sexism, and other forms of discrimination that prevent honest oversight from taking place.

In addition, our recommendation was for a national police task force, whereas the government's response includes only the RCMP, which does not cover other police service investigations or areas covered by a national task force.

The National Inquiry is also concerned about the non-specific language used, in that "a significant portion" will go toward investigations of missing and murdered Indigenous women and girls. In 2010, the federal government cut funding to the Native Women's Association of Canada's "Sisters in Spirit" research, education, and policy initiative to provide additional funding to other departments and to the RCMP, where enhancements made were general and not specific to Indigenous women and girls. These actions don't inspire confidence for the future.<sup>430</sup>

The Inquiry made the following overall findings regarding the right to justice for Indigenous women, girls, and their families (quoted here in their entirety):

1. The Canadian justice system is premised on settler-colonial society's values, beliefs, laws, and policies. It is a justice system that fails to include Indigenous concepts of justice. The

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<sup>430</sup> "Reclaiming Power and Place," Volume 1a, pp. 70–71.

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Canadian justice system has been imposed on Indigenous Peoples and has oppressed and replaced the Indigenous justice systems that served Indigenous communities effectively since time immemorial.

2. The government of Canada used the Royal Canadian Mounted Police (RCMP) and its predecessor, the Northwest Mounted Police, to implement and enforce laws and policies designed to control, assimilate, or eliminate Indigenous Peoples. On behalf of the Government of Canada, the RCMP ensured the forced relocations of Indigenous communities; removed children from their families and communities to place them in residential schools; enforced laws that prohibited traditional spirituality and ceremonies; enforced the Indian Act governance structures, including the pass system, at the behest of Indian agents; facilitated the apprehension of children during the Sixties Scoop; and enforced other discriminatory and oppressive legislation and policies.
3. This historic role of the RCMP has not changed significantly. The RCMP must still enforce present-day discriminatory and oppressive legislation and policies in areas such as child welfare and land and resource disputes.
4. The historic and present-day role of the RCMP, the continued racism and sexism by many RCMP officers directed at Indigenous Peoples, the high rates of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people, and lack of resolve have caused many Indigenous peoples and communities to lose trust and confidence in the Canadian justice system, the RCMP, and police services in general.
5. The language used in the Canadian justice system, especially the language used in the Criminal Code and in criminal justice proceedings, minimizes the nature and severity of violent offences and serves to minimize the responsibility of the offender and the impact of the crime.
6. The Canadian criminal justice system fails to provide justice for Indigenous people, especially missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. The system's failure to effectively hold accountable those who commit violence against Indigenous women, girls, and 2SLGBTQQIA people means that violence against Indigenous women, girls, and 2SLGBTQQIA people is met with impunity.
7. The failure of the Canadian justice system to protect Indigenous women, girls, and 2SLGBTQQIA people is well established and documented by the Royal Commission on Aboriginal Peoples and the Aboriginal Justice Inquiry of Manitoba [summarized above in section 2.2.1.]. The lack of effective response by the federal government, in particular, to remedy this failure, prevents the fundamental paradigm shift that is imperative to end the genocide.

#### **Forensic Document Review Project (Police File Review)**

In addition to hearing testimony, the Inquiry engaged in a review of police files from across the country relating to missing and murdered Indigenous women, girls, and 2SLGBTQQIA people. This was referred to as the Forensic Document Review Project (FDRP) and was designed to identify and make recommendations relating to systemic problems, barriers, and weaknesses in the investigations of missing persons reports, suspicious or implausible deaths, and acts of violence against Indigenous women, girls, and 2SLGBTQQIA people. The Report explained that the number of police files it was able to subpoena and review was limited, given the length of the Inquiry's mandate period. Municipal and regional police forces generally cooperated with the FDRP, devoting extra resources and people to the task of complying with subpoenas in a timely way. However, the Report noted significant issues with the RCMP:

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By contrast, the RCMP demonstrated reluctance to provide the FDRP with the information requested. The degree to which the RCMP, represented by the Department of Justice, resisted disclosure of the files sought by the FDRP created a challenge to its ability to obtain and review the necessary documents. Many of the files received contained redactions that rendered some documents unintelligible. This affected the analysis. This is particularly significant because the RCMP is the national police force responsible for policing approximately 40% of the Indigenous population and 39% of unsolved cases reviewed by FDRP.<sup>431</sup>

The FDRP identified the following systemic issues relating to policing across the country:

- a. There is no reliable estimate of the numbers of missing and murdered Indigenous girls, women and 2SLGBTQQIA people in Canada. The 2014 RCMP report on the issue concluded that there were 1,017 homicides and 164 disappearances of Indigenous women and girls between 1980 and 2012,<sup>432</sup> but there were serious shortcomings with the data the RCMP used to come to this conclusion, including inconsistencies with reporting the Indigenous identity of victims.
- b. The RCMP had concluded that the majority of murdered Indigenous women and girls were killed by Indigenous men who were known to them. However, there were serious flaws in the RCMP's analysis. This in turn affects the soundness of RCMP policy development. "A focus on spousal violence, on the basis of flawed statistics, has resulted in an erroneously narrow focus on Indigenous men as the perpetrators of violence against Indigenous women and girls, and neglects other significant patterns in relation to missing and murdered Indigenous women and girls in Canada."<sup>433</sup> It also contributes to bias, stereotyping, and racism, while ignoring violence perpetrated by non-Indigenous people against Indigenous girls and women.
- c. Indigenous communities, particularly in remote areas, are under-prioritized and under-resourced. The FDRP identified this issue as specific to RCMP services, noting that the RCMP system of rotating postings leads to young, inexperienced officers filling remote postings (which are considered less desirable), with significant turnover of investigators on unsolved death or missing persons cases. The use of central RCMP dispatchers in remote areas also leads to lower response times, even where the call comes from a location close to a detachment.
- d. There were repeated instances of failure by police officers to communicate information to family members of victims.
- e. Lack of communication and coordination between police and other service agencies was an issue in a number of files:

In a number of cases, there was evidence that the killer of an Indigenous woman or girl had a history of violence against the victim or other people. In some instances, that previous history of violence was not properly addressed. It is apparent to the FDRP that, at least in part, the failure to take adequate preventative measures was as a result of a profound indifference on the part of police. Better communication and coordination between the police and other

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<sup>431</sup> Vol 1b Annex 1, p.242

<sup>432</sup> "Missing and Murdered Aboriginal Women: A National Operational Overview," RCMP (2014), <https://www.rcmp-grc.gc.ca/en/missing-and-murdered-aboriginal-women-national-operational-overview>. See especially p. 20.

<sup>433</sup> "Reclaiming Power and Place," Volume 1b, Annex 1, p. 249.

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service agencies in some instances potentially might have prevented the subsequent homicide of the victim.<sup>434</sup>

- f. The FDRP also identified several cases where child protection agencies had concerns about the safety of children which were not taken seriously by the police.
- g. Police often made investigative decisions based on prejudicial stereotypes and beliefs about Indigenous women and girls or Indigenous people in general, including assumptions that they would run away due to intolerable conditions on reserve or were likely to commit suicide. The indifference characterizing many of these investigations led to investigative errors, including the loss or destruction of evidence, delays in initiating investigations, failure to interview witnesses, obtain relevant evidence, and follow up leads. The FDRP also noted a significant number of cases in which the Crown accepted pleas to manslaughter where first- or second-degree murder charges appeared to be warranted.

The FDRP team reviewed dozens of prior inquiry reports, reviews, and other work examining policing in the context of missing and murdered Indigenous women and girls. It concluded that “[N]one of the issue the FDRP raises as significant are new but confirmed much of what families told us. Nothing will improve the current situation unless there is will to address the root cause of this ongoing crisis, the profound multi-institutional indifference toward violence directed at Indigenous women, girls, and 2SLGBTQQIA people.”<sup>435</sup> The FDRP made the following recommendations (quoted here in their entirety):<sup>436</sup>

- a. That in all the following recommendations, Indigenous women and 2SLGBTQQIA people play a central role in their development and implementation.
- b. That the FDRP should be continued. We recommend the creation of an independent, Indigenous-led national review body with the statutory powers to access all relevant information and to compel the testimony of any witness necessary to enable a complete review of all cases of missing and murdered Indigenous women and girls that will, among other things, determine the true numbers of and causes of violence against missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.
- c. That the federal, provincial, and territorial governments create a permanent, national, Indigenous-led police task force for the purposes of receiving complaints from Indigenous families and loved ones and reviewing and assessing investigations of missing and/or murdered Indigenous women, girls, and 2SLGBTQQIA people.
- d. That the federal, provincial, and territorial governments establish an independent, Indigenous-led national task force to research into and make recommendations about how to improve the collection and sharing of information about missing and murdered Indigenous women, girls, and 2SLGBTQQIA people and, in particular, Métis and Inuit women, girls, and 2SLGBTQQIA people in Canada.
- e. That Indigenous policing be recognized as a component of self-government, and, wherever possible, Indigenous police forces be created and funded to provide policing to Indigenous communities.

<sup>434</sup> “Reclaiming Power and Place,” Volume 1b, Annex 1, p. 254.

<sup>435</sup> “Reclaiming Power and Place,” Volume 1b, Annex 1, p. 246.

<sup>436</sup> “Reclaiming Power and Place,” Volume 1b, Annex 1, p. 259.

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- f. That where possible, police forces designate Indigenous officers to either investigate or monitor the investigations of missing or murdered Indigenous women, girls, and 2SLGBTQIA people.

The Report also addressed healing and wellness. It described a number of programs and services which witnesses described as having contributed to the safety or healing of individuals, families and communities. These included services designed to provide housing for sexually exploited Indigenous women and youth, substance use counselling, mental health services, counselling for children who had witnessed abuse, sex worker support, Indigenous-focused child protection and family-support programs, and other forms of support for the families of missing and murdered Indigenous women, girls, and 2SLGBTQIAA people. The Inquiry noted the significant supportive role that families provided, including what they called “families of the heart”—close friends and community members who provide healing and safe spaces. The Inquiry also noted the healing role that participation in the Inquiry process itself played for many witnesses. Learning about traditional pathways to healing from Elders and participating in ceremonies was of particular importance. The Report explained that cultural safety and connection to identity are necessary components of healing.

Witnesses also described local efforts to commemorate victims as helping with healing and community building, including simple initiatives such as Facebook pages, pictures hung in community halls, and flowers. The Report also described larger-scale commemorative efforts such as the Survivors Totem Pole in Vancouver’s Downtown East Side (unceded Coast Salish territory). In a separate chapter focused on commemoration, the Report described its Legacy Archive, a collection of hundreds of artistic works created by Indigenous and non-Indigenous people that address Indigenous culture, justice, the commemoration of Indigenous girls, women, and 2SLGBTQIA people, or draw attention to violence against those people. Some of these works were donated by witnesses to commemorate their loved ones; others were the result of community collaborations. Many pieces in the archive reference the REDress Project, a public art installation created by artist Jaime Black to raise awareness about missing and murdered Indigenous women and girls.

Some witnesses identified efforts to give back to their communities, often by working with other vulnerable women, such as helping them to honour their loved ones and keep going. The need to heal future generations by working with Indigenous youth was also discussed. The Report noted that many Indigenous people do not have access to the services they need to heal and solve the crisis of violence, and that these services need to be provided on an indefinite basis. Many witnesses spoke about the need to heal men as a key component of combating violence. Some men, including former perpetrators of abuse, were witnesses. They talked about their own experiences of abuse and trauma during childhood and how they were able to begin healing and move away from violence.<sup>437</sup> This section of the Report concluded with this:

There were many important programs, initiatives, and outlets for grief shared within the context of the National Inquiry; in common, they included a foundation in a culturally safe, distinctions-based approach that allowed families to heal at their own pace. Together, they emphasize the importance of self-determined methods of healing appropriate for the community or family they engage.<sup>438</sup>

<sup>437</sup> “Reclaiming Power and Place,” Volume 1b, pp. 37–38.

<sup>438</sup> “Reclaiming Power and Place,” Volume 1b, p. 33.

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The Report then described the Inquiry's approach to providing direct wellness and healing support to families, survivors, and other stakeholders over the course of the Inquiry's work. This program rested on four foundational directives for its work:

1. Reflect a holistic understanding of wellness that tends to all aspects of well-being, including emotional, physical, mental, spiritual, and social well-being;
2. Work within a trauma-informed approach that is woven into all aspects of practice;
3. Create culturally safe spaces respectful of identity, beliefs, and language; and
4. Incorporate both Indigenous and Western supports.<sup>439</sup>

In addition to its Truth-Gathering process, the Inquiry held four Guided Dialogues bringing together frontline service providers and community organizers to identify best practices and options for increasing the safety and protecting the rights of Indigenous girls, women, and 2SLGBTQQIA people. There was one Dialogue exploring the perspectives and best practices relating to each of the following groups: 2SLGBTQQIA, Inuit, Métis, and Quebec. Among the issues frequently raised by participants in these dialogues were the following:

1. Data collection and research;
2. Equitable representation within policy development, particularly for Inuit and Métis people;
3. Accountability, referring to the historical lack of implementation of past recommendations relating to Indigenous communities;
4. Wellness;
5. Coordinated services, referring to the predominantly siloed organization of social services;
6. Cultural safety;
7. Education; and
8. Continuity of care, referring to the importance of long-term, sustained relationships with service providers such as law enforcement and health care professionals.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- (Call for Justice 1.1) We call upon federal, provincial, territorial, municipal, and Indigenous governments (hereinafter "all governments"), in partnership with Indigenous Peoples, to develop and implement a National Action Plan to address violence against Indigenous women, girls, and 2SLGBTQQIA people, as recommended in our "Interim Report" and in support of existing recommendations by other bodies of inquiry and other reports. As part of the National Action Plan, we call upon all governments to ensure that equitable access to basic rights such as employment, housing, education, safety, and health care is recognized as a fundamental means of protecting Indigenous and human rights, resourced and supported as rights-based programs founded on substantive equality. All programs must be no-barrier and must apply regardless of Status or location. Governments should:
  - i. Table and implement a National Action Plan that is flexible and distinctions-based, and that includes regionally specific plans with devoted funding and timetables for implementation that are rooted in the local cultures and communities of diverse Indigenous identities, with measurable goals and necessary resources dedicated to capacity-building, sustainability, and long-term solutions.

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<sup>439</sup> "Reclaiming Power and Place," Volume 1b, p. 43.



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- ii. Make publicly available on an annual basis reports of ongoing actions and developments in measurable goals related to the National Action Plan.
- (Call for Justice 1.8) We call upon all governments to create specific and long-term funding, available to Indigenous communities and organizations, to create, deliver, and disseminate prevention programs, education, and awareness campaigns designed for Indigenous communities and families related to violence prevention and combatting lateral violence. Core and sustainable funding, as opposed to program funding, must be provided to national and regional Indigenous women's and 2SLGBTQQIA people's organizations.
- (Call for Justice 1.9) We call upon all governments to develop laws, policies, and public education campaigns to challenge the acceptance and normalization of violence.
- (Call for Justice 3.5) We call upon all governments to establish culturally competent and responsive crisis response teams in all communities and regions, to meet the immediate needs of an Indigenous person, family, and/or community after a traumatic event (murder, accident, violent event, etc.), alongside ongoing support.
- (Call for Justice 5.2) We call upon the federal government to review and amend the Criminal Code to eliminate definitions of offences that minimize the culpability of the offender.
- (Call for Justice 5.3) We call upon the federal government to review and reform the law about sexualized violence and intimate partner violence, utilizing the perspectives of feminist and Indigenous women, girls, and 2SLGBTQQIA people.
- (Call for Justice 5.4) We call upon all governments to immediately and dramatically transform Indigenous policing from its current state as a mere delegation to an exercise in self-governance and self-determination over policing. To do this, the federal government's First Nations Policing Program must be replaced with a new legislative and funding framework, consistent with international and domestic policing best practices and standards, which must be developed by the federal, provincial, and territorial governments in partnership with Indigenous Peoples. This legislative and funding framework must, at a minimum, meet the following considerations:
  - i. Indigenous police services must be funded to a level that is equitable with all other non-Indigenous police services in this country. Substantive equality requires that more resources or funding be provided to close the gap in existing resources, and that required staffing, training, and equipment are in place to ensure that Indigenous police services are culturally appropriate and effective police services.
  - ii. There must be civilian oversight bodies with jurisdiction to audit Indigenous police services and to investigate claims of police misconduct, including incidents of rape and other sexual assaults, within those services. These oversight bodies must report publicly at least annually.
- (Call for Justice 5.5) We call upon all governments to fund the provision of policing services within Indigenous communities in northern and remote areas in a manner that ensures that those services meet the safety and justice needs of the communities and that the quality of policing services is equitable to that provided to non-Indigenous Canadians. This must include but is not limited to the following measures:
  - i. With the growing reliance on information management systems, particularly in the area of major and interjurisdictional criminal investigations, remote communities must be ensured access to reliable high-speed Internet as a right.

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- ii. Major crime units and major case management must be more accessible to remote and northern communities on a faster basis than the service is being delivered now.
- iii. Capacity must be developed in investigative tools and techniques for the investigation of sexualized violence, including but not limited to tools for the collection of physical evidence, such as sexual assault kits and specialized and trauma-informed questioning techniques.
- iv. Crime-prevention funding and programming must reflect community needs.
- (Call for Justice 5.6) We call upon provincial and territorial governments to develop an enhanced, holistic, comprehensive approach for the provision of support to Indigenous victims of crime and families and friends of Indigenous murdered or missing persons. This includes but is not limited to the following measures:
  - i. Guaranteed access to financial support and meaningful and appropriate trauma care must be provided for victims of crime and traumatic incidents, regardless of whether they report directly to the police, if the perpetrator is charged, or if there is a conviction.
  - ii. Adequate and reliable culturally relevant and accessible victim services must be provided to family members and survivors of crime, and funding must be provided to Indigenous and community-led organizations that deliver victim services and healing supports.
  - iii. Legislated paid leave and disability benefits must be provided for victims of crime or traumatic events.
  - iv. Guaranteed access to independent legal services must be provided throughout court processes. As soon as an Indigenous woman, girl, or 2SLGBTQQIA person decides to report an offence, before speaking to the police, they must have guaranteed access to legal counsel at no cost.
  - v. Victim services must be independent from prosecution services and police services.
- (Call for Justice 5.7) We call upon federal and provincial governments to establish robust and well-funded Indigenous civilian police oversight bodies (or branches within established reputable civilian oversight bodies within a jurisdiction) in all jurisdictions, which must include representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, with the power to:
  - i. Observe and oversee investigations in relation to police negligence or misconduct, including but not limited to rape and other sexual offences;
  - ii. Observe and oversee investigations of cases involving Indigenous Peoples;
  - iii. Publicly report on police progress in addressing findings and recommendations at least annually.
- (Call for Justice 5.18) We call upon the federal government to consider violence against Indigenous women, girls, and 2SLGBTQQIA people as an aggravating factor at sentencing and to amend the Criminal Code accordingly, with the passage and enactment of Bill S-215.
- (Call for Justice 5.19) We call upon the federal government to include cases where there is a pattern of intimate partner violence and abuse as murder in the first degree under section 222 of the Criminal Code.
- (Call for Justice 9.1) We call upon all police services and justice system actors to acknowledge that the historical and current relationship between Indigenous women, girls, and

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2SLGBTQQIA people and the justice system has been largely defined by colonialism, racism, bias, discrimination, and fundamental cultural and societal differences. We further call upon all police services and justice system actors to acknowledge that, going forward, this relationship must be based on respect and understanding and must be led by and in partnerships with Indigenous women, girls, and 2SLGBTQQIA people.

- (Call for Justice 9.2) We call upon all actors in the justice system, including police services, to build respectful working relationships with Indigenous Peoples by knowing, understanding, and respecting the people they are serving. Initiatives and actions should include but are not limited to the following measures:
  - i. Review and revise all policies, practices, and procedures to ensure service delivery that is culturally appropriate and reflects no bias or racism toward Indigenous Peoples, including victims and survivors of violence;
  - ii. Establish engagement and partnerships with Indigenous Peoples, communities, and leadership, including women, Elders, youth, and 2SLGBTQQIA people from the respective territories and who are resident within a police service's jurisdiction;
  - iii. Ensure appropriate Indigenous representation, including Indigenous women, girls, and 2SLGBTQQIA people, on police services boards and oversight authorities;
  - iv. Undertake training and education of all staff and officers so that they understand and implement culturally appropriate and trauma-informed practices, especially when dealing with families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people.
- (Call to Justice 9.3) We call upon all governments to fund an increase in recruitment of Indigenous Peoples to all police services and for all police services to include representation of Indigenous women, girls, and 2SLGBTQQIA people, inclusive of diverse Indigenous cultural backgrounds, within their ranks. This includes measures such as the following:
  - i. Achieve representative First Nations, Inuit, and Métis diversity and gender diversity within all police services through intensive and specialized recruitment across Canada;
  - iii. Ensure that screening of recruits includes testing for racial, gender, gender identity, and sexual orientation bias;
  - v. In training recruits, include: history of police in the oppression and genocide of Indigenous Peoples; anti-racism and anti-bias training; and culture and language training. All training must be distinctions-based and relevant to the land and people being served; training must not be pan-Indigenous.
  - vii. End the practice of limited-duration posts in all police services and instead implement a policy regarding remote and rural communities focused on building and sustaining a relationship with the local community and cultures. This relationship must be led by and in partnership with the Indigenous Peoples living in those remote and rural communities.
- (Call to Justice 9.4) We call upon non-Indigenous police services to ensure they have the capacity and resources to serve and protect Indigenous women, girls, and 2SLGBTQQIA people. We further call upon all non-Indigenous police services to establish specialized Indigenous policing units within their services located in cities and regions with Indigenous populations.
  - i. Specialized Indigenous policing units are to be staffed with experienced and well-trained Indigenous investigators, who will be the primary investigative teams and

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officers overseeing the investigation of cases involving Indigenous women, girls, and 2SLGBTQQIA people.

- ii. Specialized Indigenous policing units are to lead the services' efforts in community liaison work, community relationship-building, and community crime-prevention programs within and for Indigenous communities.
  - iii. Specialized Indigenous policing units, within non-Indigenous police services, are to be funded adequately by governments.
- (Call for Justice 9.5) We call upon all police services for the standardization of protocols for policies and practices that ensure that all cases of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people are thoroughly investigated. This includes the following measures:
    - i. Establish a communication protocol with Indigenous communities to inform them of policies, practices, and programs that make the communities safe;
    - ii. Improve communication between police and families of missing and murdered Indigenous women, girls, and 2SLGBTQQIA people from the first report, with regular and ongoing communication throughout the investigation;
    - iii. Improve coordination across government departments and between jurisdictions and Indigenous communities and police services;
    - iv. Recognize that the high turnover among officers assigned to a missing and murdered Indigenous woman's, girl's, or 2SLGBTQQIA person's file may negatively impact both progress on the investigation and relationships with family members; police services must have robust protocols to mitigate these impacts.
    - vii. Lead the provincial and territorial governments to establish a nationwide emergency number.
  - (Call for Justice 9.6) We call upon all police services to establish an independent special investigation unit for the investigation of incidents of failures to investigate, police misconduct, and all forms of discriminatory practices and mistreatment of Indigenous Peoples within their police service. This special investigation unit must be transparent in practice and report at least annually to Indigenous communities, leadership, and people in their jurisdiction.

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#### **6.2.8. The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships (Standing Committee on Justice and Human Rights, House of Commons, 2021)<sup>440</sup>**

This recent House of Commons committee report identified coercive and controlling behaviour as a pattern of conduct that removes a person's liberty and autonomy, including "physical, sexual, and emotional abuse, financial control, implicit or explicit threats to the partner or ex-partner, and against their children, belongings, or pets."<sup>441</sup> The Report concluded that coercive and controlling behaviour harms mostly women and children, can cause more harm than physical violence, costs

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<sup>440</sup> "The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships—Report of the Standing Committee on Justice and Human Rights," House of Commons (April 2021), <https://www.ourcommons.ca/Content/Committee/432/JUST/Reports/RP11257780/justrp09/justrp09-e.pdf>.

<sup>441</sup> "The Shadow Pandemic," p. 6.

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billions of dollars each year, is present in 95% of relationships where there is intimate partner violence, and has been exacerbated by the COVID-19 pandemic.

According to the Report, close to one of every three women in Canada experiences intimate partner violence, and 36% of intimate partner violence incidents and 5% of sexual assaults are reported to the police. Rates of intimate partner violence were estimated to have increased by 30% since the beginning of the COVID-19 pandemic, while pandemic-related restrictions made it more difficult for victims to seek help. The Report also referred to police service data suggesting that women in rural areas experience the highest rates of intimate partner violence in Canada. In spite of this, resources for women in these communities are particularly inadequate. The Report stated that a quarter of all calls to police are connected to intimate partner violence.

Coercive control is one of the strongest indicators of lethality, particularly when abusers have access to firearms; therefore, addressing coercive and controlling behaviour may prevent further serious violence. Because it is insidious, however, victims and their family and friends often do not recognize patterns of coercive controlling behaviour, nor do first responders. The Report reviewed the myriad other reasons victims do not report. These include the treatment of victims of gender-based violence by the justice system, the focus of the criminal law on physical incidents rather than patterns of behaviour, and the lack of effective tools for intervention. The lack of financial control that victims often experience also makes it difficult for them to leave.

The Report concluded that a paradigm shift in the justice system's approach to intimate partner violence is required. The Report reviewed the experience of other countries that have introduced criminal offences of coercive and controlling behaviour. It noted the disproportionate impact it would likely have on communities that are over-policed, noting that charges in the United Kingdom have predominantly been brought against Muslim men.

Witnesses were supportive of the agreement between ministers responsible for the status of women across the country to create a national action plan to end gender-based violence.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. That the House of Commons acknowledge the significant harms coercive and controlling behaviour causes in intimate partner relationships, recognize that these harms are not captured in criminal law at present, and further recognize that physical violence in intimate partner relationships is almost always preceded by a pattern of coercive and controlling behaviour.
2. That the Minister of Justice engage with his provincial and territorial counterparts to initiate a taskforce of experts with a mandate to review existing federal criminal legislation using a gender-based analysis plus other inclusive measures and make recommendations concerning the drafting of government legislation regarding a coercive and controlling behaviour offence in the Criminal Code, considering Bill C-247 as possible language for such an offence, and related measures to meet the needs of victims. This taskforce should report to the Minister within twelve months of formation.
3. That the House of Commons call on the federal government, the provinces, and the territories to implement measures to combat the challenges presented by the justice system for victims of coercive and controlling behaviour and intimate partner violence, in particular for women who are Indigenous, racialized, or living in poverty, with the clear objective of avoiding revictimization and unintended capture of victims in the charging process and further calls on the federal government to fund measures to support all victims

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of coercive and controlling behaviour and intimate partner violence through court processes.

4. That the federal government consider increasing its funding for Canada's Strategy to Prevent and Address Gender-Based Violence to assist organizations working to support victims of coercive and controlling behaviour to deliver adequate levels of support services, such as counselling, housing, and other services aimed at helping victims in re-establishing their lives and ensure that culturally appropriate services are available and accessible.
5. That the federal government engage with provincial and territorial governments and other relevant stakeholders to promote and fund a public awareness campaign on coercive and controlling behaviour, as well as training of judicial system actors, such as police, lawyers, and judges, about the dynamics of such behaviour. Training must be trauma-informed, integrate intersectional perspectives, and be accompanied by tools and policies to support action on this issue.

### 6.3. Alberta

#### 6.3.1. Public Fatality Inquiry into the Deaths of Blagica, Alex, and Josif Fekete (Alberta, 2005)<sup>442</sup>

On September 28, 2003 in Red Deer, Alberta, Josef Fekete shot and killed his ex-wife Blagica Fekete and their youngest child, Alex. He then killed himself. Ms. Fekete and Mr. Fekete had separated the previous year. They had an acrimonious custody dispute. During this dispute, Mr. Fekete repeatedly reported Ms. Fekete to the RCMP for failing to use a car seat for Alex, who was a toddler. Ms. Fekete reported to the RCMP that Mr. Fekete was harassing her and threatening to kill her and a friend of hers, Ms. Carr. Ms. Carr also reported these threats. The Red Deer RCMP officers who took these complaints dismissed Ms. Fekete's claims of threats and harassment, believing that she was trying to get the upper hand in the custody dispute. They also decided that Ms. Carr was not credible because she had met Ms. Fekete in the shelter, was a victim of domestic violence, and had a criminal record. No charges were ever laid against Mr. Fekete. The officers later admitted they had difficulty understanding much of what Ms. Fekete reported, as English was not her first language. The officers also ignored Ms. Fekete's statements that Mr. Fekete had firearms. On one occasion, the officer asked Mr. Fekete if he had unregistered firearms. Mr. Fekete said he had thrown them in the dump; he also offered to let the officer search his home. The officer did not conduct the search, assuming Mr. Fekete would not have made the offer if he indeed had guns in his home.

The public fatality inquiry into these deaths, conducted by Assistant Chief Judge David Plosz of the Provincial Court of Alberta, set out this chronology and inquired into the underlying causes. Officers who testified at the inquiry acknowledged that there was a lack of communication between constables, their supervisors, and their managers in the detachment; and there was no consistent information being passed on from watch to watch. They stated that it was challenging to keep the lines of communication open between the watches and between individual members. One officer told the inquiry that investigations were not being done to the proper RCMP standard during this period because of the large number of complaints and investigations the Red Deer

<sup>442</sup> "Report to the Attorney General: Public Inquiry into the Deaths of Blagica, Alex, and Josif Fekete," Minister of Justice and Attorney General of Alberta (September 2005), <https://open.alberta.ca/publications/fatality-inquiry-2005-09-01#summary>.

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Detachment was required to carry on. Detachment managers were struggling to find ways to manage the workload of the detachment and were aware that high-risk files were not being investigated properly.

The police records showed that the watch commanders were aware that the members were not treating domestic violence files properly, including improper documentation, a reliance on emergency protection orders rather than laying substantive charges, and closing files because the victim did not want to lay charges without ensuring the victim was properly supported to make that decision. They had also been assuming that the Crown would screen out charges as having no reasonable likelihood of conviction and had not considered bringing all the complaints made by Ms. Fekete to the Crown to determine if there was sufficient evidence to prefer charges against Mr. Fekete. They acknowledge in hindsight that this would have been a good course of action.

Associate Chief Judge Plosz noted that following the killings, the detachment created a domestic violence unit with two specially trained constables, who were responsible for investigating all domestic violence complaints. These investigators were to look at the history and root causes of the incidents and would encourage complainants to follow through with prosecution. Although the RCMP had not had a category of officers specializing in domestic violence, this initiative of the Red Deer detachment had led the national office to create one. This unit had improved communication with the child protection agency and participated in joint training programs with that agency, shelter staff, and other Red Deer agencies. "K" Division headquarters had also conducted reviews of the administration and management of the Red Deer Detachment. That review led to recommendations for improvements to the quality of investigations, supervision, training, and communication, both internally and with external agencies.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 2) All officers in charge, watch commanders, and all other senior ranking officers in a supervisory capacity of all police forces in Alberta, particularly the RCMP and most particularly the Red Deer RCMP Detachment, ensure that all of their members be aware of and are compliant with all instructions, directives, and policies issued by their own police force, particularly relating to domestic violence complaints and investigations.
2. (Recommendation 5) All police officers, when receiving complaints or statements made by people whose first language is not English, realize that such people may not be able to express themselves in English as clearly and succinctly as those with English as their first language. Therefore, officers should make whatever effort is necessary to ensure that the complaint or statement made is an accurate reflection of what that person is trying to convey. On occasion this may require the assistance of an interpreter.
3. (Recommendation 6) Police officers should not treat chronic complaints made by a recipient of domestic violence, such as those made by Blagica Fekete regarding death threats, as a nuisance and therefore unworthy of belief and thus not conducting further investigation, which could result in arrest and laying of charges.
4. (Recommendation 7) Police officers should not summarily discredit or be dismissive of the veracity of a potential witness, as was done with Valerie Carr, who could possibly provide corroboration to a domestic violence complaint.
5. (Recommendation 8) Police officers should, before concluding that corroboration of a domestic violence complaint was necessary before a charge should be laid against the alleged perpetrator, first inquire from the complainant if anyone else was present when the incident occurred who could provide corroborating evidence, as this is basic police work. For example,

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in Blagica Fekete's case, a number of Red Deer City RCMP officers, including supervisory officers, took the position that corroboration was required before laying a charge against Josef Fekete, without inquiring if anyone was present who could provide such corroboration, since in many situations when threats are uttered, no one else is present except the person uttering the threats and the recipient.

6. (Recommendation 9) In cases such as the Feketes, where numerous allegations are made by each party against the other, police officers should focus more on the serious allegations, such as those made by Blagica Fekete, rather than on the minor ones, such as those made by Josef Fekete, which didn't involve violence or threats of violence against him.
7. (Recommendation 12) Police officers should give serious consideration to apply for a firearms prohibition order under Section 111 of the Criminal Code in domestic violence cases such as the Fekete case, where the police were advised on numerous occasions that Josef Fekete possessed firearms, since seizure of firearms, while obviously desirable prior to such an application, is not a mandatory prerequisite before commencing it.
8. (Recommendation 13) Wherever possible, all police forces and RCMP detachments have certain members designated as domestic violence investigators, so that all such cases and complaints are brought to their attention for compilation and determination of action to be taken, in order to provide continuity and a historical perspective.
9. (Recommendation 14) The Red Deer Detachment continue its liaison and teamwork with the Department of Children's Services and the Central Alberta Women's Shelter regarding domestic violence cases.
10. The RCMP, as well as all other police forces in Alberta, should not treat Emergency Protection Orders as a civil matter and therefore not part of their responsibility but should assist victims of domestic violence in making applications for such an order. Presumably, that is one of the functions of their victim services unit.
11. In domestic violence files, particularly chronic ones such as the Feketes, the police investigators present the entire chronology of complaints and investigations to the Chief Crown Prosecutor or her or his designate, to determine whether there is sufficient evidence to lay a charge or charges and proceed to arrest and prosecution. This type of interaction between the Crown Office and the Police should be encouraged.

#### 6.4. British Columbia

##### 6.4.1. Coroner's Inquests into the Deaths of the Gakhal Family (the "Vernon Inquest") (British Columbia, 1996)<sup>443</sup>

On April 5, 1996, Mark Chahal shot and killed his estranged wife, Rajwar Kaur Chahal (Gakhal), and eight members of her family before committing suicide. They were Karnail Singh Gakhal (father), Darshan Kaur Gakhal (mother), Balwinder Kaur Gakhal (sister), Khalwinder Kaur Gakhal (sister), Halwinder Kaur Gakhal (sister), Jaspal Singh Gakhal (brother), Jasbir Kaur Saran (sister),

<sup>443</sup> "Coroner's Inquests into the Deaths of Rajwar Kaur Gakhal, Karnail Singh Gakhal, Darshan Kaur Gakhal, Balwinder Kaur Gakhal, Kalwinder Kaur Gakhal, Halwinder Kaur Gakhal, Jaspal Singh Gakhal, Jasbir Kaur Saran, and Baljit (Roger) Singh Saran" (the "Vernon Inquest"), Ministry of the Attorney General of British Columbia (26 September 1996).



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and Baljit (Roger) Saran (brother-in-law). This was one of the worst mass casualty incidents in Canadian history and led to several inquests and reviews (see section 6.4.2. below), including a coroner's inquest. Although inquest juries do not typically make findings of fact, the coroner summarized the circumstances revealed by the inquest evidence relevant to the jury's recommendations.

Mark Chahal and Rajwar Gakhal were married in April 1994 as a result of an arranged marriage. Their marital home was in Burnaby, BC. They both came into the marriage with substantial financial assets. Upon marriage, Mr. Chahal became the manager of their financial assets. The marriage lasted less than nine months. Ms. Gakhal's family members confronted Mr. Chahal about his abuse in December 1994. Ms. Gakhal moved out of the home within a week. Mr. Chahal claimed she took more of the financial assets than she was entitled to. In early January 1995, Ms. Gakhal reported Mr. Chahal's conduct during the marriage to the police in Vernon, BC (where her family home was). She reported that he threw objects at her, choked her, kicked her, pulled her across the floor, and threatened to kill her if she told anyone. She also reported that he was jealous, controlled her movements and became upset if she paid any attention other men. She stated that she did not want the police to take action and that she was not concerned for her safety because she was living in Vernon while Mr. Chahal was living in Burnaby.

The divorce proceedings continued through 1995. Ms. Gakhal sought counselling and support from various community resources. Mr. Chahal received counselling on two occasions in February 1995. In early March 1995, Ms. Gakhal again reported Mr. Chahal to the Vernon RCMP for nuisance phone calls. The RCMP contacted Mr. Chahal and warned him to stop making the phone calls. He denied that he was responsible; however, the calls stopped after the request. That same month, Mr. Chahal applied for a firearm permit through the RCMP Burnaby detachment. At the time of the purchase, the Police Information Retrieval System (PIRS) indicated that he was a spousal abuse suspect in a Vernon RCMP file. The permit was approved, and he bought a semi-automatic handgun. Mr. Chahal acquired a second handgun in June 1995.

In late January 1996, Ms. Gakhal spoke to Constable Weatherall at Vernon RCMP, who was in charge of Ms. Gakhal's file. She complained about Mr. Chahal's conduct during parts of the divorce proceedings. She said she would bring in a written statement once she completed it. On February 16, 1996, Ms. Gakhal's sister, Jasbir Saran, reported Mr. Chahal to the Abbotsford Police Department. She alleged that he had made death threats against her multiple times. This report was not brought to the attention of RCMP in Vernon. That same month, Ms. Gakhal provided her written statement to the police. In it, she said Mr. Chahal had threatened her and her family members and that she was very concerned for her safety and that of her family. She referenced her sister's report to the Abbotsford RCMP. However, this statement was never brought to the attention of Constable Weatherall. At the inquest, Constable Weatherall said that had she been aware of this statement and of Ms. Saran's report, she would have acted on them.

On March 27, 1996, Mr. Chahal purchased a ten-round magazine clip for one of his handguns. He practiced shooting at his gun club several days later. He rented a car on April 4, 1996, drove to Vernon, and checked into a hotel. The next morning, Ms. Gakhal and her family were at home. Mr. Chahal murdered them and then returned to his hotel room and committed suicide.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. That the Attorney General's policy, definition, and guidelines "Violence Against Women in Relationships" include threats against extended family members as reasonable grounds to proceed on this policy decision tree.

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2. That a full investigation of all alleged abuse/threats include direct contact with victim and perpetrator and follow-up with family members and other possible witnesses, regardless of the wishes of the complainant.
3. That training for police and justice system workers relating to violence against women in relationships reinforce that extended family are important when compiling information.
4. That policy clarify that the K-file designation (violence against women in relationships) be assigned immediately on the opening of the file.
5. That concurrent or subsequent complaints from any jurisdiction be coordinated and cross-referenced through CPIC and PIRS. The K-designation should be noted on the PIRS system and CPIC system and be in the same location on each type of screen and on related paper documentation.
6. That Officers document the date and results each time a PIRS and CPIC review is done.
7. All municipal police detachments must keep PIRS up to date with respect to all files and gun acquisitions.
8. Develop a risk assessment tool to help frontline police and victim assistance workers to evaluate and/or screen persons who may either be predisposed to violence or have the potential to harm spouses or family members.
9. That a one-file system on all complaints involving Violence in Relationships be done. Copies of all related complaints made in other police agencies be kept on file at the detachment closest to the complainant.
10. That all complaints involving the same complainant and suspect, if violence in a relationship is involved in any of the complaints, should be assigned to the same investigating member.
11. Complaints involving the same suspect and extended family members of the original complainant be assigned to this master file and investigating member.
12. That there be education for police officers regarding violence in relationships, the cycle of violence, and risk factors after relationship breakdown, in consultation with community agencies.
13. That the above agencies continue working towards an integrated and cooperative model in relation to Violence Against Women in Relationships and that funding adequately address the training and resource requirements to accomplish that.
14. That the above agencies collaborate to *improve* public education about the risk factors during a relationship breakdown and subsequent separation.<sup>444</sup>
15. To increase the awareness of what is presently available in the community and how to access these resources (i.e., counselling, crisis lines, 1-800 numbers) through public notices (e.g., TV ads).
16. That the above agencies explore intervention opportunities at the complaint level so that counselling may be offered at an earlier opportunity, especially to abusers.
17. Ensure that Victim Services/Assistance and other government referral programs set a standard of minimum qualifications for counsellors and volunteers.
18. That provincial policy be developed for verbal and written information intake and documentation handling. Where such policy already exists; police officers, frontline clerical

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<sup>444</sup> Emphasis in original.

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staff, and filing clerks should receive refresher training to ensure these policies are adhered to.

19. Ensure that staff involved in PIRS and CPIC checks on Firearms Acquisition Certificates (FAC) and permits are *adequately* trained.<sup>445</sup>
20. That professional publications arising out of the above agencies include material to assist the various professions in identifying possible interventions for clients who may be involved in relationship breakdowns and aware of spousal assault or threats within that relationship, and provide any other useful educational information.
21. An independent auditor through the Attorney General's office to randomly assess police detachments' interpretation of the Violence Against Women policy and advise and/or assist as necessary for further education or improvements. Findings should be related to all police agencies without disclosing particulars of any detachments to maintain anonymity.
22. That CPIC provide a database for firearms registrations, peace bonds, restraining orders, and domestic violence files; or create some other Canada-wide registry (i.e., special interest persons).

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#### **6.4.2. Amendments to "E" Division RCMP Operational Policies Pertaining to Relationship Violence and the Processing of Firearms Applications (RCMP, 1998)<sup>446</sup>**

Five months before Mark Chahal committed the mass murder in Vernon (summarized above in section 6.4.1.), a man named Larry Scott shot his ex-girlfriend, Sharon Vesilek, also in Vernon, BC. Ms. Vesilek survived the shooting. She had ended her relationship with Mr. Scott because he was too controlling. He then stalked and harassed her, putting sugar in her gas tank, following her, and scratching her car. She reported him several times to the Vernon RCMP and made them aware that he owned a shotgun. Six weeks after she broke up with Mr. Scott, he shot her in the arm and back. She pretended she was dead, and he killed himself. Ms. Vesilek survived.<sup>447</sup>

The RCMP then commissioned Justice Josiah Wood of the BC Court of Appeals to conduct independent reviews of the RCMP responses to and investigations of the complaints from Ms. Vesilek as well as Ms. Gakhal (Mr. Chahal's ex-wife) prior to the two shootings.<sup>448</sup> His reviews focused on whether the RCMP followed their policies regarding relationship violence, criminal harassment and stalking, and firearms permits. Judge Wood issued his reports in early 1997. He found deficiencies in the investigations and in the policies themselves. Judge Wood issued a third report, in which he reviewed the "E" Division's operational policies on relationship violence and the processing of firearms permits, as well as training programs on these topics. Judge Wood made findings about both incidents in these three reports, including the following:<sup>449</sup>

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<sup>445</sup> Emphasis in original.

<sup>446</sup> "Recommendations for Amendments to "E" Division RCMP Operational Policies Pertaining to Relationship Violence and the Processing of Firearms Applications" by J. Woods for the Royal Canadian Mounted Police (1998).

<sup>447</sup> See "She Lived to Change the System," *The Province* (30 Nov 2006), <https://www.pressreader.com/canada/the-province/20061130/281977488128677>.

<sup>448</sup> The reports from the reviews are not available online and have been requested from the federal Department of Justice as of this writing. The findings are summarized in Judge Woods' third report, "Recommendations for Amendments to 'E' Division RCMP Operational Policies."

<sup>449</sup> Some of these findings mirror the facts summarized by the coroner following the Vernon Inquest but are repeated here to provide context for Judge Wood's commentary and recommendations.

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- i. Two weeks after their separation, Ms. Gahkal reported to an RCMP detachment<sup>450</sup> that during her marriage, Mr. Chahal had repeatedly assaulted and threatened her at their residence in Burnaby. She told the investigating officer that there were no witnesses or injuries, and she had never sought medical attention. She did not tell the police that he had threatened to kill her. She refused to provide a formal written statement and asked that the police not investigate her report, not contact Mr. Chahal, and not charge him.
- ii. Three days later, on January 9, 1995, Ms. Gahkal filed a petition for divorce in the BC Supreme Court. In her petition, she made seventeen specific allegations of assaults and threats, including death threats and threats to obtain a handgun, against Mr. Chahal. She had not referred to those specific incidents in her report to the RCMP.
- iii. In February and June 1995, Mr. Chahal applied for registration certificates for a semi-automatic handgun and a revolver. He received the certificates, as well as permits to transport and carry the weapons between March and June 1995.
- iv. In April 1995, Ms. Gahkal reported that Mr. Chahal was making harassing telephone calls. The investigating officer spoke to Mr. Chahal, who denied making these calls. That officer tried to persuade Ms. Gahkal to support a criminal investigation and charges against Mr. Chahal in relation to the abuse she had reported in January 1995.
- v. In January 1996, Ms. Gahkal showed detailed notes relating much of the information included in her divorce petition to the investigating officer, Constable Weatherall. She did not allow Constable Weatherall to copy the notes. She later added to the notes and delivered them to the detachment, but Constable Weatherall was never informed of this. The following month, February 1996, Ms. Gahkal's sister told the Abbotsford RCMP that Mr. Chahal had made death threats to her over the phone. This information did not appear to have been forwarded to the Vernon detachment. There were no further reports to police prior to the April 1996 murders.
- vi. In his report regarding the attempted murder of Sharon Vesilek, Judge Wood found that Mr. Scott had acquired a FAC in 1980, which expired in 1985. He owned various long-barrelled shotguns and rifles. Mr. Scott and Ms. Vesilek were in a relationship for seventeen months, during which time there was no violence. After Ms. Vesilek ended the relationship, Mr. Scott engaged in a persistent pattern of harassment. He made nuisance calls, followed Ms. Vesilek in her car, came to her workplace, and likely vandalized her car three times. Ms. Vesilek contacted the RCMP at least fourteen times to complain about these incidents or inquire as to the progress of the investigation. She provided detailed chronologies of the incidents, but officers conducted virtually no investigation. They considered her complaints to be isolated reports of property damage and nuisance calls.
- vii. In November 1995, Mr. Scott shot Ms. Vesilek twice with a sawed-off shotgun. She pretended to be dead, and Mr. Scott killed himself. She survived, with permanent physical injuries.
- viii. Judge Wood found that the officers who investigated Ms. Gahkal's complaints "generally complied" with the 1993 RCMP national and "E" Division policies on relationship violence and the BC Attorney General's 1993 policy entitled "Violence Against Women in Relationships" (VAWIR). Judge Wood noted that he made the

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<sup>450</sup> The version of the report that the federal government provided to the Mass Casualty Commission has the name of the detachments redacted.

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finding of “general compliance” in part because the policies on relationship violence contemplated complaints of recent violence rather than complaints of past violence. There were no directions in these policies as to steps to be taken when a complainant reported historical violence and/or asked that no formal investigation be conducted.

- ix. Judge Wood also found that there was general compliance with the policies on firearms certificates and permits. Investigators did fail to record certain steps in the investigation file, and the failure to provide Ms. Gahkal’s notes to the investigating officer was a breach of document-handling policies. Mr. Chahal’s applications to register his firearms were not properly completed, and some information that should have been included was not forwarded to the Commissioner as required by the National Firearms Manual.
- x. With respect to Ms. Vesilek’s complaints, Judge Wood found that “there was virtually no compliance with the various provisions of the applicable RCMP policies or with the VAWIR policy.”<sup>451</sup> He noted that the investigating officers failed to record many of the incidents and did not engage in any investigation of Ms. Vesilek’s complaints.

Judge Wood noted that the murders of the Gahkal family and attempted murder of Ms. Vesilek illustrated “two very real difficulties the RCMP, and police forces generally, have in providing an effective response” to violence against women.<sup>452</sup> The first is the difficulty in responding to complaints of past violence when there is no physical evidence and a request from the complainant that the complaint be kept confidential. The second is some officers’ outdated attitudes about complaints of relationship violence, particularly criminal harassment.

After reviewing the officers’ compliance with existing RCMP “E” Division policies, Judge Wood reviewed the policies themselves. He identified several deficiencies, including:

- i. The Division’s “Violence in Relationships” (VIR) policy contemplates recent or ongoing violence only. It does not provide guidance for the officers’ use of discretion when the complaint does not require an immediate police response, made by a victim who is unable to cooperate with an investigation. This gap required officers in that situation to interpret and apply the relevant policies to circumstances for which they were not intended. That interpretation would be guided by “the police officer’s experience, education, training and judgment and by the degree of supervision available at the time investigative decisions have to be made.”<sup>453</sup>
- ii. There was no significant policy on the investigation of criminal harassment.
- iii. There was a widespread practice of designating complaints as “for information only” complaints, where officers determined that no further investigation would be undertaken, either because the complainant requested that the information be kept confidential or because the officer determined that an investigation would not result in a charge or a conviction. There was no policy permitting such designation. Three complaints by Ms. Vesilek to the RCMP had been designated this way.
- iv. The policy on screening FAC and other firearms permits was not sufficient to ensure that only suitable applicants obtained these permits.

<sup>451</sup> “Recommendations for Amendments to ‘E’ Division RCMP Operational Policies,” p. 8.

<sup>452</sup> “Recommendations for Amendments to ‘E’ Division RCMP Operational Policies,” p. 9.

<sup>453</sup> “Recommendations for Amendments to ‘E’ Division RCMP Operational Policies,” p. 13.

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Judge Wood emphasized that a “complete investigation” as required by various policies and particularly in intimate partner violence cases requires a detailed written statement from the victim as well as interviewing the suspect with the goal of obtaining a statement. However, he noted:

It is a notorious fact that many women who are victims of violence in a relationship find it impossible either to complain to the police when they are abused or to cooperate with a subsequent criminal investigation when that abuse finally comes to the attention of the police. All of the available research on the subject confirms that there are a host of complex reasons for this phenomena, many if not most of which are related to the power imbalance that characterizes abusive relationships and leaves the woman victim convinced that she must suffer in silence. Such victims frequently feel shame or guilt and blame themselves for what they perceive to be their failure in making the relationship a success. Many mistakenly believe that the abuse will stop, if only they try harder and become more compliant. All of these and many more complicating factors explain why the average woman in a violent relationship will suffer abuse as many as 35 times before making her first complaint to the police.<sup>454</sup>

This also explains why women often request that their reports of abuse be kept confidential and ask for no investigation to be conducted. Judge Wood noted that it often takes considerable time, counselling, and support before a woman in these circumstances will take the next step of participating in a formal investigation. Moreover, many women fear further violence should the abuser learn that they have spoken with the police.

On the other hand, giving officers the discretion not to conduct a complete investigation (including speaking with the accused) may lead busy officers to exercise that discretion too often. As well, violence in relationships often increases over time, and some argue that taking a complaint about such violence “for information only” cannot be justified given these dynamics. Another argument Judge Wood considered was the suggestion that no matter how carefully the discretion not to proceed with a complete investigation is exercised, there are bound to be tragedies, given how unpredictable relationship violence can be. The officers who exercise their discretion with tragic results will be held accountable, unfairly, for such tragedies. Judge Wood stated the following:

Although the RCMP commissioned this Report as a direct result of [the two tragedies] there is a danger associated with recommending policy changes in response to the occurrence of such terrible events. For example, although one could recommend policy changes which would have the effect of entirely removing any independent decision-making ability or discretion on the part of an officer investigating a complaint of relationship violence, including criminal harassment, or the suitability of a person to acquire a Firearms Acquisition Certificate (“FAC”), any decision to do so would be an unfortunate and misguided over-reaction. It is not possible to create policy in response to a particular incident that will ensure that a similar incident will not ever occur again. As the [Gakhal] tragedy illustrates, there is a level of madness against which no amount of policy will ever be effective.<sup>455</sup>

Judge Wood concluded that officers should have discretion not to conduct a complete investigation and to keep the complaint confidential only in very narrow circumstances, when:

- a. The complainant states that she will not cooperate with an investigation or prosecution;
- b. There is no evidence supporting a charge other than that of the complainant; and

<sup>454</sup> “Recommendations for Amendments to ‘E’ Division RCMP Operational Policies,” p. 15.

<sup>455</sup> “Recommendations for Amendments to ‘E’ Division RCMP Operational Policies,” p. 2.

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- c. The complainant asks that the suspect not be notified of her complaint because she fears he will retaliate with violence.

The officer must first attempt to persuade the complainant to cooperate, stress the potential danger the violence poses to the complainant and to her immediate and extended family, and advise the complainant that the police will not be able to take steps to protect her. The officer must also attempt to obtain the complainant's consent to refer her to a community-based victims' services agency where she could obtain support, counselling, and sanctuary, if necessary.

Judge Wood concluded that even after all these conditions are met, the officer should not be permitted to exercise this discretion if there are reasonable grounds to believe that the risk to the victim is unacceptably high, whether or not the suspect learns of her complaint. When there is evidence that the suspect possesses firearms or other offensive weapons, the officer "can and must" reduce the level of risk to the victims by taking steps to search for and seize such weapons.<sup>456</sup> Judge Wood noted that a warrant to do so can be obtained on the basis of the officer's reasonable belief that it is not desirable in the interests of the safety of the victim that the suspect possess any firearms or other offensive weapons;<sup>457</sup> the cooperation of the victim is not necessary.

Judge Wood also concluded that the discretion permits officers only to conclude the investigation without speaking to the suspect or anyone else who may notify the suspect of the investigation; the investigation should continue in all other respects, such as database searches. The officer should make all reasonable efforts to obtain other independent evidence of the offence. The file must be kept open for at least eighteen months and reviewed from time to time, with discrete inquiries of the complainant to determine whether she is ready to cooperate with an investigation. As well, if other independent evidence comes to light allowing for a charge, the officer should then conduct a complete investigation.

Rather than creating an inflexible policy covering all aspects of a police investigation, Judge Wood designed his recommendations to provide training and guidance to investigating officers and their supervisors regarding the dynamics of relationship violence, which would in turn allow them to exercise properly their discretion during investigations or FAC application determinations.

Judge Wood also noted that the separation of the policy on stalking from other violence in relationships policies in the Division may have the effect of narrowing officers' understanding of the range of conduct involved in violence in relationships. The officers investigating Ms. Vesilek's complaints failed to recognize that the acts of harassment she reported were committed in the context of a relationship that had recently ended and failed to investigate in accordance with stricter requirements of the Division's VIR policy or the provincial VAWIR policies. Judge Wood noted that although criminal harassment may arise in apparently nonviolent relationships, "to the

<sup>456</sup> "Recommendations for Amendments to 'E' Division RCMP Operational Policies," p. 21.

<sup>457</sup> This warrant would be obtained under s. 103(1) of the Criminal Code (now s. 117.04(1)), which provides:

Where, pursuant to an application made by a peace officer with respect to any person, a justice is satisfied by information on oath that there are reasonable grounds to believe that the person possesses a weapon, a prohibited device, ammunition, prohibited ammunition or an explosive substance in a building, receptacle or place and that it is not desirable in the interests of the safety of the person, or of any other person, for the person to possess the weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, the justice may issue a warrant authorizing a peace officer to search the building, receptacle or place and seize any such thing, and any authorization, licence or registration certificate relating to any such thing, that is held by or in the possession of the person.

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extent that it is a manifestation of control and intimidation, criminal harassment is indistinguishable from any other form of relationship violence and should be recognized as such” in the relevant policies, to provide proper guidance to investigators and to ensure proper investigation of these complaints.<sup>458</sup> The policy on criminal harassment should also inform investigating officers that this conduct is often part of an overall pattern and should not be viewed as isolated events. Officers should also be made aware that victims are often reluctant to report due to self-blame, shame, guilt, or a belief that without property damage, physical harm, or direct threats, there is no point in calling police. Victims may also underestimate the risk such conduct poses. Officers should also assume for the purposes of the investigation that prior unexplained acts of vandalism were committed by the suspect.

Judge Wood also commented on the difficulties resulting from the existence of two different policies governing police responses to complaints involving relationship violence. He noted that the provincial VAWIR policy was separated from the Division VIR policy and at times inconsistent with it, particularly with respect to the discretion available to officers during the course of an investigation. The VAWIR policy was referred to in the Division VIR policy as a “guideline,” which caused investigators to believe that compliance with it was not necessary. The version of the VAWIR policy appended to the Division VIR policy was also out of date. The Division VIR policy did not contain any information on the cycle or continuum of violence in abusive relationships. The VAWIR policy, on the other hand, made specific reference to a continuum of violence from harassing calls to aggravated assault. Its definition of the term “violence against women in relationships” also stated that behaviour “such as intimidation, mental or emotional abuse, sexual abuse, neglect, deprivation and financial exploitation, must be recognized as part of the continuum of violence against young and elderly women alike.” Judge Wood recommended similar changes to the VIR. He also recommended that the policy make specific reference to the danger extended family members may face where there is a violent relationship and to consider whether they may be at risk.

Because not all investigating officers would be aware that relationship violence might be directed to extended family members, Judge Wood recommended expanding the interview protocol in the VAWIR and the VIR policy to include taking statements from extended family members, if they may have any relevant background information or evidence that could assist in the investigation. Judge Wood also recommended changes to the language in the VIR policy to make it more reflective of the pro-charge directive in the province’s VAWIR, by incorporating the specific language in the VAWIR. That language includes the following: “A pro-active charge policy is based on the assumption that police will conduct a complete investigation in every case, including those cases that do not immediately appear likely to proceed to prosecution.”

The Division VIR policy and VAWIR policy did not require officers investigating complaints of relationship violence to search CPIC or other databases for information about the suspect. Judge Wood noted that particularly where the complainant is reluctant and there is no recent violence, such background information is necessary for a proper risk assessment. It can also assist the officer in determining whether the suspect has access to a weapon. Judge Wood noted that the VIR policy directs officers to determine, in every complaint of relationship violence, whether the accused has access to a firearm, and to seize the weapon or weapons if there are grounds to do so under the relevant provisions of the Criminal Code. However, those grounds are not set out in the policy. He recommended the policy be amended to provide specific information regarding

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<sup>458</sup> “Recommendations for Amendments to ‘E’ Division RCMP Operational Policies,” p. 26.



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those grounds. Judge Wood declined to recommend that officers conduct searches for weapons or seek prohibition orders in every investigation of relationship violence.

Judge Wood also reviewed the adequacy of the RCMP's training programs on relationship violence and firearms permits. He noted that because he was not an educator nor an expert in matters of law enforcement, he could not critique the quality of existing course content or design curricula or methods of instruction for courses he recommended. Because of the logistical problems associated with providing training to thousands of officers and supervisors spread across a large province, he recommended the creation of a task force in "E" Division. This task force would be comprised of RCMP personnel, Ministry staff, and civilian professionals with skills in the design and delivery of the kind of programs he recommended.

Judge Wood engaged in a detailed review of the programs available to cadets and officers at the time that related to relationship violence, criminal harassment, and firearms. He noted that although the cadet programming in force in 1996 contained significant components related to relationship violence and criminal harassment, older officers would have had only rudimentary training on relationship violence and almost no training on criminal harassment. He noted that both of the officers who investigated Ms. Vesilek's complaints of harassment had been in service for more than twenty years. There were training courses that contained adequate content on relationship violence and criminal harassment, but those courses did not have the capacity to train the thousands of officers in a reasonable timeframe. Moreover, none of the RCMP programs available at the time of Judge Wood's report addressed historical complaints where the complainant is unable to cooperate with an investigation or prosecution.

Judge Wood noted that a report in 1995 had identified an urgent need for police training on criminal harassment in British Columbia, yet the situation had not improved. He recommended that training on criminal harassment and on relationship violence be made available to all general duty, General Investigations Section, and supervisory members of "E" Division within 24 months. He stated:

I recognize that such a massive training exercise will be extremely expensive and difficult to organize. But the alternative is unacceptable. To continue to limit much needed training by only making it available on an infrequent basis to eight or nine officers at a time is to guarantee that there will be more tragedies such as those which occurred in the Chahal and Vesilek incidents.<sup>459</sup>

Judge Wood also made several recommendations relating to firearms applications, which are not set out here.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. "E" Division VIR policy to be amended to include specific policy relating to complaints of historical instances of abuse reported by uncooperative complainants.

Division VIR Policy be amended to stipulate that investigating officers have a narrow discretion to accept a complaint of relationship violence on a confidential basis in cases where the following conditions exist:

- i. There is no evidence of the alleged offence other than the victim's complaint;

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<sup>459</sup> "Recommendations for Amendments to 'E' Division RCMP Operational Policies," p. 104.

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- ii. There is a reasonable basis for believing that the risk to the victim would be increased by confronting the suspect with the fact that she has complained;
  - iii. There [is] no evidence that the suspect has firearms;
  - iv. The suspect is unaware that the victim has made a complaint to the police;
  - v. The complainant requests that her complaint be kept confidential and that no investigation be conducted as she is fearful that if the suspect is contacted by the police he will further victimize her;
  - vi. The victim has refused to cooperate with any investigation and attempts to persuade her to cooperate have been unsuccessful; and
  - vii. The officer fully documents in the investigational file the information provided from the complainant, including the reasons for her request for confidentiality and the information provided to the complainant.
2. Division VIR Policy be amended to stipulate that in such cases, the investigating officer may refrain from conducting a complete investigation only to the extent of not contacting or interviewing the suspect or anyone likely to inform the suspect that a complaint has been made. All other components of a complete investigation, as outlined in this Report, must be completed. The suspended investigation steps are to be completed notwithstanding the decision to accept the complaint on a confidential basis, either upon notification that the complainant wishes to support the investigation or upon the receipt of any evidence upon which a RTCC can be forwarded with a recommendation to charge. In the latter case, the complainant must be notified in advance that a full investigation is to proceed.
  3. Division VIR Policy be amended to require investigating officers to inform victims that the decision about whether a charge proceeds is not her decision.
  4. Division VIR Policy be amended to require that in any case where there is a decision not to conduct a complete investigation, the investigative file must not be concluded for a period of at least 18 months, during which the investigating officer is required to follow up with efforts to persuade the complainant to cooperate with the investigation.
  5. The Violence in Relationships Check Sheet be amended to reflect the mandatory obligation on an investigating officer to attempt to persuade a reluctant complainant to cooperate with the investigation and prosecution or to attempt to obtain her consent to a referral to an appropriate community-based victims services agency.
  6. "E" Division Policy for the investigation of all forms of relationship violence to be consolidated into a single comprehensive policy statement.
  7. Division VIR Policy be amended to specify that it is applicable to the investigation of any offence that occurs in the context of an ongoing or former relationship between the victim and the suspect. A "relationship" in this context includes one existing only in the mind of the suspect.
  8. Division VIR Policy be amended to include all "E" Division policy relating to the offence of criminal harassment, including a description of the critical elements of that offence, the range of conduct that can constitute such an offence, and the specific factors that should be considered during an investigation into that form of relationship violence.
  9. Division VIR Policy be amended to include a description of the dynamics of the continuum of violence and a description of conduct characteristics of violent or abusive relationships, including conduct amounting to criminal harassment.
  10. Division VIR Policy be amended to make specific reference to the danger that relationship violence poses to extended family members.

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11. Division VIR Policy be amended to incorporate the following portion of paragraph 28 of the Amended VAWIR Policy:
- The police officer will inform the victim of any community-based specialized victim services (including women assault centres), and will refer her case with her permission. Where a specialized program does not exist, permission to refer her case to a Crown-based victim service should be sought.
12. Division VIR Policy be amended to provide that extended family members be identified as possible victims or witnesses in relationship violence complaints and to provide that these individuals be formally interviewed, where it is determined that they have information relevant either to the background of the complaint or the contemporary circumstances of the alleged abuse.
13. Division VIR Policy be amended by deleting the provisions currently in Chapter IV.1.L.3.i and replacing those provisions with paragraphs 9 and 11 of the Amended VAWIR policy [relating to the pro-charge mandate].
14. Division VIR Policy be amended to provide that an investigating officer has discretion not to forward a RTCC recommending a charge when there are grounds to believe that a relationships offence has been committed but the only evidence is that of the complainant, who refuses to testify or otherwise cooperate with a prosecution.
15. Division VIR Policy be amended to provide that the following circumstances cannot be the basis for exercising a discretion not to forward a RTCC:
- i. The consumption of alcohol or the use of drugs by the victim or the suspect unless such consumption renders the evidence of the victim unreliable; and
  - ii. The lack of independent corroborating evidence, unless there are reasonable grounds for believing that the evidence of the victim is unreliable.
16. Division VIR Policy be amended to provide that a complete investigation in a relationship violence complaint include the following computerized index searches:
- CPIC computer searches:
  - “Persons”, “CNI”, Criminal Record, and “SIP” databases;
  - PIRS computer searches:
  - ED1 and ED2 databases and the databases of any other jurisdictions in which the suspect or victim have resided or worked in the previous seven years;
  - POR Registry; and
  - Vancouver, Victoria, and Esquimalt Police Departments computer records:
  - Whenever there is any information suggesting that, within the previous seven years, the suspect or victim has resided in the jurisdiction of one of the above municipal police forces, a search should be requested of that police department’s computer file index for any information relevant to the RCMP investigation.
17. Division VIR Policy be amended to require that the results of these searches be dated and recorded in the investigational file.
18. Division VIR Policy be amended to mandate that an investigating officer consider in each relationship violence case whether there are reasonable grounds for believing that it is not desirable in the interests of the safety of the victim or of any other person that the suspect possess or have custody or control of any firearm, such that the officer should either make application for a search warrant or, if there is a proper basis, search without warrant, to seize

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any firearm, dangerous weapon, FAC or other firearms permit in the possession, custody and control of the suspect.

19. Division VIR Policy be amended to mandate that investigating officers record in the investigational file all relevant information that is received from the victim or other sources.
20. Division VIR Policy be amended to require that all documents received from a victim or other person in respect to a relationship violence investigation be date-stamped, initialled by the person receiving the document, and immediately brought to the attention of either the investigating officer or the on-duty supervising officer.
21. "E" Division embark upon a training initiative that will provide all general duty, GIS and supervisory personnel with training equivalent to that presently available in the Advanced Training Curriculum (Advanced Interview Skills) and Criminal Harassment Interdisciplinary Training programs recently developed by the Criminal Justice Branch of the Ministry of Attorney General, such training to be completed no later than December of 1999.
22. "E" Division establish a Task Force to design and plan the delivery of such a training initiative.

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#### **6.4.3. Honouring Christian Lee—No Private Matter: Protecting Children Living with Domestic Violence (BC Representative for Children and Youth, 2009)<sup>460</sup>**

Peter Lee and Sunny Park were married in 2004. They had one son, Christian, who was born in 2001. On September 4, 2007, Mr. Lee murdered his son, wife, and parents-in-law. He then committed suicide. The British Columbia Representative for Children and Youth, who is responsible for reviewing deaths of children receiving services from the province, reviewed the events leading up to Christian's death.

The Review found that prior to the murders, Mr. Lee was involved with the police several times:

1. In 2003, Ms. Park called the Victoria police for a domestic dispute. Mr. Lee had allegedly pushed Ms. Park and Christian, who was a baby, when Ms. Park tried to prevent him from leaving the house to go gambling. Police settled the incident by having Mr. Lee leave the home for the night. No charges were laid.
2. In 2004, Mr. Lee allegedly assaulted a business colleague. No charges were laid.
3. In 2005, Mr. Lee was charged with assaulting a restaurant employee. Those charges were stayed.
4. Also in 2005, Mr. Lee was investigated for an arson fire at the restaurant. No charges were laid.
5. In July 2006, Mr. Lee was charged with uttering threats and unlawful confinement of a young man. This man had complained that he had not been hired at the restaurant that Mr. Lee and Ms. Park owned. Mr. Lee allegedly found the young man, forced him and his girlfriend into a car, forced the young man to do a series of bizarre exercises such as sprints in the water, and forced him to smash his own toe with a large rock. A court date was scheduled for October 2007.

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<sup>460</sup> "Honouring Christian Lee—No Private Matter: Protecting Children Living with Domestic Violence," British Columbia Representative for Children and Youth (September 2009), [https://rcybc.ca/wp-content/uploads/2019/06/honouring\\_christian\\_lee.pdf](https://rcybc.ca/wp-content/uploads/2019/06/honouring_christian_lee.pdf).

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6. On July 19, 2007, Ms. Park called the Oak Bay police and reported a domestic dispute. She and Mr. Lee were having a verbal argument. The police attended and found Ms. Park and Mr. Lee talking calmly in the home. Ms. Lee, her parents, and Christian spent the night in a hotel.
7. On July 31, 2007, five weeks prior to the murders, Mr. Lee crashed the family vehicle while Ms. Park was in the car. They had been arguing about Ms. Park's intention to divorce Mr. Lee when Mr. Lee drove the car into a utility pole. Ms. Park was seriously injured in the crash. Despite her language barriers and lack of confidence in her ability to speak English, Ms. Park told the police at the scene that the crash was intentional, and that Mr. Lee had been violent to her for many years. She reported intimidation, emotional and psychological abuse, physical abuse, and that he pressured her to have sex on many occasions. She said he had threatened to kill her and kill himself. She had not reported him to police before because she feared he would seriously harm or kill her. He had told her that if she ever tried to divorce him, he would kill "everybody" and then kill himself. She said she thought Mr. Lee was going to kill her and was worried about her parents and sister. She later said she feared Mr. Lee might try to harm Christian in order to cause harm to her. Mr. Lee was arrested and placed in custody, and the file was referred to British Columbia's Ministry of Family and Child Development (MFCD) for the first time. At that point, a social worker from the MFCD became involved.

The police recommended to the Crown that Mr. Lee be charged with aggravated assault and dangerous operation of a motor vehicle and be held in custody or, alternatively, with a cash bail requirement too high for Mr. Lee to meet. The police met with the Crown to emphasize their concerns for Ms. Park if he were released. The Crown appears not to have had all the information about the file and believed that there were inconsistencies in Ms. Park's statement suggesting that the crash was accidental. As a result, the Crown charged Mr. Lee with unlawfully causing bodily harm and dangerous driving causing bodily harm. The Crown did not believe he would be detained given his lack of a criminal record and past compliance with bail conditions. Mr. Lee was released on August 2, 2007 on consent, with conditions not to contact Ms. Park, not to visit the family home or the family's restaurant, and not to possess weapons, including knives. He was not prohibited from contacting Christian. At the time, Mr. Lee was also under additional bail conditions for the 2006 assault against a young man.

Following his release, Mr. Lee told a therapist that he had no money and nowhere to live and said he felt suicidal. He agreed to call the therapist if he needed immediate help. A few weeks later, he said he was feeling better. Ms. Park reported concerns about Mr. Lee breaching his bail conditions several times, as well as concerns that he was following her. He was warned on several occasions that he would be charged with breach. He also continued to ask Ms. Park's lawyer about the possibility of reconciling. During this time, the child protection worker assigned to the case had determined that Ms. Park was taking adequate steps to protect Christian.

Mr. Lee's criminal case was adjourned to September 4, 2007. In the early hours of that day, Mr. Lee broke into the home where Ms. Park, Christian, and Ms. Park's parents were living. He stabbed each member of the family. He told a 911 operator to send an ambulance and then stabbed himself. All died before police arrived.

The Report made an overall finding that:

The lack of a system-wide domestic violence response across criminal law, child welfare and family justice sectors, and the absence of a thorough and fully informed assessment

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of the risk of harm and lethality posed by Peter Lee placed Christian Lee and Sunny Park in grave danger without an adequate safety plan.<sup>461</sup>

The Report also found that child protection services and the police did not effectively exchange information. In that context, the Report recommended Nova Scotia's model for high-risk case coordination. That protocol calls for coordination among three intersecting provincial systems: the Department of Justice, the Public Prosecution Service, and the Department of Community Services. The protocol identifies actions for each agency to take once a case is determined to be high-risk and creates better case coordination.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 1c) That the Ministry of Child and Family Development (MCFD) record and track child protection reports with domestic violence issues in order to evaluate effectiveness of safety planning and protection of children over time.
2. (Recommendation 2) That the Ministry of Public Safety and Solicitor General take the lead in a special initiative that focuses on the issue of safety of children and youth in domestic violence situations, by ensuring a coordinated, effective, and responsive system in Greater Victoria and throughout British Columbia.
3. (Recommendation 3) That the Ministry of Attorney General undertake a review and enact necessary changes to improve the administration of justice in criminal matters involving domestic violence, including establishment of domestic violence courts, to better protect the safety of children and their mothers.
4. (Recommendation 4) That the Ministry of Attorney General undertake a review and enact necessary changes to improve administration of justice in family law matters in domestic violence cases, to better protect the safety of children and their mothers and to ensure that the perspective of the child is considered.
5. (Recommendation 5) That MCFD strengthen services to immigrant women in circumstances of domestic violence.

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#### **6.4.4. Honouring Kaitlynn, Max, and Cordon: Make Their Voices Heard Now (BC Representative for Children and Youth, 2012)<sup>462</sup>**

In April 2008, Allan Mr. Schoenborn killed his three children, Kaitlynn (age 10), Max (age 8), and Cordon (age 5). Mr. Schoenborn and the children's mother had been in a common law relationship for fourteen years. Mr. Schoenborn worked as a roofer and was the sole financial provider. He also lived with mental health and addiction problems. The children's mother was not named in the report, which examined the services provided to the children prior to their deaths.

British Columbia's Ministry of Child and Family Development (MCFD) first had contact with the family on 14 June 1999. Mr. Schoenborn had crashed the car with Kaitlynn in it and rushed her to the hospital, claiming she had been poisoned and that her mother was sexually abusing her. Mr. Schoenborn was lawfully detained for mental health issues. On 21 June 1999, he left the

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<sup>461</sup> "Honouring Christian Lee," p. 33.

<sup>462</sup> "Honouring Kaitlynn, Max, and Cordon: Make Their Voices Heard Now," British Columbia Representative for Children and Youth (March 2012), [https://rcycbc.ca/wp-content/uploads/2019/05/honouring\\_kaitlynn.pdf](https://rcycbc.ca/wp-content/uploads/2019/05/honouring_kaitlynn.pdf).

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hospital against medical advice. He was diagnosed with a delusional disorder and prescribed anti-psychotic medication.

Over the following years, the police and MCFD had numerous contacts with the family. Mr. Schoenborn had disputes with his neighbour and broke his brother's shoulder during an altercation while intoxicated. These incidents did not lead to charges. Mr. Schoenborn also broke the mother's nose in 2001, but she told the hospital it was an accident. In May 2007, the children's mother called the police and reported that Mr. Schoenborn had come home intoxicated and went on a "rampage" in the home, throwing and breaking things, yelling, and frightening the children. He punched out the kitchen window and told her she would be next. She fled to a payphone and called police while the children were still in the home. She told the police she lived in fear of Mr. Schoenborn and was worried he would have beaten her to death. She believed his anger was escalating and wanted to end the relationship. She requested a restraining order. She also reported that Mr. Schoenborn had sexually assaulted her for hours two days earlier and threatened to "beat her black and blue" if she refused. He was intoxicated. One of the children came into the room during the assault. Mr. Schoenborn was charged with uttering threats and sexual assault.

Over the following months, Mr. Schoenborn continued to have contact with the mother and the children. The mother asked for the bail conditions restricting his contact to be lifted. She felt that jail would not help him, and he would not get better while facing charges. Officers tried to help her understand the seriousness of the violence and the impact it had on her children. In July 2007, the mother contacted Crown counsel to recant all of the sexual abuse allegations she had made against Mr. Schoenborn. She later told the Representative for Children and Youth that Mr. Schoenborn had coerced her into doing this, partly because he believed that she and the police and MCFD were "all out to get him." She felt she had to recant to ease the pressure he was placing on her. The Crown stayed the sexual assault charges against Mr. Schoenborn, and Mr. Schoenborn entered into a peace bond instead. The peace bond did not restrict his contact with the family. One day later, Mr. Schoenborn was arrested for being drunk in public and charged with breaching the no-alcohol provision of his bail conditions. His bail conditions prohibited contact with the mother after having consumed alcohol and prohibited the possession of weapons.

The MCFD learned in August 2007 that Mr. Schoenborn was going to the home every day. He was not involved with any supportive services and had not met with any workers. A worker faxed him a note, outlining services and stating that he should get involved with services and speak to a worker before moving back into the home. The MCFD did not take any other steps to intervene, despite the fact that his presence in the home was contrary to a risk reduction plan that the MCFD had developed for the family. On 23 August 2007 Mr. Schoenborn came to the home, started drinking, and went into a jealous rage. The mother locked him out of the home and phoned police. Before they arrived, Mr. Schoenborn broke into the home. He was charged with breaching the peace bond. The children were present during this incident. Mr. Schoenborn was released with the same conditions as in the peace bond. The MCFD conducted a high-risk assessment, concluding that the safety options were either to have the family move to a transition house or to remove the children. Over the next few weeks, the mother and children moved around. Mr. Schoenborn continued to come to the home. The mother said she did not want to go to a transition house because she would not be able to take the children's dog. The mother and children agreed to go to a relative's home, without Mr. Schoenborn. One of the MCFD workers told a colleague that day that she believed Mr. Schoenborn would kill the mother in front of the children. However, she and her colleagues approved Ms. Schoenborn's plan to move and did not take any steps to initiate court proceedings or remove the children from the home. The following month, the MCFD asked the Interior MCFD to provide "courtesy services" and advised them that the father's actions

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had been dangerous and life-threatening and that the mother minimized the violence and its impact on the children.

Over the following months, there was a lack of clarity as to which MCFD office had responsibility for the family. Mr. Schoenborn was charged with impaired driving. There were reports that he was living with the family, but MCFD did not take significant steps in response. The mother was in financial crisis between January and March of 2008. She was given crisis grants but was warned that these may not be approved in future. Mr. Schoenborn also sought income assistance at the end of March 2008. It became clear that Mr. Schoenborn was confused as to whether he was permitted in the home.

On April 1, 2008, Mr. Schoenborn went to the school and said he was worried the mother would flee with the children and that he was worried about the children. The school called MCFD. That same day, a community member reported that Mr. Schoenborn had been living at the home. Mr. Schoenborn went to the MCFD office that day. It was clear that Mr. Schoenborn was confused about MCFD's expectations as to his contact with the children and their mother, which he referred to as an "order." Police attended at the meeting after learning that Mr. Schoenborn was living at the home. Mr. Schoenborn was agitated by their presence. The police arrested him for an outstanding warrant for driving while prohibited, and the meeting ended.

The following day, Mr. Schoenborn appeared in court in a neighbouring city and was released on supervised bail with standard conditions. His bail supervisor did not observe anything indicating a mental health concern. Mr. Schoenborn then tried to take a bus to the city where his family was living. He was intoxicated and agitated and got into altercations with a passenger and a driver. He arrived in the city where his family was living and was arrested for public drunkenness while loitering in the police station parking lot. He was released later that day with a ticket. Police said they did not note any signs of mental illness. He again went to the school, and a school staff member observed that he was more anxious and disheveled than he was two days earlier. He was over-reacting, not making sense, and "falling apart." He demanded to be taken to his daughter's class; she came out of the class and said hello to him. He said he felt assured she was ok and left the school. He came twice more that day and threatened a child he believed was bullying his daughter. He called police, and the school called police as well. An officer spoke with Mr. Schoenborn and was able to calm him down.

Mr. Schoenborn was arrested for uttering threats to his daughter's schoolmate and taken into custody. He had to be restrained from bolting, but the officers believed he was scared but coherent and cooperative. A bail hearing was held by telephone that same day. The officer requested that Mr. Schoenborn be detained over the weekend and reviewed his criminal history and history of failing to appear. However, the officer did not refer to the previous domestic violence incidents, the fact that there was a peace bond in place, or the child protection concerns. The officer incorrectly said there was an application for a peace bond. Mr. Schoenborn said he would reside with his children and their mother and that he had been living there the prior three days. The justice of the peace asked if there was any friction between the mother and Mr. Schoenborn. Mr. Schoenborn said, "No." The justice of the peace thought that the person who said "no" was the officer. Mr. Schoenborn was released that same day, with conditions to not attend at the school or have contact with the student who was threatened. No notice of his release was given to MCFD, the mother, the school or the family of the child he had threatened. The justice of the peace told Mr. Schoenborn, "You've got a break on this."

The children's mother told the Representative for Children and Youth that during that week, Mr. Schoenborn grabbed her by the neck and threw her against the wall, threatened her, and the look



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in his eyes was different, as if it wasn't him. She was more terrified than usual. Mr. Schoenborn had not yet received income assistance. Because Mr. Schoenborn and the mother believed he was not permitted to be with the children in her presence, the mother agreed that he could live in the home without her there. She went to a relative's home for the weekend. Mr. Schoenborn remained at the home with the children. She spent some time with the children on 5 April, separate from Mr. Schoenborn. She went to her relative's home that evening. Mr. Schoenborn called her several times that evening, begging her to come home and reconsider their separation. She said she was tired of constant fighting, and it wasn't good for the children. The last call took place close to midnight.

After Mr. Schoenborn put the children to bed, he killed them. He said at trial that he had become suspicious that they were being groomed for prostitution and believed no one could protect them. He decided to "put them where they are safe." He wrote the words "forever young" on the kitchen wall. He was found in the bush a week later. The BC Supreme Court found him not criminally responsible on account of mental disorder.

The Representative for Children and Youth made the following overall finding:

The deaths of these children were preventable. These children were extremely vulnerable to violence and harm due to the domestic violence in their home, and their father's untreated mental illness. Countless opportunities to ensure that the children and their mother were safe were missed because of a profound lack of coordination among the child-serving, mental health and criminal justice systems over many years, compounded by glaring failures in child protection practice, and an inability to recognize and assess the extent of the father's mental illness....

By their very nature, complex cases (which in this particular situation included untreated parental mental illness, domestic violence and substance abuse) require a high degree of collaboration amongst different service providers working in multiple systems. That did not happen in this case. This family required a coordinated approach that allowed for professionals to be able to share information and plan together to address risk assessment findings and risk management requirements.<sup>463</sup>

The Report noted that the mother was trapped in an abusive relationship and that the child protection system placed unbearable pressure on her to protect her from their father but provided her with little support to do so. The Representative for Children and Youth stated, "All too often fathers are invisible in the child protection system, and the focus is on the mother to manage difficult circumstances to protect her children."<sup>464</sup> The MCFD did not engage the father in the risk reduction safety plan and did not offer him services to improve his social and emotional functioning and reduce the risk to the mother and children. The children also never received services that were promised to them, such as a program for children who witness violence.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

That the Ministry of Health, in partnership with the Ministry of Children and Family Development, take immediate steps to ensure that all staff and professionals connected to their systems understand the risk factors relating to children of parents with a serious untreated mental illness, and promote the well-being of children by

<sup>463</sup> "Honouring Kaitlyne, Max, and Cordon," p. 56.

<sup>464</sup> "Honouring Kaitlyne, Max, and Cordon," p. 59.

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- a. putting in place procedures for the identification at intake in the health care system or child-serving system of the parental role of people with a mental illness, including expectant parents
- b. developing and implementing policies and procedures to support workers to identify and reduce risk factors for children affected by parental mental illness and domestic violence
- c. ensuring appropriate information regarding referral to services for families affected by parental mental illness without abdicating the focus on child safety
- d. developing and implementing policies for early detection of risk factors for families associated with mental illness (e.g., social isolation, frequent moves, emotional and financial instability, violent episodes).

Improvements should include:

- Policies and standards for identifying and managing cases where serious parental mental illness may jeopardize the safety and well-being of children, taking into account concurrent substance abuse
- Provision for an active outreach and monitoring program across the province, and identifying and monitoring for factors which may increase the risk
- Ensuring that children who have been traumatized are referred to and engaged with the child and youth mental health system
- Provision for a consultation service for social workers and other professionals involved with the child so that they can better understand the dynamics in the home
- Mechanisms to ensure effective links with child protection and child and youth mental health services at the local level
- Ensuring this report will be used to promote practical learning in the adult mental health system across the province and among policy staff in the ministry.

## 6.5. Ontario

### 6.5.1. Inquest into the Death of Margret Kasonde and Wilson Kasonde (Ontario, 1997)<sup>465</sup>

In May 1995, Robert Kasonde shot and killed two of his children, Margaret and Wilson, in front of his third child, Geoffrey. He had mental health issues, and his wife had left the relationship because he was abusive to her and the children. He had shared custody of one of the children, Geoffrey, and regular access to the other children.

Community members made numerous reports of concern about the safety of the children to the local children's aid society. However, those reports were not shared with police. Three years before the killings, in July 1992, a neighbour reported concerns to police about Mr. Kasonde's possession of a gun. Around the same time, the children's mother reported to the police that she had heard secondhand that Mr. Kasonde had threatened to shoot himself with the rifle. The rifle was seized but returned to Mr. Kasonde the following month. In the months preceding the killings,

<sup>465</sup> "Verdicts of the Coroner's Jury Serving on the Inquest into the Deaths of Margret Kasonde and Wilson Kasonde," Ontario (June 1997).

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Margret, who was 8, repeatedly told her teacher that she was afraid of her father and one on occasion said that he would “get the gun.” The teacher reported this to the Children’s Aid Society (CAS). A social worker from the children’s hospital also reported concerns about Mr. Kasonde to the CAS, calling him a “ticking time bomb.” Two months before the killings, Margret repeated her concern about her father’s gun to a CAS worker. At the time of the shootings, Ms. Kasonde was attempting to obtain sole custody of the children with only supervised access to their father. The case was under ongoing investigation by the CAS at the time.

There were significant problems with the child protection response to the family, including a lack of resources, a lack of training on domestic violence, a lack of information-sharing about the family, a practice of only communicating with the mother even though the father also had care of the children, repeated transfers between workers, poor risk assessment, a failure to investigate reports of abuse, and a lack of cultural competency. (The family was from Zambia.)

The coroner’s jury made 74 recommendations, largely related to child protection services.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 7) Change and clarify confidentiality and privacy provisions to allow ongoing sharing of information between Children’s Aid Societies (CASs) and other professionals providing service to children.
2. (Recommendation 19) Amend the existing regulations and standards of the Revised Standards for Investigation of Child Abuse Case to allow the CASs to share the results of their investigations and information available to them with all organizations and professionals who are expected to monitor and/or support the safety and well-being of the child, as long as it is considered necessary to ensure safety and to plan services for the child.
3. (Recommendation 60) Develop a broad-based public awareness and education program addressing the needs of vulnerable children and youth, early identification of abuse and neglect indicators, and the duty to report.
4. (Recommendation 62) Implement the Department of Justice Firearms Registry without delay.
5. (Recommendation 63) Amend relevant federal legislation to allow permanent removal of lethal weapons, firearms, and permits from the possession of any individual where there is a threat of suicide, domestic violence, or child protection concerns and to place a CPIC alert on such individuals.
6. (Recommendation 64) Require that police/CAS protocols for investigations include specific provisions for the management of child protection cases where firearms and/or lethal weapons are present.
7. (Recommendation 65) Require face-to-face consultation between police, family, and CAS prior to return of any weapon.
8. (Recommendation 66) Require a Case Planning and Review Conference for every case in which there is a history of domestic violence and a firearm/lethal weapon known to be in the home.
9. (Recommendation 69) An occurrence report must be made and filed in any situation in which the police respond to an incident involving domestic violence or any CAS investigation.
10. (Recommendation 70) When police attend an incident involving a CAS investigation, the police report must be cross-referenced to the CAS file.

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11. Chief Coroner of Ontario provides the Jury with a report on the status of the recommendations within 12 to 18 months, and that this report be made public.

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**6.5.2. Inquest into the Deaths of Arlene May and Randy Iles (Ontario, 1999)<sup>466</sup>**

In March 1996, Randy Iles killed his ex-girlfriend, Arlene May, in Collingwood, Ontario. Mr. Iles then committed suicide.

Mr. Iles had a history of violence. In two previous marriages, there were instances of child abduction, stalking, and threats with a weapon. In addition, Mr. Iles had criminal convictions for indecent exposure, harassing phone calls, breach of probation, possession of stolen property, and a weapons offence for which he had a five-year prohibition order. Mr. Iles was also involved in a number of custody disputes in Family Court. The violence in Mr. Iles' and Ms. May's relationship appears to have begun when Ms. May became pregnant. She delivered a stillborn infant in 1995. In February 1996, Mr. Iles was arrested for assaulting Ms. May and was released on condition that he leave the jurisdiction. His bail conditions also required him to surrender his Firearms Acquisition Certificate; however, he did not do so. Mr. Iles moved his family to the Oshawa area. He contacted Ms. May, in breach of his bail conditions. On 7 March 1996, Mr. Iles' lawyer informed him that there was an outstanding warrant for his arrest. The next day, Mr. Iles bought a gun from a store in Oshawa, using his Firearms Acquisition Certificate. He drove to Ms. May's home. Ms. May's children were at home. Mr. Iles locked the children in a closet for hours and later told them to go to the corner store to call the police. When police arrived, they found Ms. May and Mr. Iles dead in her bedroom.

The Coroner's inquest began on February 16, 1998. Following the evidence, the jury deliberated for ten days. The jury made 213 recommendations.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 68) The Government of Ontario must consider specifically funding programs for small municipal police services and for other service providers in smaller urban or rural areas, to ensure the availability of adequate resources to address all issues related to domestic violence. All police forces must be trained to the same standard.
2. (Recommendation 73) The Behavioural Science Unit, OPP [Ontario Provincial Police] should, in consultation with representatives from shelters, Victim Services, and other authorities in the field of domestic violence, develop a risk assessment instrument and a lethality checklist. These should be used by the investigating police officers in all cases of domestic violence as a reminder of important matters to consider, such as whether the accused has access to firearms and/or possesses a FAC [Firearms Acquisition Certificate].
3. (Recommendation 76) The Solicitor General of Ontario should issue a directive encouraging Police to use their authority under Section 103 of the Criminal Code to search and seize weapons and FACs from an individual for safety reasons in domestic violence cases.
4. (Recommendation 91) The Federal government is encouraged to bring into force on October 1, 1998 the firearm licensing provision of Bill C-68, notwithstanding any delays which may occur due to litigation involving the gun control and registration portion of the legislation.

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<sup>466</sup> "Report of the Inquest into the Deaths of Arlene May and Randy Iles," Office of the Chief Coroner of Ontario (September 1999).

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5. (Recommendation 92) If regulations associated with C-68 federal gun control legislation are not implemented as scheduled, firearm acquisition officers in Ontario should be directed by written policy to conduct a full investigation into applications for FACs, including interviews of all references and current and former partners, criminal history search with specific focus on violent and domestic related charges, lethality assessment factors, suicide attempts, contact with relevant community professionals, etc.
6. (Recommendation 93) All police officers in Ontario must receive training on the new firearms legislation and policy, with particular focus on domestic violence issues.
7. (Recommendation 94) The policy and procedures of Police Services should direct that whenever an application is made for an FAC, the Police Service that conducts the background investigation shall create an occurrence report. The occurrence report should be entered on OMPPAC [Ontario Municipal and Provincial Police Automation Co-operative] or other computer system utilized by the police services, regardless of whether the application is granted or refused, in order that information is made accessible to other Police Services.
8. (Recommendation 95) Police to regularly monitor sellers of firearms for compliance to the latest legislation.
9. (Recommendation 96) It is recommended that the authorization to purchase an unrestricted firearm as required by the draft provisions of Bill C-68 must be delayed for up to seven days to be certain that the "firearm interest person" (FIP) record system has been updated to include all firearm prohibition orders.
10. (Recommendation 97) All police officers involved in the investigation of domestic violence must be trained and instructed to make a check with the Chief Provincial Firearms Officer to ascertain whether an accused has a firearm acquisition certificate.
11. (Recommendation 98) The issuance of a warrant to arrest an accused should automatically trigger the suspension of an FAC.
12. (Recommendation 99) The Ministry of the Attorney General must ensure that Crown Attorneys receive training on the new federal firearm licensing and registration provisions of Bill C-68.
13. (Recommendation 100) The Ministry of the Attorney General, as part of its education plan, must ensure that every Crown Attorney knows how to check or to arrange to check to see if someone has a firearm acquisition certificate.
14. (Recommendation 101) Checking for FACs and consideration of an FAC ban as a bail condition must be mandatory in domestic violence cases.
15. (Recommendation 102) The police should be directed to ask accused and victims of domestic violence about the existence of a firearms acquisition certificate, firearms, or possession of other lethal weapons, in every domestic violence case; and that further, Police should check the accuracy of facts such as address and phone number prior to preparing for the bail hearing.
16. (Recommendation 103) Where victims indicate the accused has a gun, Police should investigate fully the possession of firearms and FACs, including contacting additional partners of the accused known to police, checking computer databases, and seeking warrants to search vehicles and premises, including workplace, etc., pursuant to Section 103 of the Criminal Code of Canada.
17. (Recommendation 104) In all instances where an accused is charged with an offence involving domestic violence, the police shall recommend a firearms/weapons prohibition, and an order

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directing the accused to surrender his firearms acquisition certificate and weapons be requested.

18. (Recommendation 105) Where an accused is ordered to surrender an FAC and/or weapons, procedures should call for immediate enforcement by the police.
19. (Recommendation 155) The Government of Ontario, should through appropriate Ministry budgets, provide funding to professional educational institutions and bodies for the early training of all community professionals in contact with abused women and their children. This would include doctors, mental health professionals, teachers, lawyers, social workers, social assistance caseworkers, early childhood educators, etc.
20. (Recommendation 156) The Law Society of Upper Canada should incorporate domestic violence training, including lethality assessment and safety planning, into all relevant sections of its Bar Admission materials.
21. (Recommendation 157) The Ministry of Education and Training should ensure that issues of domestic violence and its impact on children be integrated into curriculum at all levels from junior kindergarten to high school graduation.
22. (Recommendation 158) School Boards should be required to provide programming within the schools of their districts to teach adolescents the meaning of healthy relationships free of the exercise of power and control, coercion, and violence.
23. (Recommendation 159) School boards and the schools within their districts must adopt a program of zero tolerance against violence by integrating violence prevention programs into the school curriculum.
24. (Recommendation 160) Strategies must be developed within the educational system to identify children who are at risk because of direct or indirect exposure to domestic violence. Appropriate referrals to services that will promote safety and healing for the child should be made.
25. (Recommendation 161) Educators must be trained to foster a climate within schools to encourage children to disclose the violence in their lives.
26. (Recommendation 194) The Attorney General should ensure that all Crown Attorneys in the prosecutorial service receive training in the dynamics of domestic violence, the cycle of violence, and the power and control exercised within intimate relationships. Further, Crown Attorneys who deal with cases of domestic violence must be trained to use strategies to prosecute cases without the necessity of victim cooperation or participation. The training should include:
  - i. Knowledge of the relevant law;
  - ii. A casebook of the current thinking of leading authorities and experts on the magnitude of domestic violence in Canada, battering theories, and the emotional and physical harm that domestic violence causes victims;
  - iii. Techniques for the vigorous and successful prosecution of difficult cases, such as the use of “KGB” videotape statements, photographs of injuries, 911 audio taped emergency calls;
  - iv. A thorough familiarity with the relevant provisions of the Crown policy manual dealing with bail, spousal/partner abuse, firearm/weapons offences, and criminal harassment;
  - v. The use of risk assessment instruments and lethality checklists;
  - vi. The use of expert evidence;
  - vii. Effective interview techniques and active listening skills;

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- viii. The effective use of Victim Services available through the Victim/Witness Assistance program and/or community-based victim service programs; and
  - ix. Training on arguing the right of abused women under Sections 7 and 15 of the Charter of Rights and Freedoms.
27. (Recommendation 195) There should be adherence to the Yeo inquest recommendations (summarized above in section 3.2.) pertaining to training of Crown Attorneys regarding bail hearings and effective advocacy, with emphasis on those issues in the context of domestic violence cases.
28. (Recommendation 196) There should be more education and training opportunities for Crown Attorneys both within the criminal law division and outside professional organizations such as the Canadian Bar Association, the Law Society of Upper Canada, Advocate Society, and the Federation of Law Societies. In particular, the Crown Attorneys Fall Conference should be restored as a compliment to the Spring Conference and the Crown Attorneys Summer School.
29. (Recommendation 197) The Attorney General should develop an evaluation tool to periodically evaluate the effectiveness of training end to identify training needs with respect to domestic violence. The tool should also identify the extent to which training is implemented by Crown Attorney/Assistant Crown Attorney in daily practice.
30. (Recommendation 198) The Attorney General should develop any new Crown training materials on domestic violence in collaboration with independent frontline, community-based women's advocates.
31. (Recommendation 199) The Attorney General should endeavour to arrange presentations in domestic violence training situations by independent, community-based women's and children's advocates and survivors of domestic violence.
32. (Recommendation 200) The Ministry of the Attorney General should ensure that all children's lawyers, all lawyers on the provincial panel dealing with parent-child relationships and all family court child assessment professionals receive training on issues of domestic violence and its impact on children, in collaboration with independent, community-based children's and women's advocates, including training on compounding issues such as race, culture, language, disability, sexuality, etc.

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### 6.5.3. Inquest into the Deaths of Gillian Hadley and Ralph Hadley (Ontario, 2002)<sup>467</sup>

In June 2000, Ralph Hadley shot and killed his estranged wife, Gillian Hadley, and then himself. Ms. Hadley had two small children from a previous relationship and an eleven-month-old baby with Mr. Hadley.

In the six months before the murder-suicide, Mr. Hadley had at least three encounters with police, all involving violence or threats against Ms. Hadley. He had also reportedly been talking about suicide. Mr. Hadley was charged with assaulting Ms. Hadley earlier in 2000 and was later charged with criminal harassment after stalking her. He was released on bail and ordered to live at his parents' home under 24-hour supervision and to have no contact with Ms. Hadley.

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<sup>467</sup> "Inquest Touching the Deaths of Gillian Mary Hadley and Ralph Alexander Hadley: Jury Verdict and Recommendations", Chief Coroner, Province of Ontario (February 2002)

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On the day of the murder-suicide, Mr. Hadley went to their house in Pickering, Ontario with a knapsack containing a gun, ammunition, and a suicide note. Ms. Hadley ran naked and screaming from their house and managed to hand their baby to a neighbour before Mr. Hadley dragged her back into the house and shot her and then himself.<sup>468</sup> A coroner's jury made 58 recommendations following several weeks of testimony.

### Recommendations Relevant to the Mandate of the Mass Casualty Commission

1. (Recommendation 1) We recommend that an implementation committee be established by the Government of Ontario, consisting of government and non-government representatives, to oversee the implementation of the recommendations in the inquest into the deaths of Gillian Hadley and Ralph Hadley, the inquest into the deaths of Arlene May and Randy Iles [summarized above in section 6.5.2.], and the recommendations arising out of the report by the Joint Committee on Domestic Violence to the Attorney General of Ontario entitled "Working Toward a Seamless Community and Justice Response to Domestic Violence: a Five Year Plan in Ontario."<sup>469</sup>
  - a. We also recommend that half the Implementation Committee be chosen from community-based women's and children's advocates and survivors of violence, as well as community-based representatives with expertise on issues of domestic violence who are representatives of diverse communities in Ontario; and that OAITH, the John Howard Society, and representatives of the subsidized housing sector be included in this group.
  - b. And further, that the work of the Implementation Committee be funded and not time-limited, and that it continue until the Committee is satisfied that all recommendations have been implemented across the province.
2. (Recommendation 2) We recommend that the Ministry of the Solicitor General conduct audits of police services to monitor compliance with the Model Police Response to Domestic Violence.
3. (Recommendation 3) We recommend that the Ministry of the Solicitor General enhance the curriculum for recruit training at the Ontario Police College in order to produce a qualified domestic violence investigator at graduation in every case. No fewer than forty (40) hours should be spent on domestic violence investigative training.
4. (Recommendation 4) We recommend that the Ministry of the Solicitor General emphasize the importance of and encourage police services to use the Domestic Violence Supplementary Report Form when investigating domestic violence incidents.
5. (Recommendation 7) We recommend that investigating officers who respond to domestic violence complaints conduct their investigations without requiring the complainant to obtain statements from others or to gather evidence as a means of completing the investigation.

<sup>468</sup> These facts are taken from media reports at the time of the murder-suicide and inquiry. See "Closing Arguments at Hadley Inquest" *CBC News* (24 January 2002), <https://cbc.ca/news/canada/toronto/closing-arguments-at-hadley-inquest-1.337395>; T. Appleby, "Inquest Called into Pickering Tragedy" *Globe and Mail* (30 June 2000), <https://theglobeandmail.com/news/national/inquest-called-into-pickering-tragedy/article1040914/>; and "Suicide Note Found in Murder-suicide Case" *CBC News* (23 June 2000), <https://www.cbc.ca/news/canada/suicide-note-found-in-murder-suicide-case-1.234301>.

<sup>469</sup> Joint Committee on Domestic Violence. Working Toward a Seamless Community and Justice Response to Domestic Violence: A Five Year Plan for Ontario. Report to the Attorney General. 1999



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6. (Recommendation 8) We recommend that the Criminal Law Division form a training faculty of experts, including Victim/Witness Assistance Program, to advise and train Crown Attorneys on issues related to domestic violence and bail hearings, and that these training initiatives include monitoring and evaluation.
7. (Recommendation 9) We recommend that the Ministry of the Solicitor General direct all police services by written policy that release directly from a police service with undertakings and conditions on charges stemming from an incident of domestic violence is not an acceptable practice.
8. (Recommendation 10) We recommend that the Criminal Code be amended to require a reverse onus bail hearing in every domestic violence arrest situation.
9. (Recommendation 40) We recommend that the Ontario Association of Interval and Transition Houses (OAITH) and Ontario Association of Children's Aid Societies (OACAS), in collaboration with the Ministry of Community and Social Services, develop a specific response within child protection services across the province to child welfare reports and cases in which child exposure to domestic violence has been identified; and further:
  - a. That the Ministry of Community and Social Services ensure that appropriate and adequate funding is allocated to both the violence against women sector and the child welfare sector for training, implementation, and ongoing operation of the specific response in cases of domestic violence.
10. (Recommendation 46) We recommend that the Ontario Women's Directorate continue to work with community organizations and experts in the field of domestic violence to identify and promote public education messages and initiatives that would best improve public understanding of issues relating to women's safety.
11. (Recommendation 47) We recommend that the Government of Ontario, in collaboration with frontline women's and children's advocates in the field of women's shelters, fund the development of a public education campaign with the goal of making both the public and abused women aware of the children's programs and supports within women's shelters across Ontario to allay the fears of women who delay or decline using women's emergency shelters.
12. (Recommendation 50) We recommend that local domestic violence coordinating committees be established in every jurisdiction in the Province of Ontario with a view to coordinating services not just for those matters that enter the justice system but to coordinate services for all victims of domestic violence, including the indirect victims of domestic violence such as children.
13. (Recommendation 51) We recommend that the Government of Ontario Create a provincial coordinating committee comprised of Government and non-government representatives to assist in coordinating province-wide services to all victims of domestic violence, as well as to set standards and best practices.
14. (Recommendation 52) We recommend that the Government of Ontario organize and coordinate provincial and regional inter-sectoral conferences or symposia on domestic violence within the next six months.
15. (Recommendation 57) We recommend that the Government of Ontario and Government of Canada develop a database of those individuals who have not necessarily been convicted but have had arrests and charges laid with respect to domestic violence.

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**6.5.4. Inquest into the Deaths of Lori Dupont and Marc Daniel (Ontario, 2007)<sup>470</sup>**

Lori Dupont was a registered nurse who worked at a hospital in Windsor, Ontario. Dr. Marc Daniel, an anesthesiologist at the same hospital, murdered Ms. Dupont on November 12, 2005. He died days later from a self-inflicted drug overdose. Dr. Daniel and Ms. Dupont were previously in a relationship. Ms. Dupont had taken steps to end her relationship with Dr. Daniel in February 2005, after he attempted to commit suicide as a controlling gesture over her.

Dr. Daniel had a history of abusive conduct, including fracturing a nurse's finger, verbal abuse, unprofessional behavior, and refusal to work with a specific nurse, although there was reluctance to complain about him because of fear of retaliation. There was also a sentiment in the workplace that management was nonresponsive to complaints against physicians. Despite these significant and documented complaints, there appeared to be "confusion and indecision" as to how to handle the complaints.<sup>471</sup> At the time, the Public Hospital Acts only envisaged discipline measures for physicians with regards to patient diagnosis, care, or treatment and not conduct that impacted hospital staff.

Ms. Dupont applied for a peace bond against Dr. Daniel in April 2005. Dr. Daniel had taken a leave from the hospital but returned to work in late May 2005 and continued to pursue Ms. Dupont. Although his harassment and stalking behaviours were known to people in the workplace, Dr. Daniel was allowed to continue to work in the same areas as Ms. Dupont.

Dr. Daniel stabbed Dupont to death at their workplace on November 12, 2005. A coroner's inquest commenced in September 2007 and issued twenty-five recommendations in December 2007.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. (Recommendation 1) There should be a review, conducted on a priority basis, of the Public Hospitals Act (PHA), with a view to examining the hospital–physician relationship to ensure safe and quality of care in hospitals. This detailed review should involve various stakeholders, including but not limited to the Ontario Hospital Association, the Ontario Nurses' Association, the Ontario Medical Association, and the College of Physicians and Surgeons of Ontario (CPSO), and should have the goal of ensuring and promoting the safety of staff and patients as well as the quality of care in Ontario's public hospitals. The following principles and considerations, raised by the evidence at this inquest, should be addressed.
  - a. Ensure that patient and staff safety, as well as patient care, must be the most important factors and not be superceded by a physician's right to practice; and that hospitals be able to exercise the appropriate degree of authority over physicians working within their institutions, consistent with that of other regulated health professionals.
  - b. Review the parameters for the approval of credentialing applications and for reappointments to the medical staff.

<sup>470</sup> "Dupont Inquest: Coroner's Jury Recommendations," Office of the Chief Coroner of Ontario (December 2007), <http://www.oaith.ca/assets/files/Publications/Coroners-Jury-Recommendations-Dupont.pdf>. Only the jury's recommendations are available. The majority of the facts of this case are not set out in the inquest report. The rationale provided for the recommendations sets out some of the facts. The majority of the facts have been provided by a summary from counsel for the Ontario Nurses' Association, except where otherwise noted: J. Fogels and E. McIntyre, "Coroner's Inquest Makes Recommendations on Workplace Violence Arising out of the Murder of Nurse Lori Dupont" *Cavalluzzo* (1 December 2007), <https://cavalluzzo.com/resources/publications/publication/coroner-s-inquest-makes-recommendations-on-workplace-violence-arising-out-of-the-murder-of-nurse-lori-dupont>.

<sup>471</sup> "Dupont Inquest: Recommendations," p. 2.

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- c. Develop a process or mechanism for the early identification of and response to disruptive physician behaviour, including timely and effective disciplinary actions.
  - d. Simplify the process for non-approval of re-appointment, immediate suspension, or revocation of hospital privileges and for the initiation of probationary status.
  - e. Following an investigation by a Hospital Board or Medical Advisory Committee regarding serious complaints, including disruptive physician behavior affecting quality of patient care and/or patient and staff safety, non-approval of re-appointment, immediate revocation, suspension, and initiation of probation status should be implemented.
  - f. ....
  - g. Make available to hospitals the service of an "ombudsman" [sic] who would have the power to receive complaints about physicians, conduct investigations, report back as appropriate, and grant remedies.
  - h. The PHA should (either through the Act itself or through enabling regulation governing hospital bylaws) explicitly recognize the application of the Occupational Health and Safety Act (OHSA) and the Ontario Human Rights Code (OHRC) to physicians with privileges at public hospitals when the behaviour of physicians negatively impacts on the staff of the hospital.
2. (Recommendation 4) It is recommended that all workplaces design and implement a policy to address domestic violence (also known as intimate partner violence) and abuse or harassment as it relates to the workplace. Policies must be linked to training and actual practice. The principles and considerations that should inform the review of policies in this regard include the following matters that have been raised by the evidence in this inquest:
    - a. Education of employees/workers/staff about the issues of domestic violence and abuse or harassment in order to help them identify an abusive relationship in which they may be involved and about how to reach out to coworkers for assistance. The policy at each workplace should reflect an analysis of the power differentials that exist between different groups of employees/workers/staff.
    - b. Mediation should not be utilized for incidents of violence or abuse because of the power imbalance between the parties in these circumstances...
    - c. Training of employers and managers [...] to identify signs of abuse and to respond appropriately to employees/workers/staff who are victims and to perpetrators of domestic violence.
    - d. All employees/physicians who are not directly involved may report a concern, but must report witnessed abusive or violent behavior [...]
  3. It is recommended that there be a review of the Occupational Health and Safety Act to examine the feasibility of including domestic violence (from someone in the workplace), abuse, and harassment as factors warranting investigation and appropriate action by the Ministry of Labour when the safety and well-being of an employee is at issue. Specifically, the review should consider whether safety from emotional or psychological harm, rather than merely physical harm, ought to be part of the mandate of the Ministry. In this regard, the review should be directed to include an examination of the legislation and policies in place in other comparable jurisdictions, in Canada and elsewhere.
  4. (Recommendation 8) It is recommended that all health care disciplines throughout their pre-service and ongoing professional development receive education in the dynamics of domestic violence and risk assessment and intervention strategies. This training should include an understanding of lethality factors and the use of standardized risk assessment tools to use when members are treating clients who may be victims or perpetrators of domestic violence, including those who present with symptoms of depression, especially following an intimate relationship breakup and/or suicide attempt.

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5. (Recommendation 9) The Medical schools, the CPSO [College of Physicians and Surgeons of Ontario], the Ontario Psychiatric Association, the College of Psychologists, and the College of Nurses should give Continuing Professional Development credits for training in the areas of violence in the workplace, harassment, bullying, and domestic violence.

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**6.5.5. Inquest into the Deaths of Vu Duy Pham and Frederick Preston (Ontario, 2012)<sup>472</sup>**

This inquest examined the shooting deaths of an Ontario Provincial Police (OPP) officer, Vu Duy Pham, and the man who shot him, Frederick Preston, on 8 March 2010.

Fred and Barbara Preston and his wife were married for 48 years. He was reported to be very controlling. There were incidents of physical and emotional abuse but no reports to police. They separated in 2009. In early March 2010, Ms. Preston was at her daughter's house while the daughter was away. Mr. Preston was looking after the animals in their daughter's barn. He became angry, broke into their daughter's house, and threatened that if Ms. Preston refused to reconcile, he would kill both of them or someone close to Ms. Preston, such her sister. Ms. Preston fled to a shelter. She did not tell shelter staff what happened. She told her other daughters of the events on the following day, 6 March 2010. Over the next 24 hours, the daughters and a son-in-law spoke to Mr. Preston several times. As they spoke to him, he continued to get angrier and more aggressive.

Mr. Preston left the area late on 7 March 2010. The following morning, he called the daughters and asked them to give their mother a message. They determined that he was calling from their mother's sister's home in Huron County, five hours away from where Mr. Preston had last been seen. They called back and asked to speak to their aunt, but Mr. Preston would not permit them to. Mr. Preston's son-in-law then called the police to ask them to do a wellness check on the aunt and their family. Constable Pham spoke to the son-in-law and learned that Mr. Preston had registered firearms, but they were locked in a cabinet at his house. Constable Pham and another officer went to the aunt's house and determined that no one was home. After leaving the home, Constable Pham spotted Mr. Preston's vehicle. Constable Pham pulled Mr. Preston over on the side of the road. Constable Pham and Mr. Preston left their vehicles. Mr. Preston pulled a rifle out of the back of his car. The rifle was registered to Ms. Preston. Mr. Preston killed Constable Pham and attempted to shoot Constable Pham's partner. The partner shot Mr. Preston, who died several days later.

The Coroner made comments to explain the recommendations. He noted that there was limited firearms training where the target is moving side to side, or the officer is running or trying to maintain cover. There was also limited training to simulate the effects of rapid breathing and rapid heart rate. The Coroner also noted that members of Mr. Preston's family testified that they were aware of the abuse for some time but did not think to act on it and report to police.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- a. Ontario Provincial Police (OPP):
1. Review current firearms training with a view to include an instinctive shooting component.

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<sup>472</sup> "Jury Recommendations," Inquest into the Deaths of Vu Duy Pham and Frederick Preston, Office of the Chief Coroner, Ontario, 2012

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2. Ensure that the OPP Domestic Violence Occurrence Policy 2.14 is redrafted to explicitly include threats to third parties within the definition of a “domestic violence occurrence” and ensure that communications operators are familiarized with the categorization of incoming domestic violence calls in accordance with this policy. This policy will include a firearms check on a spouse.
  3. Ensure that the Communications/Dispatch Checklist for Domestic Violence is posted at each communications operator’s console.
  4. Ensure domestic violence risk factor training is incorporated into existing training for all communications operators and reviewed/signed off annually.
  5. Use existing training processes to incorporate the domestic homicide risk factors as assessed by the Domestic Violence Death Review Committee.
- b. Ministry of Community and Social Services (MCSS):
- Ensure domestic violence training is given to all full- and part-time staff at interval and transition houses in Ontario offering services to abused women.
  - Amend policy for at interval and transition houses in Ontario offering services to abused women to release information to police in any instance of a threat to an individual. This would include any family member of the client, spouse, shelter employees, friends, or any other groups associate with the clients.
  - All interval and transition houses in Ontario offering services to abused women are strongly encouraged to share best practices.
- c. Ontario Women’s Directorate
- Research and investigate barriers which prevent non-victim members from reporting domestic abuse within families.
  - Continue to support and fund public education about domestic violence risks, including Public Service Announcements (PSA) with the intent of directing persons at risk to appropriate sources of help. An example of PSAs would be the elder abuse pieces.
- d. Ministry of Community Safety and Correctional Services (MCSCS):
- Amend the Communications/Dispatch Checklist for Domestic Violence in order to ensure that current information regarding imminent risk factors from the Domestic Violence Death Review Committee (DVDRC) associated with domestic violence/domestic homicide are included.
- e. Ministry of Community and Social Services (MCSS):
- Adopt or develop a standardized risk assessment/structured interview for intake processes for all interval and transition houses in Ontario offering services to abused women.

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#### **6.5.6. Inquest into the Deaths of Carol Culleton, Anastasia Kuzyk, and Natalie Warmerdam (Ontario, 2022)<sup>473</sup>**

This inquest examined the murders of three women in a rural area of Ontario by a man who had had relationships with all his victims. He had a lengthy history of intimate partner violence and other offences. The perpetrator, Basil Borutski, was born in Round Lake, Ontario. According to

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<sup>473</sup> “Jury Recommendations: Inquest into the Deaths of Carol Culleton, Anastasia Kuzyk, and Natalie Warmerdam.” Office of the Chief Coroner, Ontario (2022), not available online.

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media reports,<sup>474</sup> exhibits filed at the inquest,<sup>475</sup> and court records,<sup>476</sup> he had been charged for more than twenty offences prior to the murders and convicted of roughly half. Most of these charges related to intimate partner violence with five different women. He was 57 years old at the time of the murders. His history of offences included the following:

- He was convicted of theft in 1974.
- He had a relationship that ended when he was twenty years old in 1977, when he began hitting his partner and was charged with assault causing bodily harm.
- From approximately 1995 to 2010, Mr. Borutski was married. Over the course of the marriage, he was charged with numerous IPV-related offences. The charges were all withdrawn, dismissed, or stayed, except for one conviction of assault, which he successfully appealed. The marriage ended in 2010. Following the divorce, there was a dispute over a purported marriage contract. The judge noted the evidence of Mr. Borutski's ex-wife and their children that Mr. Borutski was "violent, easily agitated and tyrannical toward his family members" and that Mr. Borutski had once tried to push his ex-wife out of a moving vehicle in front of the children, leading one of his children to call 911.
- In 2010, Mr. Borutski was convicted of refusing to provide a breath sample. His appeal was dismissed.
- A relationship with a server at the local tavern led to a 2010 charge of criminal harassment against him. That charge did not result in a conviction.

Following his divorce, Mr Borutski had a relationship with Natalie Warmerdam. She was a recently separated mother of two who lived on a hobby farm. During their three-year relationship, he began drinking heavily. He became controlling and isolated Ms. Warmerdam from her family and friends. He threatened her son and threatened to kill her animals; she fled to London, Ontario. He was arrested for these threats and while in custody, urinated on the cell floors and spat on a court guard and a police officer. In 2012, Ms. Warmerdam went to police, who charged Mr. Borutski with assault. Ms. Warmerdam did not wish to testify regarding his assaults on her. In December 2012, Mr. Borutski was convicted of assaulting a police officer, two counts of uttering threats, mischief, and breaching a peace bond in connection with these events. He was sentenced to 150 days in jail and two years' probation, with a ten-year weapons prohibition; because he had been in custody for 117 days prior to his conviction, he served 33 days of the sentence. He was ordered to attend the Partner Abuse Response (PAR) Program, among other conditions. Ms. Warmerdam feared Mr. Borutski and rented a panic button. She also kept a shotgun under her bed.

After his 2012 convictions, Mr. Borutski was assessed as lowrisk to reoffend, although in 2013, he was reassessed as being medium risk. All three of his IPV victims had reported that he became violent when drinking. After his release from prison, he moved closer to Ms. Warmerdam, causing

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<sup>474</sup> K. Nease, "Basil Borutski guilty of murdering 3 women in shocking killing rampage", *CBC News*, November 24, 2017, <https://www.cbc.ca/news/canada/ottawa/basil-borutski-trial-triple-murder-verdict-1.4407526>; S. Boesveld, "The Renfrew County Murders Are Not An Anomaly," *Chatelaine*, November 28, 2017, <https://www.chatelaine.com/living/features-living/basil-borutski-murders-renfrew-county/>.

<sup>475</sup> Untitled Power Point presentation by retired OPP Inspector Mark Zulinski, case manager for the prosecution during Mr. Borutski's trial (Exhibit #2); "Eastern Region Correctional Services Death Review Committee Report: Basil Borutski," (Exhibit #9) (October 28, 2015), not available online.

<sup>476</sup> *R v Basil Borutski*, 2017 ONSC 7762; *Borutski v Borutski*, 2011 ONSC 7099; *R v Borutski*, 2011 ONSC 3536.

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concern among probation officials and others, but the sentencing judge did not require him to relocate. He was referred to the PAR program but was charged with new offences before it began.

In December 2013, Mr. Borutski started a relationship with Anastasia Kusiak, a real estate agent whom he had dated several years before. He was helping to fix her house up to prepare it for sale. That month, he experienced financial stressors and began drinking heavily. He assaulted Ms. Kusiak over the course of several hours, to the point where she begged him to kill her. He tried to strangle her. She suffered a concussion, two black eyes, and other injuries. She told family members that the bruises were caused by a motor vehicle accident. After the assault, Mr. Borutski was upset that Ms. Kusiak did not want to have sex with him and burned childhood items of hers that held sentimental value. She gave him a month to leave and in January 2014, locked him out of the house while he was outside. The following day, her car, cell phone, food, and wallet were all gone. She reported to police that Mr. Borutski had kicked in the door and taken her mother's car. She also told police that Mr. Borutski told her he was dreaming of choking and drowning his former partners.

Mr. Borutski was convicted in September 2014 of choking Ms. Kusiak, assault, mischief to property, failure to comply with his probation order, motor vehicle theft, driving while prohibited, and possession of a weapon (a crossbow) contrary to his probation order. He had served 350 days of pre-sentence custody and was sentenced to a further 160 days in prison and two years' probation and a lifetime weapons prohibition. He refused to sign the probation order.

Mr. Borutski completed his sentence and was released in December 2014. He was assessed as being at high risk to reoffend. He denied and minimized his conduct or blamed his victims for his actions. He was assessed as intimidating and controlling, with problems with compliance and anger. He was referred to the PAR program again but failed to participate. Over the course of the next several months, he repeatedly made excuses for failing to connect with or attend the PAR program. No steps were taken to address this breach of his conditions.

Mr. Borutski attempted to renew a brief relationship he had had with Carol Culleton, a Government of Canada employee. He started projects at her cottage without her permission, came to her home without permission, and blocked her car from leaving the driveway. He was jealous and controlling of her and angered by her refusal of his advances. Ms. Culleton expressed concern to her friends about texts she was receiving from Mr. Borutski.

On September 20, 2015, Ms. Culleton told Mr. Borutski to stop texting her because she was seeing another man. He replied by saying she was cruel and vindictive. He claimed she owed him money for the work he had done on her cottage. He also said, "karma will pay you for your heartless ways." The following day, while Ms. Culleton was not at her cottage, he ripped out flower beds he had planted, pulled a railing off her deck, and put menacing signs up around her property. That night, Ms. Culleton kept her phone by her bed in case she had to call 911. That same evening, Mr. Borutski told a neighbour that he was depressed and had found his girlfriend in bed with another man. He told the neighbour that he could kill his ex-wife and still go to heaven and that it was okay to murder but not to kill.

The next day, September 22, 2015, Mr. Borutski drove in a borrowed car to Ms. Culleton's cottage, broke in, and strangled her. He left the borrowed car and drove away in Ms. Culleton's car. There were no witnesses. Mr. Borutski then drove to Ms. Kusiak's home and shot her with a shotgun, which he later told police he had found in an old motor home in a scrapyard. Ms. Kusiak's sister escaped and called 911 from a road worker's truck at 8:52 AM. Mr. Borutski drove away. Officers



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were dispatched to respond to an active shooter.<sup>477</sup> The first officer arrived at Ms. Kuzyk's home eight minutes later. The report was assigned as a critical incident, and the Ontario Provincial Police (OPP) Tactical Response Unit, as well as Emergency Response Team (ERT) members who were in training in Algonquin Park, were called in. Superintendent Derek Needham of the OPP was in charge of the OPP response at the scene. Following the 911 call from Ms. Kuzyk's sister, Supt. Needham drove toward Ms. Kuzyk's home and arranged for officers to set up a perimeter around Ms. Kuzyk's home, as the information he had been given suggested that Mr. Borutski was still in the house. Supt. Needham had not been informed about Mr. Borutski's history of intimate partner violence, although some of that information had been provided to the 911 dispatcher, and Mr. Borutski's name in the police database was flagged for family violence, alcohol, mental illness, and hating police. At the inquest, Supt. Needham testified that although he was based in Perth, more than 100 kilometres from Ms. Kuzyk's home in Wilno, he was the closest on-call critical incident commander to the area. At 9:30 AM, officers entered the home and found Ms. Kuzyk's body.

While the officers were responding to the 911 call from Ms. Kuzyk's home, Mr. Borutski drove to Ms. Warmerdam's home. Her twenty-year-old son, Adrian Warmerdam, was home and watched Mr. Borutski chase her with a shotgun. Mr. Warmerdam escaped, following the safety plan his mother had developed whereby she and her children would run in different directions if Mr. Borutski came to the home. Mr. Borutski shot and killed Ms. Warmerdam. Mr. Warmerdam called 911 at 9:19 AM, saying that his mother was being chased by Basil Borutski, who had a shotgun and that he had heard a single gunshot. Mr. Warmerdam remained in the woods for over an hour, on the phone with the dispatcher, until ERT members found him and escorted him to safety. The officers remained outside Ms. Warmerdam's home.

Officers at this point had learned of Mr. Borutski's history from a colleague. They drafted a list of potential targets to contact and took one of Mr. Borutski's former partners to a detachment. They also sent out media alerts and used social media to advise the public that a shooter was believed to be on the loose and to stay inside. Local schools were locked down, as well as the Pembroke Courthouse, Crown Attorney's office, and the local OPP detachment. Supt. Needham testified that they would have used the Ready Alert cell phone warning system had it been in place at the time.

At 11:09 AM, a real estate agent who was to meet Ms. Culleton called 911 to report finding Ms. Culleton's body. Emergency Medical Services (EMS) members arrived at 11:26 AM. The glass was broken in the front door. Police officers arrived at 11:50 AM and entered the home, where they found Ms. Culleton's body. The officers also found the car Mr. Borutski had driven there, with his wallet inside, and saw that the car registered to Ms. Culleton was not there.

At 12:00 PM, the officers at Ms. Warmerdam's property entered her home and found her body. During the inquest, officers testified that their entrance was delayed in part because they did not know if Mr. Borutski was still in the home and needed to contain the residence and because they prioritized finding Adrian Warmerdam. Also at noon, they received a "ping" from Mr. Borutski's

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<sup>477</sup> The information in this section is taken from the exhibits filed at the inquest, as well as the following media reports: Canadian Press, "Inquest hears details about police response to 2015 triple homicide in Ottawa Valley," *Global News*, June 15, 2022, <https://globalnews.ca/news/8922224/borutski-inquest-opp-response/>; M. Hayes, "OPP officers testify on role of police communication at inquest into 2015 triple-femicide case", *Globe and Mail*, June 16, 2022, <https://www.theglobeandmail.com/canada/article-opp-provide-testimony-at-inquest-into-2015-triple-murders/>, and G. Queneville, "OPP questioned about potential of warning victim on day of triple homicide," *CBC News*, June 16, 2022, <https://www.cbc.ca/news/canada/ottawa/coroners-inquest-intimate-partner-violence-renfrew-county-1.6489211>.



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cell phone in the Pembroke area and dispatched officers to that area. At 12:28 PM, police received a tip that Mr. Borutski might be in a rural western part of Ottawa. His cell phone pinged in the area. Ottawa Police were notified and deployed ERT and set up a command post. A helicopter was dispatched, along with Tactical Response Unit members. A local school was locked down.

At 2:11 PM, the helicopter spotted Mr. Borutski in a field. An Ottawa police negotiator communicated with Mr. Borutski by text. During the text exchange, Mr. Borutski said he was innocent of every charge against him and that “the guilty have paid.” He was eventually arrested. Officers were not aware of Ms. Culleton’s interactions with Mr. Borutski and testified that they would have contacted to warn her about him if they had. There was also evidence that Mr. Borutski had made mental health calls, but the police were not aware of that. Police radios during the response were “glitchy,” and some specialized resources required during the hunt for Mr. Borutski were located an hour away. An officer also raised concerns about whether warning other potential victims after an intimate partner homicide would breach the privacy of victims.

After his arrest, Mr. Borutski gave a lengthy statement to police in which he said that after killing the three women, he intended to kill a man against whom he had had a grievance several years before. Mr. Borutski went to the sawmill where the man worked but was unable to find him and abandoned the plan. He had also planned to kill two OPP officers.

Mr. Borutski was convicted by a jury of two counts of first-degree murder, in the deaths of Ms. Kuzyk and Ms. Warmerdam, and of one count of second-degree murder, in the death of Ms. Cullen. He was sentenced to three consecutive life sentences with a total parole ineligibility of 70 years. He did not participate in the trial process.

In his reasons for sentence, Justice Robert Maranger of the Ontario Superior Court of Justice noted particularly the effect of the murders on Ms. Kuzyk’s sister and Ms. Warmerdam’s son, who will for the rest of their lives have to carry the images of the murders of their loved ones. He also commented on the toll that the murders took on the rural community of Renfrew County. He quoted from the Community Impact Statement filed in the proceedings, as follows:

Residents throughout east region and Renfrew County tell us they’ll never forget the lines of police cars on their rural roads. The fears they had for their safety and the safety of the families as schools and businesses were put on lockdown. They tell us how they no longer feel safe walking on their rural roads or hiking in the bush in Renfrew.

In Renfrew County during hunting season, the sound of gunshots is part of our culture, a normal everyday occurrence. However, since the murders, gunshots are triggering memories, and the sight of police vehicles, once a symbol of safety and security for many, are now a reminder of these horrific murders and fears of future violence.

Historically, folks in Renfrew County leave doors unlocked because everyone knows everyone else or is related to them and feels safe. Since the murders, for the first time, many community members are locking their homes. There are feelings of vulnerability and despair.<sup>478</sup>

In the years before the murder, Mr. Borutski showed significant anti-authority and anti-social attitudes. He made many complaints against police officers in Renfrew County and erected a sign on his property naming officers with whom he had had conflicts. He also kept written records and

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<sup>478</sup> [R v Basil Borutski](#), 2017 ONSC 7762, pp. 5–6 per Maranger J.

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audio recordings relating to interactions he had with people who angered him. He reported being abused by his mother when he was a child.

The 2015 Correctional Services Death Review Committee Report, written by two Correctional Services Area Managers, noted that the area serviced by the two probation officers charged with monitoring him was very rural and vast. There were limited services in the area, limited employment opportunities, and the PAR program was a long distance from Mr. Borutski's homes. Probation required him to report twice monthly, in person, in recognition of his high-risk status. Probation also contacted Mr. Borutski's family doctor to get insight into his substance use issues and potential mental health issues. The office also contacted the victims and Mr. Borutski's ex-wife, but the office did not follow up to ask how they were managing. They did inform Ms. Warmerdam and Ms. Kuzyk of his release. Mr. Borutski was also the subject of several local High Risk Review Meetings involving the Crown and Victim Witness Assistance Program to put plans in place to address his potential risk. However, the connection between Mr. Borutski's consumption of alcohol and his violence was not properly assessed, and he was not referred to any substance abuse programs. There was no rationale in the records as to why Mr. Borutski's failure to attend the PAR program did not result in breach charges.

The inquest report stated the following:

In retrospect, it appears that the client was struggling with substance abuse, had deeply entrenched criminal orientation and anti-social qualities, and to look very deep, there are subtle indications of deviance that may have been made more clear with additional collateral information from personal sources and police. It would also appear that a fairly clear picture of an offence cycle could be identified with additional monitoring and use of these collateral contacts. A challenge with multiple stressors greatly increased the probability of violent acting out by this offender. It is difficult to identify specific stressors that were building in the client's life, as numerous factors existed. As more information became known about the offender and when everything is considered in its entirety, such as the extreme number of withdrawn or stayed charges for violent related offences, the escalating pattern of domestic violence, his efforts to deny any wrong doing and minimize his own responsibility, along with his continued blaming of the victims and his clear disdain for the Criminal Justice System and his attempts to manipulate, it would have been reasonable to have him considered as a potential Intensive Supervision Offender.<sup>479</sup>

The Coroner's Inquest took place in June 2022 (after a delay caused by Mr. Borutski's criminal proceedings and a further delay relating to the COVID-19 pandemic). It heard evidence over three weeks. The jury made 86 recommendations.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission:**

The Government of Ontario should:

1. Formally declare intimate partner violence as an epidemic.
2. Establish an independent Intimate Partner Violence Commission dedicated to eradicating intimate partner violence (IPV) and acting as a voice that speaks on behalf of survivors and victims' families, raising public awareness, and ensuring the transparency and accountability of government and other organizations in addressing IPV in all its forms. The Commissioner should have sufficient authority to ensure meaningful access to any person, document or

<sup>479</sup> "Eastern Region Correctional Services Death Review Committee Report: Basil Borutski" (October 28, 2015) (Exhibit #9), p. 9.

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information required to accomplish the Commission's mandate. The Commission should be provided with adequate and stable funding to ensure effectiveness.

3. Engage in meaningful consultation with IPV stakeholders and experts in the field to determine the mandate and responsibilities of the IPV Commission, which may include:
  - a. Driving change towards the goal of eradicating IPV in Ontario;
  - b. Evaluating the effectiveness of existing IPV programs and strategies, including the adequacy of existing funding;
  - c. Analyzing and reporting on all IPV-related issues with a view to improving awareness of IPV issues and potential solutions;
  - d. Advocating for survivors and their families, having regard to addressing the systemic concerns of survivors navigating the legal system.

Consideration should be given to the United Kingdom's Domestic Abuse Commissioner model in developing the mandate of the Commission.

4. Create the role of a Survivor Advocate to advocate on behalf of survivors regarding their experience in the justice system.
5. Immediately institute a provincial implementation committee dedicated to ensuring that the recommendations from this Inquest are comprehensively considered and any responses are fully reported and published. The committee should include senior members of relevant ministries central to IPV and an equal number of community IPV experts. It should be chaired by an independent IPV expert who could speak freely on progress made on implementation.
6. Amend the Coroners Act to require the recipient of an inquest recommendation to advise the Office of the Chief Coroner if a recommendation is complied with or to provide an explanation if it is not implemented.
7. Ensure that IPV issues are addressed using an all-of-government approach across ministries and cooperate and coordinate with federal, provincial, and territorial partners in seeking to end IPV.
8. Require that all justice system participants who work with IPV survivors and perpetrators are trained and engage in a trauma-informed approach to interacting and dealing with survivors and perpetrators.
9. Explore incorporating restorative justice and community-based approaches in dealing with appropriate IPV cases to ensure safety and best outcomes for survivors.
10. Encourage that IPV be integrated into every municipality's community safety and well-being plan.
11. Study the feasibility of and implement, if feasible, justice sector participants having access to relevant findings made in family and civil law proceedings for use in criminal proceedings, including at bail and sentencing stages. The study would, in part, inquire into the following:
  - a. The process to identify relevant findings and for sharing those findings with other justice participants;
  - b. Which justice participants should have access to the findings made by a civil or family court;
  - c. What documents from civil and family law proceedings should be shared with justice sector participants and how to facilitate sharing of such documents;
  - d. What permissible uses could be made of the documents and findings in a criminal proceeding;
  - e. Models in other jurisdictions that identify relevant IPV cases in different courts.

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12. Ensure that survivors and those assisting survivors have direct and timely communication with probation officers to assist in safety planning.
13. Require all police services to immediately inform the Chief Firearms Officer (CFO) of IPV-related charges after they are laid and provide any relevant records, including Firearms Interest Police information.
14. Create a “Universal RMS” records management system accessible by all police services (including federal, provincial, municipal, military, and First Nations) in Ontario, with appropriate read/write access to all IPV stakeholders, including Probation, CFO, Crown’s offices, Ontario Court of Justice, Superior Court of Justice, correctional institutions, and parole boards. Police services that wish to use their own RMS are to update IPV information in the Universal RMS.
15. Require primary actors involved in a major incident to conduct a formal debrief and write a report identifying lessons learned and recommendations for improvement, if appropriate.
16. Review policies to ensure the timely, reliable, consistent, and accurate dissemination of information, including the use of emergency alerts and media releases, where the police are aware of circumstances that could put the public in danger and that the focus is on safety when developing policies regarding what information to share with whom and when. Consideration should be given to disseminating information through alternative methods where cellular service is not consistently available.
17. Establish clear guidelines regarding the flagging of perpetrators or potential IPV victims in police databases, immediate dispatch and police access to the identities and contact information of potential targets, and how to notify those targets.
18. Recognize that the implementation of the recommendations from this Inquest, including the need for adequate and stable funding for all organizations providing IPV support services, will require a significant financial investment and commit to provide such funding.
19. Create an emergency fund, such as the “She C.A.N Fund” in honour of Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam, to support women living with IPV who are taking steps to seek safety. This fund should include the following:
  - a. Easy, low-barrier access for IPV survivors seeking to improve their safety;
  - b. Referral to the fund through IPV service providers;
  - c. Small grants of up to \$7000;
  - d. It should have no impact on Ontario Works or Ontario Disability Support Plan payments;
  - e. Consideration for the needs of rural and geographically remote survivors of IPV;
  - f. Funding to be provided on an annualized basis, with adequacy assessed and considered after the first three years;
  - g. Inject a significant one-time investment into IPV related support services.
20. Realign the approach to public funding provided to IPV service providers with a view to removing unnecessary reporting obligations with a focus on service. Draw on best practices in Canada and internationally, and adopt and implement improved, adequate, stable, and recurring funding that incorporates the following:
  - a. IPV services are core programming and should receive annualized funding like other public services;
  - b. Service providers provide one annual report for all funders across government to account for the funds received, articulate results, and highlight key challenges, learnings, and accomplishments;

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- c. Recognition that, in remote and rural areas, funding cannot be the per-capita equivalent to funding in urban settings, as this does not take into account rural realities, including that:
    - i. IPV is more prominent in rural areas;
    - ii. Economies of scale for urban settings supporting larger numbers of survivors;
    - iii. The need to travel to access and provide services where telephone and internet coverage is not available;
    - iv. The lack of public transit;
    - v. The cost of transportation for survivors and service providers.
  - d. Consideration of the remoteness quotient used to calculate funding in other social services, such as education and policing;
  - e. Enhanced funding for IPV service providers, including shelters, sexual assault support centres, victim services, and counselling services, considering urban and rural realities;
  - f. Designated funding for transportation for those receiving IPV-related support services where public transportation is inadequate or unavailable, such as in Renfrew County,
  - g. Funding to ensure mental health supports for IPV service providers, as well as timely access to trauma supports immediately following a traumatic event;
  - h. Funding for services provided to survivors that allows for the hiring and retention of skilled and experienced staff so that they are not required to rely on volunteers and fundraisers in order to provide services to survivors;
  - i. Funding for mobile tracking system alarms and other security supports for survivors of IPV;
  - j. Funding for counselling for IPV survivors;
  - k. Funding for services dedicated to perpetrators of IPV.
21. Develop a plan for enhanced second-stage housing for IPV survivors.
  22. Fund for “safe rooms” to be installed in survivors’ homes in high-risk cases.
  23. Develop and implement a new approach to public education campaigns to promote awareness about IPV, including finding opportunities to reach a wider audience in rural communities. These messages should promote broad recognition of how to seek support, risk factors, and warning signs of IPV, community and bystander engagement, be accessible in multiple languages and in multiple formats, and ensure that rural residents can identify themselves in the messaging and materials.
  24. Complete a yearly annual review of public attitudes through public opinion research and revise and strengthen public education material based on these reviews, feedback from communities and experts, international best practices, and recommendations from the Domestic Violence Death Review Committee (DVDRC) and other IPV experts.
  25. Use and build on existing age-appropriate education programs for primary and secondary schools, universities, and colleges. Such programs should include: violence prevention, recognizing healthy and abusive relationships, identifying subtle indicators of coercive control, understanding risk factors (such as stalking, fear caused by IPV, strangulation, threats to kill), managing and processing feelings, dispute resolution, community and bystander obligations, the need for safety planning and risk management, and the unique experiences in rural and urban settings.

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26. Ensure teachers are trained to deliver the IPV-related curriculum and utilize IPV professionals regularly to provide support for the delivery of primary, secondary, and post-secondary programming.
27. Develop a roster of resources available to support classroom teachers in the delivery of primary, secondary, and post-secondary programming where local IPV professionals are not available.
28. Review existing training for justice system personnel who are within the purview of the provincial government or police services.
29. Provide professional education and training for justice system personnel on IPV-related issues, which should include:
  - a. Annual refresher courses;
  - b. Risk assessment training with the most up-to-date research on tools and risk factors;
  - c. Trauma-informed practices, including an understanding of why survivors may recant or may not cooperate with a criminal investigation, best practices for managing this reality, and investigation and prosecution of perpetrators;
  - d. Crisis management training;
  - e. The availability and use of weapons prohibition orders in IPV cases;
  - f. Meaningful screening of sureties;
  - g. Greater use of court-ordered language ensuring alleged and convicted offenders will not reside in homes that have firearms;
  - h. Indicators of IPV including coercive control, and awareness of risk factors for lethality (including destruction of property, especially by fire, harm to pets, strangulation, criminal harassment, stalking, sexual violence, and threatening police);
  - i. Unique rural factors;
  - j. Firearm risks, including the links between firearm ownership and IPV;
  - k. Opportunities for communities, friends, and families to play a role in the prevention and reporting of IPV.
30. Provide specialized and enhanced training of police officers with a goal of developing an IPV specialist in each police detachment.
31. Track whether mandated IPV-related professional education and training is completed by all justice system personnel.
32. Establish a province-wide 24/7 hotline for men who need support to prevent them from engaging in IPV.
33. Provide services aimed at addressing perpetrators of IPV that should include:
  - a. An approach that is not one-size-fits-all;
  - b. A variety of group-based interventions augmented with individual counseling and case management sessions to assess and manage risk and to supplement services, as needed, to address individual needs;
  - c. Peer support and appropriate circles of support;
  - d. Prioritizing the development of cross-agency and cross-system collaborative services;
  - e. Service models in the areas of substance use and abuse, general criminal behaviour, mental health, fathering, and culturally specific services;

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- f. The ability to respond immediately with risk management services in collaboration with IPV service providers;
  - g. Being accessible by clients voluntarily and via referral, not just through the criminal justice system;
  - h. Programs are funded at a level that anticipates an increased stream of referrals;
  - i. Make in-custody IPV programs available in the community as well so that offenders can complete programs started in custody;
  - j. Audits of PARs and other perpetrator intervention programs for efficacy, consistency, and currency;
  - k. Increasing program availability and develop flexible options for IPV perpetrators on remand, serving sentences, and in the community.
34. Recognize the specialized knowledge and expertise of IPV service providers involved in perpetrator intervention and support the development of workforce capacity within the sector by developing and providing competency-based training opportunities. Service contracts should include funding for supervision, ongoing professional development, and mental health support.
  35. Address barriers and create opportunities and pathways to services for IPV perpetrators that can be accessed in the community. Referrals to service providers should be made as early as possible and should be repeatedly and persistently offered to both engage perpetrators and reinforce the need for perpetrators to be accountable for their abusive behaviours.
  36. Improve the coordination of services addressing substance use, mental health, child protection, and IPV perpetration, and encourage cross-agency service provision and case management.
  37. As new services are funded, include aims and outcomes associated with building an underlying network of specialized services to address IPV perpetration and developing messaging around its availability.
  38. Ensure that IPV-related public education campaigns address IPV perpetration and include men's voices, represent men's experiences, and prompt men to seek help to address their own abusive behaviours. They should highlight opening the door to conversations about concerning behaviours.
  39. Endeavour to minimize destabilizing factors for perpetrators of IPV that increase risk, correlates of IPV, and barriers for survivors to leave violence. Specific consideration should be given to financial instability, housing insecurity, and mental health issues, including addictions treatment options, and how these factors and potential solutions are affected by rural contexts.
  40. Explore amending the Family Law Act, following meaningful consultation with stakeholders, including survivors and IPV service providers, to provide authority to order counselling for the perpetrator where IPV findings are made by the family court.
  41. Investigate and develop a common framework for risk assessment in IPV cases, which includes a common understanding of IPV risk factors and lethality. This should be done in meaningful consultation and collaboration with those impacted by and assisting survivors of IPV and consider key IPV principles, including victim-centred, intersectional, gender-specific, trauma-informed, anti-oppressive, and evidence-based approaches.
  42. Co-train justice system personnel and IPV service providers on the risk assessment framework and tools so that there is a common understanding of the framework and tools for those who support or deal with survivors.

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43. Ensure that survivor-informed risk assessments are incorporated into the decisions and positions taken by Crown relating to bail, pleas, sentencing, and eligibility for early Intervention Programs.
44. Clarify and enhance the use of high-risk committees by:
  - a. Strengthening provincial guidelines by identifying high-risk cases that should be referred to committee;
  - b. Identifying and including local IPV service providers that are in a position to assist with case identification, safety planning, and risk management. Consideration should be given to including IPV service providers supporting perpetrators;
  - c. Ensuring that involved IPV service providers at high-risk committees are given the necessary information to facilitate their active participation, subject to victim consent where applicable.
45. Establish policies making clear that, absent exceptional circumstances, those assessed as high risk or where the allegations involve strangulation should not qualify for early intervention. Crowns should also consider a history of IPV whether or not convictions resulted when determining whether early intervention is appropriate.
46. Study the best approach for permitting disclosure of information about a perpetrator's history of IPV and the potential risk to new and future partners who request such information, with a view to developing and implementing legislation. In doing so, study Clare's Law in the United Kingdom and similar legislation in Saskatchewan, Alberta, and Manitoba, Bill 274 (Intimate Partner Violence Disclosure Act 2021), and any other relevant legislation and policy. In the interim, develop a draft policy that can address this issue.
47. Set up IPV Registry for repeat IPV offenders, similar to the Sex Offender Information Registry Act registry.
48. Explore the implementation of electronic monitoring to enable the tracking of those charged or found guilty of an IPV-related offence and enable the notification of authorities and survivors if the individual enters a prohibited area relating to a survivor. In determining the appropriateness of such a tool in Ontario, monitor the development of programs utilizing such technology in other provinces, with specific consideration given to:
  - a. Coverage of cellular networks, particularly in remote and rural regions;
  - b. Storage rules and protocols for tracking data;
  - c. Appropriate perpetrator programs and supports needed to accompany electronic monitoring;
  - d. Whether the tool exacerbates risk factors and contributes to recidivism;
  - e. Understanding any impacts after an order for such technology expires;
  - f. Frequency and impact of false alarms;
  - g. The appropriateness of essential services being provided by private, for-profit partners.
49. Start grassroots "Safe Spaces" program that businesses can participate in where survivors can feel safe and ask for information (i.e., pamphlets and handouts from women's shelters, VWAP and men's programs).
50. In referrals made by the OPP to Victim Services, ensure adequate information is provided, including relevant history, safety concerns, and known risk factors.
51. Ensure that the OPP conduct a study on improving tactical response timelines as it applies to rural environments generally and in IPV cases in particular.



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52. Expand cell service and high-speed internet in rural and remote areas of Ontario to improve safety and access to services.
53. Set up satellite offices for police officers to work safely and comfortably to spread police resources more evenly over wide rural areas (i.e., consider asking schools and municipal governments to provide office space).
54. Enhance court supports for IPV survivors and develop an IPV-focused model for criminal courts similar to the Family Court Support Worker Program. Consideration should be given to the independent legal advice program for survivors of sexual violence as a model for IPV survivors.
55. Encourage Crowns to consult with the Regional Designated High-Risk Offender Crown for any case of IPV involving a high-risk offender that may meet the criteria for Dangerous or Long-term Offender designations.
56. Crowns should actively oppose variation requests to have firearms returned for any purpose, such as hunting.
57. Strengthen annual education for Crowns regarding applications for Dangerous and Long-term Offender designations in high-risk IPV cases.
58. Commission a comprehensive, independent, and evidence-based review of the mandatory charging framework employed in Ontario, with a view to assessing its effect on IPV rates and recidivism, with particular attention to any unintended negative consequences.
59. Conduct study of judges' decisions in IPV cases and track in longitudinal studies for recidivism, violence escalation, and future victims.
60. Review and amend, where appropriate, standard language templates for bail and probation conditions in IPV cases and develop a framework for identifying the appropriate conditions based on level of risk in collaboration with stakeholders, including judges, justices of the peace, police, probation, crown attorneys, the CFO, and community providers with subject matter expertise in IPV risk management. The following factors should be considered:
  - a. Enforceability;
  - b. Plan for removal or surrender of firearms and the Possession and Acquisition License (PAL);
  - c. Residence distance from victims;
  - d. Keeping probation aware;
  - e. Safety of current and previous victims;
  - f. Possibility of a "firearm-free home" condition;
  - g. Past disregard for conditions as a risk factor.
61. Require that primary actors advise the CFO in a timely manner of expected and changed residential addresses of individuals who have been placed under weapons conditions.
62. When evaluating the suitability of a prospective surety in IPV cases, Crowns should make inquiries as to whether residential sureties have firearms in their home or a PAL.
63. Develop a process, in consultation with the judiciary, to confirm that release conditions are properly documented.
64. Ensure that Probation Services reviews and, if necessary, develops standardized protocols and policies for probation officers with respect to intake of IPV offenders and with respect to victim safety.
65. Review the mandate of Probation Services to prioritize:

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- a. Condition compliance;
  - b. Victim safety;
  - c. Offender rehabilitation.
66. Require that probation officers, in a timely manner, ensure:
- a. Probation conditions are appropriate for the level of risk of the client and written in a way they can enforce and, if not, request a variation;
  - b. They contact the survivor to inform her of the offender's living situation, any conditions or limitations on his movement or activities, and what she should do in the event of a possible breach by the offender;
  - c. Regular contact with survivors to receive updates, provide information regarding the offender's residence and locations frequented, and any changes to such circumstances, and seek input from survivors and justice system personnel before making decisions that may impact her safety;
  - d. Improved supervision of high-risk perpetrators released on probation, including informed decision-making when applying or seeking to modify conditions that impact the survivor's needs and safety;
  - e. Risk assessments and risks of lethality are taken into account when making enforcement decisions.
67. Ensure existing policy and guidelines require probation officers to follow through on enforcement of non-compliance by requiring delivery and documentation of clear instructions regarding expectations to supervised offenders in a way that allows for direct and progressive enforcement decisions. This should be a focus for performance management and quality assurance processes.
68. Ensure collaboration between corrections and probation staff to improve rehabilitation and risk management services. Consideration should be given to two-way information-sharing, including of case notes, and opportunities to order treatment in institutions for those with existing probation orders who are on remand.
- The Chief Firearms Officer should work with appropriate decision-makers to:
69. Review the mandate and approach of the CFO's Spousal Support line to:
- a. Change its name to one that better reflects its purpose. It should be clear that it is broadly accessible and not limited to a particular kind of relationship;
  - b. Be staffed 24 hours a day and 7 days a week;
  - c. Be publicized to enhance public awareness and become better known among policing partners possibly through All Chiefs' bulletins.
70. Create guidelines for staff in making decisions regarding whether to issue, review, revoke, or add conditions to PALs to ensure consistency among staff and through time. Particular attention should be paid to red flags and risk factors around IPV, including where there is no conviction.
71. Require that a PAL is automatically reviewed when someone is charged with an IPV-related offence.
72. Require PAL applicants and holders to report to the CFO in a timely manner any change in information provided in application and renewal forms submitted to the CFO, including when an individual with weapons restrictions comes to reside in their home.
73. Amend PAL application and renewal forms to require identification as a surety.

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The Office of the Chief Coroner should:

74. Ensure that the DVDRC reviews its mandate with a view to enhancing its impact on IPV and provide the DVDRC with improved supports.
75. Ensure DVDRC annual reports are published online in a timely manner.
76. Ensure that DVDRC reports and responses to recommendations are publicly available and will continue to be available without charge.
77. Consider adopting Femicide as one of the categories for manner of death.

The Information and Privacy Commissioner of Ontario should:

78. Together with the DVDRC, justice partners, and IPV service providers, develop a plain-language tool to empower IPV professionals to make informed decisions about privacy, confidentiality, and public safety.

The Government of Canada should:

79. Explore adding the term “Femicide” and its definition to the Criminal Code to be used where appropriate in the context of relevant crimes.
80. Consider amendments to the Dangerous Offender provisions of the Criminal Code or the inclusion of a new classification of Offender under the Criminal Code that better reflects the realities of IPV charges and takes into account risk factors for serious violence and lethality in an IPV context.
81. Undertake an analysis of the application of s. 264 of the Criminal Code with a view to evaluating whether the existing factors adequately capture the impact on survivors. Consider the removal of the subjective requirement that the action causes the victim to fear for their safety.
82. Consider finding alternate means for survivors to attend and testify in court, such as by video conferencing.
83. Implement the National Action Plan on Gender-based Violence in a timely manner.
84. Establish a Royal Commission to review and recommend changes to the Criminal Justice system to make it more victim-centric, more responsive to root causes of crime, and more adaptable as society evolves.
85. Include “coercive control” as defined in the Divorce Act as a criminal offence on its own or as a type of assault under s. 265 of the Criminal Code.

The Parties to this Inquest should:

86. Reconvene one year following the Verdict to discuss the progress in implementing these recommendations.

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**6.6. Manitoba****6.6.1. Fatality Inquest Respecting the Deaths of Doreen Leclair and Corrine McKeown (Provincial Court of Manitoba, 2002)<sup>480</sup>**

Media reports indicate that Doreen Leclair and Corrine McKeown were two Métis sisters, both of whom were stabbed to death on February 16, 2000.<sup>481</sup> William Dunlop was later arrested and convicted for their murders.

According to media reports, the two women called the police and 911 emergency services five times over eight hours to get help on both February 15 and 16, 2000. The tapes of these 911 calls were released to the public. The first call was made just before 10 PM on February 15, 2000. The call was disconnected. When the operator called back, one of the women said someone had been shot. Police were dispatched to the address. Mr. Dunlop gave a fake name, calling himself Hank Wacko.<sup>482</sup> In the second call, the women were both instructed to phone the police directly. During the third call, the women reported that Ms. McKeown had been stabbed by a man violating a restraining order. The operator told them that they were partly to blame, and they should solve the problem themselves. During the fourth call, one woman could be heard saying, "Please help me." The operator promised to send police, but the police were not dispatched. In the final call, there were faint sounds coming from one or both of the women. The operator hung up and dialed the house. Mr. Dunlop answered the phone and tried to convince the operator that everything was fine. The operator sent a car to the house. The women died from stab wounds before police arrived.

The fatality inquest before Judge Judith Webster of the Provincial Court of Manitoba was held to look at how 911 operators and police handled the 911 calls the women made before their deaths. The Report provided a singular umbrella recommendation regarding the handling of domestic violence calls at the Winnipeg Police Service (WPS) Communication Centre, as well as a number of other recommendations.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission<sup>483</sup>**

1. That a comprehensive review be undertaken of the Communication Centre, including the topics and issues set forth in order to ensure proper and consistent job performance, particularly in the area of domestic violence calls.
2. Training (Initial): It is further recommended that the Training Division review the training syllabus of the Communication Centre to ensure that the information/procedures being taught are accurate, consistent, and relevant. It is also crucial that the training materials conform to the policies and procedures of the Winnipeg Police Service, especially the Family Violence

<sup>480</sup> "Fatality Inquiries Act, Report by Provincial Judge on Inquest: Respecting the Deaths of Doreen Leclair and Corrine McKeown," Judge Judith Webster for the Provincial Court of Manitoba (October 2002), [https://www.manitobacourts.mb.ca/site/assets/files/1051/911\\_report.pdf](https://www.manitobacourts.mb.ca/site/assets/files/1051/911_report.pdf).

<sup>481</sup> Few of the facts were set out in the inquest report. See "The Winnipeg 911 Murders" *CBC News* (2 July 2004), <https://cbc.ca/news2/background/aboriginals/winnipeg911.html>.

<sup>482</sup> K. Foss, "Winnipeg Inquest Hears 911 Tapes" *Globe and Mail* (11 December 2001), <https://theglobeandmail.com/news/national/winnipeg-inquest-hears-911-tapes/article4157762/>.

<sup>483</sup> The recommendations are not numbered in the Report.

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Policy. Exceptions, if any, must be clearly identified. These materials should be updated on a regular basis.

3. Training (Ongoing): It is further recommended that the Training Division develop and implement mandatory refresher training courses for the staff of the Communication Centre, to be conducted on a regular and consistent basis.
4. It is further recommended that the Training Division coordinate a core group of mandatory training sessions that include but are not limited to such topics as:
  1. Current and applicable family/domestic violence prevention procedures;
  2. Aboriginal and cultural awareness;
  3. Court orders and police role in enforcement;
  4. Stress management;
  5. Disaster procedures;
  6. Suicide prevention; and
  7. Special unit training.
5. It is further recommended that additional training sessions are identified following consultation with the staff of the Communication Centre.
6. It is further recommended that part-time or casual staff attend all mandatory training sessions.
7. Workplace and External Influences (Morale): It is further recommended that a comprehensive review evaluate not only how major incidents such as February 15–16 affect staff but also the mutual obligation of the employees and the employer.
8. Workplace and External Influences (Public): It is recommended that as part of the comprehensive review, the Winnipeg Police Service develop and launch a public information and education campaign on the correct use of the 911 service and the 986-6222 line and to explain the dangers of false or frivolous calls.
9. It is further recommended that the review explore the use of charging those abusing the 911 service under the Criminal Code or municipal bylaw.
10. It is further recommended that the comprehensive review inquire into the feasibility or possibility of providing a 311 service that allows callers a quick-dial for non-emergency calls to the Police Service.
11. Police Response: It is recommended that as part of a comprehensive review the feasibility of having officers attending domestic violence calls, scroll the MDT [mobile data terminal] to ascertain the telephone subscriber at the location before performing other standard CPIC [Canadian Police Information Centre] checks.
12. Police Response: It is further recommended that as part of the comprehensive review, the impact of the policy that all domestic calls be priority 1 be considered in the context of police resources.
13. Policy and Procedure (Domestic Violence): As noted in the Training Recommendations, a core group of mandatory sessions should be developed and presented on current and applicable family/domestic violence prevention procedures, and court orders and police role in enforcement.
14. Policy and Procedure (Domestic Violence): It is further recommended that as part of a comprehensive review, reconsideration be given to the current policy that all domestic calls be Priority 1 (or higher).

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15. Call Types: It is recommended that as part of the comprehensive review, all call types be analyzed and assessed for clarity and accuracy.
16. It is further recommended as part of the comprehensive review and with the involvement of the Training Division, that information and training about call types, particularly domestic calls and breaches of court orders, be provided to the Winnipeg Police Service at large.
17. It is further recommended that dissemination of call-type information be part of initial and ongoing training for all divisions in the Winnipeg Police Service.<sup>484</sup>
18. It is further recommended that as part of a comprehensive review, consideration be given as to whether policy is merely a guideline or something that must be followed by Communication Centre staff to the letter.
19. Family Violence Policy: It is recommended that as part of the comprehensive review, consideration be given that the Winnipeg Police Service, in consultation with the key stakeholders in government and in the community and with other Police Services, re-examine the Domestic Violence Policy in order to develop reasonable guidelines for assigning priorities for calls dealing with domestic violence.
20. It is further recommended that the comprehensive review examine the feasibility of the Winnipeg Police Service, together with the Department of Justice (Manitoba), other law enforcement agencies, and others involved in domestic violence issues, review the Domestic Violence Policy, in particular Zero Tolerance and the manner in which the policy relates to repeat offenders.
21. It is further recommended that serious consideration be given to a senior member of the Winnipeg Police Service, possibly a member of the Executive, become the Domestic Violence Coordinator for the Service, including the Communication Centre, to address staffing, training, and policy issues relative to Domestic Violence.
22. Technology (Equipment): It is further recommended that given the often ongoing nature of domestic violence and stalking, the review look into a system to enable the storage of calls and transcripts in excess of two years.

## 6.7. Alberta

### 6.7.1. Public Fatality Inquiry: Brenda Mary Moreside (Minister of Justice and Solicitor General of Alberta, 2013)<sup>485</sup>

Brenda Moreside and Stan Willier were common law partners, living together in High Prairie, Alberta. In the early hours of February 13, 2005, Mr. Willier returned to the home. He did not have a key. He removed plastic that had been covering a broken window and climbed into the house. Ms. Moreside returned after Mr. Willier. Both were intoxicated. Ms. Moreside was upset that Mr. Willier was there and telephoned 911. A civilian operator in Edmonton took the call. Ms. Moreside said she did not want Mr. Willier arrested, as he would lose his job, but wanted him removed from

<sup>484</sup> Emphasis in original.

<sup>485</sup> "Report to the Minister of Justice and Solicitor General: Public Fatality Inquiry for Brenda Mary Moreside," Fatalities Inquiries Act, Alberta (November 2013), <https://open.alberta.ca/dataset/f582985e-55bf-4f18-82d5-29171aa21181/resource/cf3f8f89-7f42-4da8-8a7c-ff297e0e3374/download/2015-fatality-report-brendamoreside.pdf>.

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the home. That operator saw that there had been a report the previous year of difficulties between Ms. Moreside and Mr. Willier. She told Ms. Moreside that Mr. Willier was legally entitled to be in the home and could not be arrested for drunkenness in a private home. A few minutes later, the constable on duty called Ms. Moreside and spoke to her. Ms. Moreside asked for Mr. Willier to be taken to the “drunk tank.” The constable suggested that both she and Mr. Willier should get some sleep and deal with the situation in the morning.

Twelve days later, on February 25, 2005, Ms. Moreside’s body was found in the home. Mr. Moreside pleaded guilty to manslaughter and said Ms. Moreside had come at him with a knife, they struggled, and Ms. Moreside died from multiple stab wounds. They were both intoxicated.

The inquiry learned that Mr. Willier’s criminal record demonstrated that there was “much violence” in his past. The only incident involving Ms. Moreside was an incident the previous year, which did not result in charges. The fatality inquiry emphasized that there had been significant changes in training and practices related to domestic violence since Ms. Moreside’s death.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission**

1. Police services that utilize non-police telephone operators ensure that such operators are trained in their jobs, especially in respect of recognition of risk factors in domestic violence situations but in all personal risk situations.
2. Police services should institute programs of domestic violence, risk assessment, and management in their recruit training programs and continue those programs into all of their field offices with a systems setup to monitor continuing education by all field officers in respect of domestic violence risk situations and management of domestic violence situations and indeed all personal risk situations.
3. Programs should be set up in all police situations to monitor the performance of officers in their early stages of coming into fieldwork so as to ensure that those officers receive the necessary backup and guidance to allow them to develop their skills, especially in respect of domestic violence situations.
4. That police services on a national, regional, and local basis develop a domestic violence policy and thereafter advise the community and all necessary agencies of that policy and institute programs within their ranks to enforce such a policy.
5. That police services either through the Police Advisory Commission or through their own offices adopt a procedure whereby when a domestic violence situation arises, as defined by the existing domestic violence handbook, officers intervening in such a situation are required to complete for their files a document such as the FVIR (Family Violence Investigation Report) form and ensure that policy in respect of completion of such document is consistent within its ranks and that a review process of such reports be set up within their police services to ensure that when appropriate referrals are made to I-TRAC (Integrated Threat and Risk Assessment Centre)<sup>486</sup> for analysis and return assessments to the police services so that they might monitor risk concerns.

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<sup>486</sup> Alberta’s I-TRAC assists law enforcement and criminal justice agencies in the management of domestic violence and criminal harassment cases, among others. See ALERT Alberta Law Enforcement Response Teams, “Assessments on the Right TRAC” (15 May 2018), <https://alert-ab.ca/assessments-on-the-right-trac/>.

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6. That governmental agencies ensure that institutions such as I-TRAC continue to be funded and functional and available to all levels of operations within the province where risk assessments are required.

### 6.8. New Brunswick

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#### 6.8.1. Exploring the Links: Firearms, Family Violence and Animal Abuse in Rural Communities (New Brunswick and Prince Edward Island, 2008)<sup>487</sup>

The Canadian Firearms Centre, RCMP and Public Safety Canada funded this study, the main goal of which was to “examine, from a broad regional perspective, the various dimensions or forms in which firearms serve as instruments of control, intimidation, and abuse in family violence situations.”<sup>488</sup> The study was published in 2008.

The authors noted that despite the increase in research on intimate partner violence generally and despite statistics showing that a significant portion of victims of intimate partner homicide were killed by long guns in rural communities, there was a dearth of research on family violence in rural contexts. The study included surveys, a literature search, media analysis, and a case law review. The authors worked with transition houses in the two provinces, Victim Services programs, firearms officers, and other stakeholders to conduct their research. They used qualitative and quantitative methods, engaging in focus group discussions with women in transition houses in the two provinces as well as surveys of these women. They also conducted individual interviews with women and with service providers. They asked these participants about their experiences and their thoughts on what recommendations might improve the situation for women in rural communities with similar experiences. A total of 72 people participated in individual or focus group discussions, and 283 women responded to the surveys, which were conducted over the course of a year. A significant majority of the women responding to the survey lived in rural communities.

The authors used the terms “gun culture” and “hunting culture” in their Report. They emphasized that though there is commonality within a given culture, there is not uniformity. They acknowledged the risk of ascribing all aspects of a social situation to culture, noting the importance of other factors, such as a person’s agency. They also noted the importance of traditions that have been passed on for generations in shaping gun culture, although “tradition is not the only aspect of importance in gun culture.”<sup>489</sup>

The authors noted the following findings from earlier research:

1. Gun ownership varies in Canada. In Ontario, 14% of residents owned at least one gun, while the numbers were 36% in New Brunswick, 20% in Prince Edward Island, and 69% in the

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<sup>487</sup> “Exploring the Links: Firearms, Family Violence, and Animal Abuse in Rural Communities,” Final Research Report submitted to Canada Firearms Centre, Royal Canadian Mounted Police, and Public Safety Canada (May 2008), [http://www.legal-info-legale.nb.ca/en/uploads/file/pdfs/Family\\_Violence\\_Firearms\\_Animal\\_Abuse.pdf](http://www.legal-info-legale.nb.ca/en/uploads/file/pdfs/Family_Violence_Firearms_Animal_Abuse.pdf).

<sup>488</sup> “Exploring the Links,” p. 11.

<sup>489</sup> “Exploring the Links,” p. 7.



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Territories. Approximately one quarter Canadians owned a firearm, compared with 48% in the United State.

2. New Brunswick had one of the highest firearms ownership rates among the provinces and one of the highest rates of firearms deaths from homicide, suicide, and accident.
3. A third of Canadian women killed by their partners are shot.
4. Nearly 70% of the homicides of women by their partners in New Brunswick occurred in small towns and rural communities, and almost half were killed by firearms.
5. Rural women in New Brunswick were more likely than urban women to experience low literacy, lack of education, marginal employment skills, and lack of access to training and educational opportunities. These factors, along with high rates of unemployment in rural New Brunswick, created significant barriers for women leaving abusive relationships. Additional barriers included geographic and social isolation and lack of access to transportation.
6. Community values in rural areas also encourage women to return to their abusers. The authors noted, "The constellation of economic and social factors in rural areas, in combination with the rapid decline in services and programs, may set the stage for potentially lethal outcomes for abused rural women."<sup>490</sup> They also referred to research showing the presence of a "strong conservative rural ethos that minimizes and normalizes male dominance and violence in the home, and tends to blame the victim for not being submissive or promoting harmony."<sup>491</sup>

The women surveyed by the authors provided the following information about violence generally:

1. 80% said that they had experienced two or more types of abuse.
2. 93% of the women had suffered emotional abuse.
3. Almost two thirds said that they had been physically abused.
4. Half had experienced financial abuse.
5. Just over 20% had been sexually abused.
6. 12% reported other types of abuse, including spiritual and verbal abuse, isolation, stalking, and animal abuse.
7. The responses by women in urban and rural communities on types of abuse were very similar.
8. Almost half of the women had suffered abuse in a previous relationship. Nearly half had been abused as children, and half had witnessed abuse as a child.
9. Almost two thirds had two or more separations; 40% had separated from their partner between two to four times; nearly one quarter had left their partner on five or more occasions. 35% had never separated or only separated once.

The surveys of women yielded the following demographic information:

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<sup>490</sup> "Exploring the Links," p. 5.

<sup>491</sup> "Exploring the Links," p. 5.

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1. A significant majority were in common-law relationships rather than married. This is consistent with other research showing that women in common law marriages are at significantly greater risk of abuse than those in marriages.
2. 71% were unemployed—significantly more than women in the general population of both provinces. Most were receiving unemployment or social assistance benefits, but more than a quarter had no source of income. The authors noted that these women would likely feel trapped in their relationships because of their financial circumstances.
3. The majority had children.

The women surveyed provided the following information about firearms:

1. 28% of the rural women said there were firearms in their homes, the vast majority of which were long guns; 15% of the urban women had firearms in their homes.
2. Nearly 40% of women who said there were firearms in their homes said their partner did not have a license, and 44% said the firearms were not registered. Half said the firearms were not kept locked, and 11% said the guns were kept loaded. Many of the women did not know this information. There was less compliance with laws on registration, certificates, and storage in rural areas than in urban areas. The authors said their qualitative interviews suggested that both the rates of firearms in the homes and the rates of compliance was lower than the rates reported in the surveys.
3. Two thirds of the women with firearms in their homes said the presence of the firearms made them more fearful. 70% said it affected their decisions about whether to tell others about the violence they had experienced or seek help; where the women knew the firearms were kept loaded and/or unlocked, that number increased. In interviews, some women suggested their fears were heightened so as to make them more reluctant to report or seek help. Some women said they feared that their partner would become angry if his firearms were confiscated, which discouraged them from calling the police. Some women also feared that their partner would harm or kill a pet or farm animal if they left.
4. More than 60% of women with firearms in the home feared that their partner would commit suicide.

The authors stated:

In summary, the findings of our survey show that the presence of firearms in abusive homes can easily become instruments of intimidation and control. The majority of women indicated that it made them more fearful and had an [e]ffect on their decision to tell others about their circumstance. Women expressed greater concern for their own safety and that of their children as a result of firearms in the home. These fears were heightened when the firearms were not licensed or not stored properly, a reality in a large percentage of the cases. Women in rural communities, who are often geographically isolated, may feel especially vulnerable. Threats of suicide or alcohol or drug abuse are likely to increase during period of high stress or crisis such as illness and unemployment. However, when firearms are accepted as part of rural culture, it is possible that their potential for misuse in abusive situations is minimized. Hence women may be reluctant to express their fears about the firearms, or if they do, they may not be taken seriously. This constellation of economic and social factors in rural areas, in combination with the rapid decline in services and programs,

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may set the stage for potentially lethal outcomes for abused rural women when firearms are present in the home.<sup>492</sup>

The women surveyed provided the following information about animals:

1. The majority of households had a pet or farm animal, and almost half said their partners had threatened to harm those animals.
2. Four in ten said their partner had harmed or killed their pet(s).
3. These numbers were higher in homes with firearms.
4. More than a quarter said that concern for the animals in their homes made them more reluctant to report or seek help.
5. A quarter of those with children said their children were aware that an animal had been harmed or threatened with abuse.

The authors concluded that “threats to pets and farm animals’ safety are a powerful way to intimidate, control, and abuse women. The situation is more pronounced when firearms are present. In homes with firearms, more women said that their partner had deliberately threatened to harm the animals or actually had harmed them than in homes without firearms. The women’s attachment to their pets and farm animals was often significant, but shelters would not take pets (and of course there were no facilities for farm animals), particularly in rural areas. Due to the common-law nature of many of the relationships, the men were also assumed to be the owners of the animals, so the women would not have had the option to take them if they left. The women expressed anguish at having to leave their animals; they feared, often rightly, for the animals’ safety, and their children were also devastated to leave them. In the focus groups and interviews, some women described their partners harming or tormenting their animals as a proxy for harming the women, noting that the women would be devastated by the abuse, but the police would not take any action. They expressed frustration at the lack of response by officials to instances of animal abuse. The authors recommended that officials take much more seriously threats to or mistreatment of animals when considering potential lethality and when considering obstacles to women seeking help. The authors also noted research showing that many children in homes where there was animal abuse were exposed to that abuse and also participated in it. They also cited research showing that childhood cruelty to animals has been identified as a risk factor for perpetrating violence against others in adulthood.

During the interviews and focus group discussions, women who identified as living in rural communities described the positive aspects of rural life:

Those we talked to who grew up in small towns and rural communities consistently referred to their communities as “close-knit” or having “strong inter-connections” or simply that “everybody knows everybody.” As several people told us, “When you drive through town, you are waving to everybody you see.” We were also told that independence and loyalty to families and friends are characteristic of people living in rural communities. This means that people do not interfere in their neighbour’s personal or family lives; however, they are always willing to lend a hand in other ways. This reinforces another much valued characteristic of rural life, which is the feeling of “safety”—people look out for one another. A police officer in the study confirmed that neighbourly concern is quick to arise:

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<sup>492</sup> “Exploring the Links,” p. 57.

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If there was a strange car in the driveway, we would get a call to tell us who was behind the wheel, what they're doing, if they scratched their head, got out to kick the tire. We'd get that information. And it's all because, well, y'know, that car's never been in her yard before.<sup>493</sup>

However, others who had moved to rural communities found it difficult to become part of the social community. They were considered “from away” even after living in the community for many years.

Moreover, despite the benefits of close-knit community, participants said that living in rural communities also brings isolation. They also referred to the lack of services in these communities, including hospitals, mental health services, and police. One participant said, “When you talk about ‘rural communities,’ you know you live in a rural community when you see two RCMP cars going in one direction, you can do anything you want in the other direction.”<sup>494</sup> The authors referred to a lack of services as “a defining characteristic of rural communities.”<sup>495</sup> They also cited research that found that resources designed to prevent and treat incidents of family violence are disproportionately allocated to urban centres. Most research studies also take place in urban centres, leading to a lack of information on intimate partner violence in rural communities.

Gender stereotyping was still common in many rural communities. This was seen to encourage submissive and subservient roles for women that revolve around the household and family. Many women had also moved into their partners’ communities, where the men had strong family and community ties, and faced intense pressure to stay in their relationships. Reporting abuse in this context was considered a betrayal of the family. Victims of violence felt stigmatized and feared that in such tight-knit communities, everyone would know their business if they called the police. A number of women and service providers also commented on the frequent presence of police scanners in the homes of community members. Knowing that their neighbours or other members of the community might hear their calls to the police also discouraged them from doing so, particularly because their abuser could thereby learn of their call.

The authors also found that community members faced barriers to reporting suspected abuse:

Not only are abused women fearful about calling the police, we also heard that friends and neighbours can be fearful. There is a concern that even though one might try to make a confidential report, soon everyone would know. In the section of this report on experiences with the police, we discuss how the prevalence of police scanners in rural homes is a deterrent to reporting family violence. People were reluctant to call for help since “everyone” would know who called and what the police are doing. If a man has a violent temper, even if it is “only when he’s drinking,” the entire community may be fearful of retribution if they try to intervene or call for help. In some instances, people in the study actually felt that the police were fearful of certain families:

That’s actually happening in our community, with a family, where, they’re pretty sure there’s abuse, I mean, you know it, but people are afraid because it is isolation. The male in that situation is very violent, can be. I stopped [the neighbour] one day and talked to her, but she said they don’t dare to call because if anybody came out, he would know that it was them... and he would come after them with a gun. But it’s a real, real fear, and we don’t have police come out and patrol. There’s never any sign of any cops unless there’s an incident, and they’re called out. So there, it’s too late.<sup>496</sup>

The participants identified the strong attachment that people in rural communities have to firearms and the long traditions of hunting in both provinces. Participants themselves often had no fear of

<sup>493</sup> “Exploring the Links,” p. 64.

<sup>494</sup> “Exploring the Links,” p. 65.

<sup>495</sup> “Exploring the Links,” p. 77.

<sup>496</sup> “Exploring the Links,” p. 76.

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guns, having grown up with them in the house. They explained resistance to the gun registry as relating to rural people's dislike of government control over people's lives. The authors cited research showing that Canadian gun owners are typically older men who use the guns for hunting, target practice, and pest control, while Americans are more likely to identify protection and personal safety as their reasons for owning guns. They noted, however, that a number of participants told them that their partners kept guns in the house for protection, with one saying her husband had told her he had it "to shoot somebody if they came into the house." Others identified prestige and power as reasons their partners owned guns, with one saying her partner kept guns because "he's a nut. He likes power. He likes to be powerful. He thinks he's so big and cool and scary."<sup>497</sup> The authors said:

Most people hold positive sentiments about firearms; however, many people tend to hold a rather cavalier attitude towards the storage of firearms, and it is not uncommon to find firearms unlocked, in easy reach of children, with ammunition on hand. Firearms seem to be kept increasingly for personal safety, and some of the participants expressed concerns that this might contribute to accidental shootings. In homes where there are mental health problems or abuse, the threat of firearms misuse, even indirectly, was seen to contribute to a heightened sense of fear and risk of lethality.<sup>498</sup>

The authors noted, "There is a level of terror and intimidation created by the very presence of the firearm" when a woman has experienced coercion and/or physical abuse from their partners. The women surveyed described their partners raping them at gun point, looking at the gun on the wall during a dispute so as to suggest they would use the gun if the woman didn't comply, and numerous other examples of abuse facilitated by the presence of firearms. Many participants felt there was a widespread tendency to underestimate the risk of lethality faced by rural women experiencing abuse. The "gun culture" in rural communities led even professionals to underestimate the risk posed by the presence of guns.

The Report also noted that the fear of retaliation with a firearm can affect family, neighbours, and service providers, making them afraid to report when they witness abuse. In addition, participants were generally unaware of the toll-free number to report firearms abuse to the Canada Firearms Program. The authors concluded from the discussions with participants that the number of unregistered firearms is likely much higher in rural communities than is reported, and many owners of firearms may have several hidden in their homes. Many women also said that when police responding to intimate partner violence calls asked them if their partners had guns, they would say no. They did not trust that anything would be done about it and feared that they might be at greater risk if they reported the weapons. Confiscated guns are often returned, even where the owner is charged with unsafe storage or other acts. They also said that even if their partner's gun was confiscated, their partner might have others hidden in their home or on their property or would easily be able to find another firearm from a neighbour. They suggested that where weapons have been confiscated from an abuser, the police should search every few months to ensure the abuser had not obtained another firearm.

The Report also noted that many women never call police about abuse, and if they do, they do so only in order to respond to an immediate crisis. They are reluctant to further engage in the criminal justice process through assault charges, over which they have no control and which rarely

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<sup>497</sup> "Exploring the Links," p. 71.

<sup>498</sup> "Exploring the Links," p. 73.

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lead to convictions and can make them vulnerable to repercussions. For similar reasons, they are also reluctant to further engage in the criminal justice system through firearms-related charges.

The abusers also often threatened to kill themselves, making it harder for women to leave:

We heard repeatedly of women who were reluctant to leave an abusive relationship because of their partners' threats to commit suicide—"If you leave, I'll kill myself." Suicide threats place women in a dilemma. This man that they want to leave might be the father of their children, well-liked in the community, and someone they still have feelings for. If a woman leaves an abusive relationship and her partner kills himself, there is a strong, often realistic, belief that people will blame her.<sup>499</sup>

The Report also noted the limitations of the firearms registration process, which places an onus on spouses to report any concerns about the applicant's possession of a firearm. They suggested that spouses and former partners instead be contacted during an investigation triggered through other means. They also suggested mandatory confiscation of firearms upon report by a health provider that a person with access to firearms is suicidal. The authors concluded:

Although we must exercise caution in extrapolating lethality risk based solely on the association of firearms misuse in the intimidation and control of women in domestic situations, the strong correlation between the highest firearms ownership rates and the highest rates of firearms deaths from homicide, suicide and accident is well documented ...

The prevalence of firearms in rural homes generally, along with the cavalier attitude towards safe storage and their association with control and intimidation in homes experiencing family violence, is undeniable. Yet the "gun culture" in rural communities has never really been recognized as a factor that must be considered in assessing risk given its role in creating a lack of attention to women's safety and an under-estimation of potential risk.<sup>500</sup>

A number of police officers were interviewed for the study. Their responses to questions about calls about intimate partner violence made it clear that there is no uniform practice with respect to responding to calls involving weapons. Some women reported feeling blamed by police when they did report abuse. Others reported positive experiences with police, but felt they were lucky. The Report's recommendations, some of which were made by study participants and some of which were made by the authors, included creating pro-removal and pro-confiscation firearms policies, similar to pro-arrest and pro-charge policies. The study also recommended amendments to the Criminal Code to permit police to search for firearms without a warrant in all domestic disputes, even where a firearm was not involved in the dispute.

The Report also recommended training police and others who work with abused rural women on firearms victimization in rural homes in order to counter the normalization of firearms in these communities. The Report recommended public education on abuse of animals and the impact of threats to animals on women who are considering leaving relationships, legislation to protect victims' animals, and linking animal abuse to child abuse and senior abuse.

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<sup>499</sup> "Exploring the Links," p. 98.

<sup>500</sup> "Exploring the Links," pp. 101–2.

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**Recommendations Relevant to the Mandate of the Mass Casualty Commission<sup>501</sup>**

1. Ensure that risk assessment tools include questions about the misuse and abuse of firearms, as well as pet abuse. Transition houses and victims services should include questions about firearms and firearms abuse on their intake forms and routine questionnaires. Questions about the presence of firearms should include questions on indirect victimization and ongoing firearms abuse.
2. Support a series of gun safety commercials targeted at rural communities/provinces.
3. Publicize the family violence provisions of the Firearms Act. There be more education on the purpose of the toll-free line, who should call, what would happen, and so on. When the Chief Firearms Officer conducts an investigation of an applicant or licensee for any reason, they should use such opportunities to ask the partner a series of questions about direct and indirect firearm's victimization, destruction of property, concerns about suicide, and threats to harm pets/farm animals.
4. Create pro-removal and pro-confiscation firearms policies similar to pro-arrest and pro-charge policies.<sup>502</sup> Guns should be automatically removed from the home at the first domestic violence call. The Criminal Code should be amended to allow the police to search for firearms without a warrant in all domestic disputes, even those where the incident itself did not involve a firearm. When considering whether to apply for preventive prohibition orders on the grounds that the firearm poses a risk to public safety, the onus should be on the police to demonstrate that the woman is not fearful. Police must also be better informed of what constitutes "risk" and must ask questions that reveal not only direct violations such as pointing the firearm but also indirect threats to either kill her, family members, or a pet, and certainly threats to commit suicide. Removal practices should therefore become more standardized in relation to police discretion to apply for a preventive protection order. If firearms are returned, they should go back with safety locks and a requirement for the owner to participate in a gun safety course. To better support police in their efforts to remove firearms, the National Weapons Enforcement Support Team (NWEST) should be expanded and additional RCMP experts be seconded to New Brunswick and Prince Edward Island to give direct support to police officers. (There were only two in each province.)
5. Confiscate firearms for unsafe storage violations.

<sup>501</sup> These recommendations, which were unnumbered in the Report, have been condensed and at some points paraphrased from the original text.

<sup>502</sup> The authors noted that although they attempted to make recommendations which reflected a consensus among study participants, the study participants did not unanimously support the recommendations regarding firearms confiscation. They said, "While we have attempted to reflect areas of consensus with respect to solutions, it should be noted that sometimes the opinions on what should be done to address a particular aspect of firearms victimization varied. For example, some people felt that police and crisis workers must adopt a 'zero tolerance of firearms' policy that would result in the immediate search and seizure of firearms in any domestic case – even a routine "domestic argument". Finding and removing all firearms in any domestic violence case was seen as the only remedy to end firearms victimization. Others felt that routine and automatic confiscation of firearms for every domestic call was impractical and would only contribute to the "code of secrecy" and drive the problem further "underground". Instead, they argued, we should educate women about lethality risks and encourage them to disclose their fears of being harmed with firearms so that authorities can then take appropriate steps to remove the firearms. Those calling for confiscation argued that relying on women to disclose would bring us back full circle to the finding of this research - that women are afraid to disclose or that they normalize their fear in relation to firearms victimization. In the final analysis, although we have tried to carefully and respectfully weigh all of the suggestions, the co-principal investigators must take sole responsibility for the following recommendations. They are intended to stimulate discussion, exploration and debate." "Exploring the Links", p.154

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6. Educate police, justice officials, and service providers on the nature and extent of firearms victimization in rural homes. It is recommended that police, social workers, crisis workers, and others who work with abused rural women receive training to help them to understand and identify the nature of firearms victimization in abusive homes. The training would make the link to other factors that exacerbate risk when firearms are present, such as alcohol/drug addiction, harming pets/farm animals, mental health problems, including threatening suicide, and so on.
7. Encourage abused women who are considering leaving an abusive relationship where firearms are present to think about personal safety issues for themselves and their children. It should be explained to women that separation can be an extremely dangerous time and that they must have a safety plan not only for living with and leaving abuse but for living separately.
8. Restrict firearms access on stay-away and no-contact orders, and peace bonds in all domestic cases.
9. Ensure follow-up and support for victims following charges and better enforcement of protective orders. Breaches must be taken seriously and result in immediate incarceration.
10. Enact legislation to compel certain professionals (mental health workers and doctors) to report concerns about the stability of gun owners.
11. Create a Public Education Campaign regarding the abuse of pets and farm animals to control and intimate spouses, encouraging people to show respect and sensitivity to victims of abuse who were concerned about their animals. This would include education about the risks associated with family violence and the presence of firearms, abuse of animals, and other factors uncovered in the research study.
12. Ensure that questions about pet/farm animal abuse are included on intake forms and risk assessments.
13. Develop a safe haven program for pets and farm animals. Communities should set up safe shelters for animals of abused women, where woman and children could maintain contact with the animals until they could recover their animals.
14. Provide stronger legal protections for the animals of victims of domestic violence, including education and training on those protections. The connection between family violence and animal abuse should be recognized in our laws.<sup>503</sup>
15. Award “custody” of pets to the victim, including when awarding exclusive possession orders.
16. Link animal abuse to other forms of abuse, including child abuse and senior abuse. In order to ensure coordination, governments should amend child protection legislation to require animal welfare officers and others who suspect animal abuse to report their concerns to child welfare authorities as a possible form of child abuse and/or family violence.<sup>504</sup>
17. Develop public education initiatives on the different faces of family violence. Service providers, government, and others should work together to develop a three-pronged general public education strategy—for abused women (with an emphasis on rural women), for their communities, and for the professionals with whom they come into contact. Schools and other venues to reach youth should be included in this education campaign. This education should address questions such as:

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<sup>503</sup> At the time of the study, Prince Edward Island permitted the inclusion of pets in Emergency Protection Orders, but there was little enforcement of it, in part due to a lack of public awareness of this option.

<sup>504</sup> The authors noted that Prince Edward Island already required this.



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- a. how abusive behaviours manifest themselves, create fear, and contribute to risk;
  - b. how people minimize those behaviours;
  - c. indicators of risk for women experiencing abuse;
  - d. the nature and forms of firearms victimization in violent relationships;
  - e. safety planning addressing firearms risk and victimization;
  - f. the links between risk/lethality and firearms, alcohol, animal abuse, threats of suicide, and other mental health issues; education about pet abuse and firearms victimization is particularly crucial in rural communities.
18. Create a network of safe places in rural communities where women feel safe to disclose abuse. These could assist the many rural women who do not wish to leave their communities to go to a transition house; they could be located in workplaces, social service offices, faith communities, or hospitals. In addition, stand-alone “women’s centres” could provide these women with additional assistance with housing, employment, legal aid, and programs to increase self-esteem.
  19. Coordinate services and improve communication among all service providers. This is particularly important for abused rural women who face significant barriers to travel to multiple service providers. A toll-free crisis hot line and/or rural outreach centres could also assist.
  20. Raise the confidence and self-esteem of abused rural women. Service providers must encourage survivors of abuse not to blame themselves and validate their suffering.
  21. Coordinate risk assessment tools to ensure that they incorporate research-supported, evidence-based risks such as abuse of pets, indirect fears of firearms, the prevalence of abuse among common-law couples, etc. The findings of this study should be incorporated into all risk assessment tools, particularly those used in rural provinces.

### 6.9. Nunavut, Northwest Territories, Northern Quebec, and Northern Newfoundland and Labrador

#### 6.9.1. Addressing Gendered Violence against Inuit Women: A Review of Police Policies and Practices in Inuit Nunangat (Pauktuutit Inuit Women of Canada and Public Safety Canada, 2020)<sup>505</sup>

This review of responses to gender-based violence in Inuit Nunangat (the homeland of Inuit people, consisting of the Inuvialuit region of the Northwest Territories, Nunavut, Nunavik in northern Quebec, and Nunatsiavut in Newfoundland and Labrador) by Dr. Elizabeth Comack, Department of Sociology and Criminology at the University of Manitoba, was funded by Public Safety Canada as part of its response to the MMIWG Inquiry (summarized above in section 6.2.7.). The Public Safety website notes that the contents reflect the views of the author and participants.<sup>506</sup> The RCMP is responsible for policing in Inuit Nunangat, except for Nunavik, which is policed by the Kativik Regional Police Force (KRPF).

<sup>505</sup> “Addressing Gendered Violence against Inuit Women: A Review of Police Policies and Practices in Inuit Nunangat,” Pauktuutit Inuit Women of Canada and Public Safety Canada (January 2020), <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rvw-plc-prctcs-pauk/index-en.aspx>.

<sup>506</sup> See “Disclaimer,” <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rvw-plc-prctcs-pauk/index-en.aspx>.

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Dr. Comack interviewed 45 Inuit women and 40 police officers in the four regions. She made the following findings:

1. Inuvialuit participants believe that gendered violence has become “normalized” for Inuit women as a result of the residential school system and colonialization. They commented on the continual rotation of officers, the failure of police to respond to calls for help to deal with situations of intimate partner violence, victims being removed from the home instead of the abusers, failure to monitor and respond to court-imposed sanctions, and women not being taken seriously when they expressed fears for their safety. One officer referred to being frustrated with “women who utilize the criminal justice system to play a vindictive game against their partners.”<sup>507</sup>
2. Nunavut participants also expressed concern about the pervasiveness of intimate partner violence in their community. They reported slow police response times, poor treatment when they reported gendered violence, language barriers, high turnover of officers, officers’ inexperience in the north, lack of community resources, a lack of visible RCMP presence in their community, racialized assumptions in officers’ response, and a legacy of tension from the colonial history of police–Inuit relations. They also expressed the need for efforts to support police dealing with vicarious trauma.
3. In Nunatsiavut, participants reported reluctance to report violence because of isolation, reliance on their partner, threats from their partner, the length of time it takes to process criminal charges, and a lack of trust in police and the criminal justice system. Several women reported that police were unsupportive or jeopardized their safety, and in some cases the response was unprofessional and racialized. They also cited slow response times. They noted that officers do not interact in the community and suggested that the RCMP needs to work at building trust and rapport with community members. They also suggested that training in how to respond to disclosures of sexual violence and hiring more female police officers would help. More resources and social services and better coordination of services would also assist.
4. In Nunavik, women reported a lack of trust in police and reported improper responses to reports of gendered violence. One woman reported violence from a police officer; others reported that they were removed from their homes instead of the perpetrator. No-contact orders do not work in small communities. For many participants, the police are an outside force, and their form of justice runs counter to the Inuit way of resolving conflicts. KRPF officers are poorly integrated into the community and do not understand the history of the community or the reasons for the problems in the community; language barriers exacerbate the problem. Police are also under-staffed.

Dr. Cormack concluded that the problems with policing in Inuit Nunangat relating to domestic violence require a fundamental shift, making the police part of community revitalization and involving the police in a process of decolonization. Police need to assimilate into Inuit ways, rather than the reverse.

#### **Recommendations Relevant to the Mandate of the Mass Casualty Commission<sup>508</sup>**

1. Investments must be made to provide police with adequate training in trauma-informed approaches to policing. This training must be made relevant to the history and contemporary experiences of Inuit. With a firmer understanding of trauma and its indicators, police will be

<sup>507</sup> “Addressing Gendered Violence against Inuit Women,” p. 7.

<sup>508</sup> Recommendations were not numbered in the Report.

## 6. GENDER-BASED AND INTIMATE PARTNER VIOLENCE

better positioned to de-escalate situations, build more positive relationships with the community, and assist in ensuring community wellness and safety.

2. To help manage the personal stress resulting from daily policing activities in Inuit communities and the effects of vicarious trauma on first responders, police officers should be encouraged to seek emotional support and guidance from community elders, counsellors, or natural helpers.
3. Police officers must undergo ongoing specialized education on the dynamics of gender-based violence, training that would be more effective if it were delivered, at least in part, by victims' advocates. Second only to victims, advocates have the most comprehensive understanding of the realities of gender-based violence. An enriching element to the training would be the inclusion of input from Inuit survivors of domestic violence to educate the police on their experiences.
4. Police protocols, including investigative strategies to respond to sexual assault and domestic violence, must be evaluated and revised to ensure that the police are responding in a culturally appropriate and victim-centred manner.
5. To achieve a more supportive experience for female survivors of gendered violence, there should be a female police officer present, if not leading, the statement-gathering process.
6. Gendered Violence Prevention Liaison: This community-based position would be geared toward providing those harmed by gendered violence with a dedicated support person tasked with coordinating access to resources offered by police and other social service agencies. Such a position would enhance partnerships between agencies in ensuring the multiple needs of those harmed by gendered violence—safety planning, counselling, housing, etc.—are being met.
7. The RCMP and KRPF should develop protocols for introducing new officers to the communities they serve. These protocols would be developed in close consultation and collaboration with Inuit community leaders, elders, and cultural facilitators. The aim would be to reinforce officers' accountability to those communities as well as to facilitate the integration of officers into the community.
8. The RCMP should reconsider the policy of limiting postings to two years in duration. Where possible, posting contracts should be extended to sustain positive rapport between Inuit community members and regular service members and enable trust and reciprocity to be built into police–community relations.
9. Investments must be made to create Inuit Nunangat-specific, bilingual public education programs in two main areas:
  - a. Education about the criminal justice system: To provide information to the public on the role and function of the police and citizen's rights in relation to the criminal justice system, these programs could take the form of messages through routine uses of existing media, such as television, radio, newspapers, and social media, as well as a variety of local community forums.
  - b. Education about gender-based violence: To foster confidence in the criminal justice system, police need to take a key role in the development, design, and implementation of gender-based violence prevention and education efforts. This task could be accomplished through the police leading specialized workshops, campaigns, and programs focusing on encouraging victims to report abuse. Such police engagement with both the general community and those deemed to be at risk of gendered violence could help provide those suffering in silence with the assurance that the police are

## 6. GENDER-BASED AND INTIMATE PARTNER VIOLENCE

available to assist them, thereby increasing women's confidence in police and reducing their reluctance to report abuse.

10. Police integration and presence in the community should be enhanced through planned events (such as sewing circles) and the dissemination of positive police–citizen encounters (through social media) in order to build trust and a positive police–community relationship.
11. Given that policing is an essential service, the Government of Canada must ensure that all regions of Inuit Nunangat have effective and substantively equitable policing services. In addition, the government has a responsibility to ensure equitable funding of victim services in every community across Inuit Nunangat.

### 6.10. Prince Edward Island

#### 6.10.1. Inquest into the Deaths of Patricia Lynn Hennessey and Nash David Campbell (Prince Edward Island, 2015)<sup>509</sup>

This inquest reviewed the deaths of four-year-old Nash Campbell and his mother, Patricia Hennessey. According to media reports,<sup>510</sup> their bodies were found in a burned-out Jeep in western Prince Edward Island. They had both been sedated and died of smoke inhalation. The medical examiner determined that Ms. Hennessey had killed Nash and herself.

The RCMP had been involved in dozens of incidents between Ms. Hennessey and Nash's father, Marc Campbell. Two years before the murder-suicide, Ms. Hennessey was arrested for impaired driving and mischief after smashing her car into Mr. Campbell's car. She told police she would kill herself and Nash because of what police had done to her and said "Your dues will come." Two months later, she attempted suicide twice, leaving notes saying she that couldn't take the custody battle anymore. On another occasion, Mr. Campbell told police that Ms. Hennessey had threatened to "make him pay." All charges against Ms. Hennessey and Mr. Campbell arising from reports to police were stayed or withdrawn, except the impaired driving and mischief charges, for which Ms. Hennessey was sentenced to two weeks in jail. Child protection authorities were involved after Mr. Campbell's mother contacted them to report concerns about Ms. Hennessey. The RCMP believed the complaints to police were escalating because of the custody dispute. However, they believed their hands were tied, as the child did not appear to be at imminent risk. A meeting with the parents, the child protection worker, and police, intended to try to resolve the dispute, did not go ahead because the worker was not available.

<sup>509</sup> "Hennessey-Campbell Inquest: Chief Coroner's Comments and Jury's Recommendations" submitted to the PEI Minister of Justice and Public Safety (June 2015), [https://www.princeedwardisland.ca/sites/default/files/publications/chief\\_coroners\\_recommendation\\_to\\_minister.pdf](https://www.princeedwardisland.ca/sites/default/files/publications/chief_coroners_recommendation_to_minister.pdf)

<sup>510</sup> See "Pathologist Testifies at Patricia Hennessey, Nash Campbell Inquest" *CBC News* (9 March 2015), <https://www.cbc.ca/news/canada/prince-edward-island/pathologist-testifies-at-patricia-hennessey-nash-campbell-inquest-1.2986753>; "Final Hours before Murder-suicide Captured in Text Messages" *CBC News* (11 March 2015), <https://www.cbc.ca/news/canada/prince-edward-island/final-hours-before-murder-suicide-captured-in-text-messages-1.2990982>; "Patricia Hennessey Threatened Murder-suicide, Inquest Hears" *CBC News* (9 March 2015), <https://www.cbc.ca/news/canada/prince-edward-island/patricia-hennessey-threatened-murder-suicide-inquest-hears-1.2988045>; T. Wright, "Chilling Details from Murder/Suicide Involving Toddler" *SaltWire* (10 March 2015), <https://www.saltwire.com/atlantic-canada/federal-election/chilling-details-from-murdersuicide-involving-toddler-78878/>.

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The day before the bodies were found, a judge had granted custody of Nash to Mr. Campbell, with access visits to Ms. Hennessey. The parties and judge agreed that Ms. Hennessey would bring Nash to daycare the next morning, and Mr. Campbell would pick him up. The evening the order was made, Ms. Hennessey took Nash out. Her sister repeatedly asked Ms. Hennessey over text to bring Nash home. Ms. Hennessey refused. Ms. Hennessey texted to a friend that “Nash is not going to that monster” and “This is the end of my life.” She texted Mr. Campbell that she had vowed to protect Nash from him and his parents. The Jeep was found two hours later, in flames.

A coroner’s inquest was held over four days in March, 2015, and made fifteen recommendations. The Coroner commented on each of the recommendations in a letter to the Minister of Justice and Public Safety. He also noted the lack of counselling or support provided to members of the jury, who found it very difficult to manage the graphic evidence presented to them.

**Recommendations Relevant to the Mandate of the Mass Casualty Commission**

- (Recommendation 1) Health care workers should be provided additional education in recognizing risks for filicide and strategies for prevention.
- (Recommendation 2) Child protection policy and protocol [procedure] regarding the identification and management of high-risk cases need to be updated.
- (Recommendation 3) There needs [to be] more training for Child Protective Services [CPS] workers on parental engagement.
- (Recommendation 4) There needs to be mandatory multidisciplinary training on domestic violence and child abuse.
- (Recommendation 5) There should be better information-sharing between families and the justice system.
- (Recommendation 6) There needs to be judicial education on domestic violence and child abuse.
- (Recommendation 9) There needs to be a strategy in place to assure [sic] that employees who are dealing with domestic violence or mental health issues receive workplace support.
- (Recommendation 11) There needs to be more aggressive enforcement of custody arrangements, with justice system consequences such as criminal charges available if the terms of child custody are violated.
- (Recommendation 13) Every high-risk family should have a “Safety Circle.”
- (Recommendation 15) Government should consider creating a provincial position for “Child Advocate

## 7. APPENDIX: REPORTS IDENTIFIED IN THE ENVIRONMENTAL SCAN

Section	Report	Year	COMM ID
2.1.1	<a href="#">Royal Commission on the Donald Marshall Jr. Prosecution (Nova Scotia)</a>	1989	COMM0058285
2.1.2.	<a href="#">Inquiry into Matters Relating to the Death of James Baily, Jr. (Nova Scotia Police Commission)</a>	2005	COMM0058286
2.1.3.	<a href="#">Inquiry into Matters Relating to the Death of Dean Richard (Nova Scotia Police Commission)</a>	2005	COMM0058287
2.1.4.	<a href="#">Victoria Rose Paul Investigation (Nova Scotia Police Complaints Commission)</a>	2012	COMM0058288
2.1.5.	<a href="#">Inquiry into the Death of Howard Hyde (Nova Scotia Provincial Court)</a>	2010	COMM0058289
2.2.1.	<a href="#">Aboriginal Justice Inquiry of Manitoba (Manitoba)</a>	1991	COMM0058290 to COMM0058292
2.2.2.	<a href="#">Rebuilding the Trust: Federal Task Force on Governance and Cultural Change in the RCMP (Canada)</a>	2007	COMM0058293
2.2.3.	<a href="#">Kingsclear Public Interest Investigation Report (Commission for Public Complaints Against the RCMP)</a>	2007	COMM0058955
2.2.4.	<a href="#">Police Investigating Police (Commission for Public Complaints Against the RCMP)</a>	2009	COMM0059001
2.2.5.	<a href="#">Braidwood Commission on the Death of Robert Dziekanski (British Columbia)</a>	2010	COMM0058954
2.2.6.	<a href="#">Sharing Common Ground: Review of Yukon's Police Force (Government of Yukon)</a>	2011	COMM0058294
2.2.7.	<a href="#">Independent Civilian Review into Matters Relating to the G20 Summit (Toronto Police Services Board) (Ontario)</a>	2012	COMM0058295
2.2.8.	<a href="#">Police Encounters with People in Crisis (Independent Review) (Toronto Police Service) (Ontario)</a>	2014	COMM0058296
2.2.9.	<a href="#">Chairperson-Initiated Complaint and Public Interest Investigation regarding Policing in Northern British Columbia (Civilian Review and Complaints Commission for the RCMP)</a>	2017	COMM0058297
2.2.10.	<a href="#">Independent Police Oversight Review (Ontario)</a>	2017	COMM0058298
2.2.11.	<a href="#">Halifax, Nova Scotia: Street Checks Report (Nova Scotia Human Rights Commission)</a>	2019	COMM0058299
2.2.12.	<a href="#">Independent Review of the Manitoba Police Services Act</a>	2020	COMM0058300
2.2.13.	<a href="#">Broken Dreams, Broken Lives: Implementation of the Merlo Davidson Settlement Agreement (RCMP)</a>	2020	COMM0058301
2.2.14.	<a href="#">Chairperson-Initiated Complaint and Public Interest Investigation into the RCMP Investigation of the Death of Colten Boushie (Civilian Review and Complaints Commission for the RCMP)</a>	2021	COMM0063058

## 7. APPENDIX: REPORTS IDENTIFIED IN THE ENVIRONMENTAL SCAN

2.2.15.	<a href="#">Systemic Racism in Policing in Canada (Standing Committee on Public Safety and National Security)</a>	2021	COMM0058303
2.2.16.	<a href="#">Missing and Missed: Independent Civilian Review into Missing Person Investigations in Ontario (Toronto Police Services Board) (Ontario)</a>	2021	COMM0058304 to COMM0058307
2.2.17.	<a href="#">Transforming Policing and Community Safety in British Columbia: the “Routley Report” (Special Committee on Reforming the Police Act) (British Columbia)</a>	2022	COMM0058952
3.1.	Kaufman Commission on Proceedings Involving Guy Paul Morin (Ontario)	1998	COMM0058308
3.2.	<a href="#">Inquest into the death of Jonathan Yeo: Verdict of the Jury (Office of the Chief Coroner of Ontario)</a>	1992	COMM0058309
3.3.	<a href="#">Bernardo Investigation Review (“Campbell Report”) (Ontario)</a>	1996	COMM0058310 to COMM0058311
3.4.	<a href="#">Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar</a>	2006	COMM0058312
3.5.	<a href="#">Forsaken: The Report of the Missing Women Commission of Inquiry (British Columbia)</a>	2012	COMM0058313
4.1.	<a href="#">Review of the Investigation of Sexual Assaults, Toronto Police Services (Toronto Audit Services)</a>	1999	COMM0058314
4.2.	<a href="#">The Ipperwash Inquiry (Ontario)</a>	2007	COMM0058315 to COMM0058318
5.1.	<a href="#">Public Fatality Inquiry into the Deaths of James Wilbert Galloway and Martin Charles Ostopovich (“Galloway Inquiry”) (Alberta)</a>	2006	COMM0058953
5.2.	<a href="#">Public Fatality Inquiry into the Deaths of Constables Anthony Gordon, Lionide Johnston, Brock Myrol, Peter Schiemann, and Mr. James Roszko by Assistant Chief Judge Daniel Pahl (Mayerthorpe Inquiry)</a>	2011	COMM0058319
5.3.	<a href="#">Independent Review of the Moncton Shooting (New Brunswick)</a>	2014	COMM0058320
5.4.	<a href="#">R v The Royal Canadian Mounted Police (New Brunswick Provincial Court)</a>	2017	COMM0058321
5.5.	<a href="#">RCMP Security Posture: Parliament Hill October 22, 2014 (Ontario Provincial Police)</a>	2015	COMM0061100
5.6.	<a href="#">External Engagement and Coordination: Parliament Hill Incident After-Action Review (RCMP National Division Review Team)</a>	2015	COMM0061099
6.1.1.	Changing Perspectives: A Case Study of Intimate Partner Homicide in Nova Scotia (Health Canada)	1995	COMM0001238
6.1.2.	Nova Scotia Family Violence Tracking Project (1995)	1995	COMM0058325
6.1.3.	<a href="#">“From Rhetoric to Reality: Ending Domestic Violence in Nova Scotia” (Law Reform Commission of Nova Scotia)</a>	1995	COMM0047938

## 7. APPENDIX: REPORTS IDENTIFIED IN THE ENVIRONMENTAL SCAN

6.1.4.	Truro Police Service Program Review (Police and Public Safety Services Division of the NS Department of Justice)	2000	COMM0058327
6.1.4.	Department of Community Services Review, Maxwell/George Case	2000	COMM0058328
6.1.4.	Program Review into the Deaths of Lori Lee Maxwell and Bruce Allen George (Department of Justice)	2000	COMM0058329
6.1.5.	<a href="#">Review of the Framework for Action Against Family Violence (“Russell Review”) (Nova Scotia)</a>	2001	COMM0000370
6.1.6.	Evaluation of the Nova Scotia Domestic Violence Intervention Act (Department of Justice)	2006	COMM0000375
6.1.7.	<a href="#">Report of the Domestic Violence Prevention Committee (Nova Scotia)</a>	2009	COMM0000243
6.1.8.	<a href="#">The 2014 HRM Roundtable Review (“Clairmont Review”) (Halifax Regional Municipality)</a>	2014	COMM0058333
6.1.9.	<a href="#">Independent Review of the Police and Prosecution Response to the Rehtaeh Parsons Case</a>	2015	COMM0058334
6.1.10.	Independent Officer Review: Susan Olive Butlin – Ernie “Junior” Duggan Complaints (“H” Division, RCMP)	2019	COMM0048906 <sup>511</sup>
6.2.1.	The War Against Women: Sub-Committee on the Status of Women (House of Commons)	1991	COMM0058336
6.2.2.	<a href="#">Ad Hoc FPT Working Group Reviewing Spousal Abuse Policies and Legislation</a>	2003	COMM0058337
6.2.3.	<a href="#">Aboriginal Women and Family Violence (Indian and Northern Affairs Canada)</a>	2008	COMM0058338
6.2.4.	<a href="#">Ending Violence Against Aboriginal Women and Girls: Standing Committee on the Status of Women (House of Commons Committee)</a>	2011	COMM0058339
6.2.5.	<a href="#">Invisible Women: Special Committee on Violence Against Indigenous Women (House of Commons)</a>	2014	COMM0058340
6.2.6.	<a href="#">Promising Practices to Prevent Violence Against Women and Girls: Standing Committee on the Status of Women (House of Commons)</a>	2015	COMM0058341
6.2.7.	<a href="#">Reclaiming Power and Place: National Inquiry into Missing and Murdered Indigenous Women and Girls</a>	2019	COMM0058342 to COMM0058349
6.2.8.	<a href="#">The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships (Standing Committee on Justice and Human Rights, House of Commons)</a>	2021	COMM0058350

<sup>511</sup> The Mass Casualty Commission has very recently received a less redacted version of the “Independent Officer Review” into Ms Butlin’s complaints. This appendix will be updated with the new COMM number for this report when it becomes available. The version listed here can be found at exhibit P-003649.



## 7. APPENDIX: REPORTS IDENTIFIED IN THE ENVIRONMENTAL SCAN

6.3.1.	<a href="#">Public Fatality Inquiry into the Deaths of Blagica, Alex, and Josif Fekete (Alberta)</a>	2005	COMM0058351
6.4.1.	Coroner's Inquests into the Deaths of the Gakhal Family (the "Vernon Inquest") (British Columbia)	1996	COMM0058353
6.4.2.	Recommendations for Amendments to "E" Division RCMP Operational Policies Pertaining to Relationship Violence and the Processing of Firearms Applications (RCMP)	1998	COMM0050844
6.4.3.	<a href="#">Honouring Christian Lee – No Private Matter: Protecting Children Living with Domestic Violence (British Columbia Representative for Children and Youth)</a>	2009	COMM0058354
6.4.4.	<a href="#">Honouring Kaitlynn, Max and Cordon – Make Their Voices Heard Now (British Columbia Representative for Children and Youth)</a>	2012	COMM0058355
6.5.1.	Inquest into the Death of Margret Kasonde and Wilson Kasonde (Ontario)	1997	COMM0058356
6.5.2.	<a href="#">Inquest into the Deaths of Arlene May and Randy Iles (Ontario)</a>	1999	COMM0058357
6.5.3.	Inquest into the Deaths of Gillian Hadley and Ralph Hadley (Ontario)	2002	COMM0058358
6.5.4.	<a href="#">Inquest into the Deaths of Lori Dupont and Marc Daniel (Ontario)</a>	2007	COMM0058359
6.5.5.	Inquest into the Death of Vu Duy Pham and Frederick Preston (Ontario)	2012	COMM0058360
6.5.6.	Inquest into the Deaths of Carol Culleton, Anastasia Kuzyk and Natalie Warmerdam (Ontario)	2022	COMM0059741
6.6.1.	<a href="#">Fatality Inquest Respecting the Deaths of Doreen Leclair and Corrine McKeown (Provincial Court of Manitoba)</a>	2002	COMM0058361
6.7.1.	<a href="#">Public Fatality Inquiry: Brenda Mary Moreside (Minister of Justice and Solicitor General of Alberta)</a>	2013	COMM0058362
6.8.1.	<a href="#">Exploring the Links: Firearms, Family Violence and Animal Abuse in Rural Communities (New Brunswick and Prince Edward Island)</a>	2008	COMM0058363
6.9.1.	<a href="#">Addressing Gendered Violence against Inuit Women: A Review of Police Policies and Practices in Inuit Nunangat (Pauktuutit Inuit Women of Canada and Public Safety Canada)</a>	2020	COMM0058364
6.10.1.	<a href="#">Inquest into the Deaths of Patricia Lynn Hennessey and Nash David Campbell (Prince Edward Island)</a>	2015	COMM0058365

## Summaries of International Reports

# **International Scan: New Zealand**

## ***Summary and Analysis of the Recommendations in response to the Terrorist Attack on Christchurch masjidain 15 March 2019***

**As found in the 2020 Review:**

**Ko tō tātou kāinga tēnei (this is our home): Report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019**

**Prepared by: Research & Policy Team  
September 2022**

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## INTRODUCTION

Following the 15 March 2019 terrorist attack on two mosques in Christchurch, New Zealand, a Royal Commission of Inquiry (RCI) was formed “to investigate the actions of the individual,<sup>1</sup> the actions of relevant public sector agencies, and any changes that could prevent such terrorist attacks in the future.”<sup>2</sup> The RCI made its results public on 8 December 2020 in a report entitled *Ko tā tātou kāinga tēnei (this is our home): Report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019* (“the Report”).<sup>3</sup> The Report is detailed and comprehensive. This summary and analysis of the Report focuses on the 44 recommendations that emerged from the Inquiry.<sup>4</sup> The recommendations cover four main topics: (1) counterterrorism; (2) firearms licensing; (3) recovery of survivors and victims’ families; and (4) social cohesion in New Zealand.

Several themes emerge. In the case of counterterrorism, the Report notes that the New Zealand counterterrorism effort lacked any method or procedure for collecting and aggregating information from participating sectors and agencies.<sup>5</sup> This silo effect meant that agencies could *collectively* possess high-risk information without this coming to the attention of any of them. The counterterrorism effort also lacked mechanisms of internal transparency and oversight, and the Report notes, in hindsight, a potentially devastating impact of this: prior to 15 March 2019, assessments produced by the New Zealand Security Intelligence Service (NZSIS) placed the threat of far-right extremism as a “remote” threat rather than as a threat that could not be properly evaluated due to lack of funding. This lack of transparency about what had *not* been done deprived ministers of the opportunity to consider allotting funding towards the matter.<sup>6</sup> In addition, the counterterrorism effort did not have a “public face,” and without a “see something, say something” program, the public was not primed to report incidents of concern. (For example, no one reported the drone that was observed flying over Masjid an-Nur two months before the attack.)<sup>7</sup> Nor was

<sup>1</sup> Throughout this summary, the perpetrator, Brenton Harrison Tarrant, is referred to as ‘the individual’. The individual pleaded guilty and was convicted of terrorism, the murder of 51 people, and the attempted murder of 40 people. He is currently serving a sentence of life imprisonment without parole.

<sup>2</sup> *Royal Commission of Inquiry, 2020. “Ko tā tātou kāinga tēnei (This Is Our Home): Report of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Masjidain on 15 March 2019” (26 November 2020) (“the Report”), vol. 1, Executive Summary, para. 3, p. 10. See *infra* for additional information about access to the Report and about references and citations.*

<sup>3</sup> The original four-volume, ten-part Report is downloadable from the RCI website, where there is also a user-friendly online version: <https://christchurchattack.royalcommission.nz/the-report/> (accessed 7/22/22). There is a separate document containing an executive summary of the Report and its consolidated findings and recommendations: <https://christchurchattack.royalcommission.nz/publications/report-summary/> (accessed 7/22/22). Citations to the Report are to the original, full Report and include the volume, part, chapter, paragraph, and page number. Note that the online version of the Report does not include volume or page numbers but does include the part, chapter, and paragraph numbers. Citations to the Report’s recommendations are as follows: e.g., “Rec. 44, p. 766” refers to Recommendation 44 on page 766. *Masjid* is the Arabic term for a house of worship (a mosque); *masjidain* denotes two mosques.

<sup>4</sup> The RCI’s recommendations are presented with commentary in vol. 4, pt. 10 of the Report, pp. 727–66. As noted above, there is also an executive summary of the Report, which contains a list of the recommendations without commentary. Note that this executive summary also appears in the preface to vol. 1, pp. 21–36 of the Report. A briefer, paraphrased version of the recommendations appears on pp. 13–34 of the RCI Response Tracker, *infra* note 23. Citations herein to the Report’s recommendations are as follows: e.g., “Rec. 44, p. 766” refers to Recommendation 44 on page 766.

<sup>5</sup> Vol. 2, pt. 7, ch. 2.3, pp. 390–91.

<sup>6</sup> Vol. 3, Pt. 8, ch. 15.2, paras. 54 & 69–71, pp. 604 & 608. The Report falls short of finding fault in this regard. Since the individual employed “operational security” (he went to great measures to avoid detection both online and otherwise), the Report held it unlikely that he would have been detected even had greater resources and time been devoted to the threat of far-right extremism. See para. 78, p. 610.

<sup>7</sup> The New Zealand Police later learned that it was the individual’s drone. See vol. 2, pt. 7, ch. 2.2, paras. 11–12 & 14–15, pp. 388–89.

there a contact number to do so. The Report also recommends changes to the government's practices of sharing classified information and a more independent and rigorous method of oversight and performance evaluation.<sup>8</sup>

With respect to firearms licensing, the Report observed a lack of adequate training and guidance for licensing clerks and officers, with the effect that the licensing process was tantamount to "rubber stamping" in some districts.<sup>9</sup> This lack of guidance and training was evident with regard to applicants newly arrived to New Zealand, such as the individual, for whom the requirement of an in-person interview with referees meant that family members abroad could not act as referees.<sup>10</sup> In such cases, licensing staff lacked the proper training to probe interviewees and effectively determine their suitability to act as substitute referees. More generally, lack of adequate training meant that interviews became a way to confirm rather than disconfirm an applicant's fitness and properness to own a firearm.<sup>11</sup> Further impacting this bias was the fact that denial decisions required approval by someone of higher rank, making denials more cumbersome for staff.<sup>12</sup> The Report's licensing recommendations redress these deficiencies and also introduce a new requirement on medical professionals to report all firearm injuries so that licensing officers can follow up with licence holders.<sup>13</sup>

In terms of recovery, the Report notes that survivors and victims' families struggled with navigating the public services available to them. It recommends a single point-of-contact navigator for each individual or family seeking assistance, to ease their access to services, along with continued consultation with those recovering to ensure that their ongoing, long-term needs for support are met.<sup>14</sup>

Finally, the Report places great emphasis on changing the tide in terms of social cohesion in New Zealand. New Zealand is an increasingly diverse society, and investing in social cohesion is essential to ensuring the safety and security of all members of the population.<sup>15</sup> The Report characterizes social cohesion in terms of "belonging, inclusion, participation, recognition, and legitimacy."<sup>16</sup> It recommends fostering discussion on the values of social cohesion, increasing government cultural competency, providing diversity education for youth and adults, and promoting a more diverse workforce at all levels of the public and private sectors.<sup>17</sup> It also notes that "[I]language that detracts from social cohesion (such as jokes at the expense of marginalised communities), which was once not subject to much, if any, social sanction, is increasingly unacceptable in a democratic society" and recommends strengthening hate speech sanctions as well as introducing hate-motivated offences similar to the UK model.<sup>18</sup> Of particular interest is its recommendation to embrace new models of community engagement in government, such as the International Association for Public Participation (IAP2) Public Participation Spectrum.<sup>19</sup>

<sup>8</sup> Vol. 3, pt. 8, ch. 15.5, paras. 112–14, p. 617; ch. 3.5, paras. 75–79, p. 438.

<sup>9</sup> Vol. 2, pt. 5, ch. 4.7, para. 26, p. 278. The Report also notes that applicants were seen as customers (ch. 4.5, para. 16, p. 276) and that the fee for applications had not changed in twenty years (ch. 4.6, para. 17, p. 276).

<sup>10</sup> *Ibid.*, ch. 3.9, para. 31, p. 266; ch. 3.15, p. 270; ch. 4.8, para. 28, p. 279.

<sup>11</sup> *Ibid.*, ch. 4.8, para. 30, p. 279.

<sup>12</sup> *Ibid.*, ch. 4.9, para. 32, pp. 280–81; ch. 4.11, para. 49, p. 285.

<sup>13</sup> Vol. 2, pt. 6, ch. 6.8, paras. 27–28, p. 336.

<sup>14</sup> Vol. 4, pt. 10, chs. 4.1–4.2, pp. 750–52.

<sup>15</sup> Vol. 4, pt. 9, ch. 1.2, para. 13, p. 655.

<sup>16</sup> *Ibid.*, para. 8, p. 654.

<sup>17</sup> Vol. 4, pt. 9, ch. 3.9, p. 699.

<sup>18</sup> Vol. 4, pt. 9, ch. 4.1, para. 9, p. 701; ch. 4.2, para. 25, p. 704.

<sup>19</sup> *Ibid.*, ch. 1.4, paras. 16–21, pp. 656–58.

In all four areas of its recommendations, the Report stresses the need to develop performance metrics that can be used to assess progress, both as a matter of general practice and in terms of implementing the recommendations themselves.

Regarding implementation, New Zealand has followed the Report's recommendation to designate a minister responsible for ensuring implementation (Hon. Andrew Little)<sup>20</sup> and to create an oversight advisory board to monitor implementation progress and report back to the minister (Kāpuia—Ministerial Advisory Group).<sup>21</sup> In keeping with the Report's recommendation, the advisory board includes "representatives of communities, civil society, local government, the private sector, affected whānau [family], survivors and witnesses,"<sup>22</sup> along with members of the Muslim Community Reference Group that originally acted as an advisory group to the Royal Commission itself. In addition, the Response Steering Group was created to guide implementation. Information about these groups and about the progress made on implementation to date can be found on the New Zealand Department of Prime Minister and Cabinet's website, which includes a "Response Tracker" that indicates the implementation status of each recommendation.<sup>23</sup>

The Coroners Inquiry into the Christchurch Masjidain Attack, which was placed on hold during the work of the Royal Commission of Inquiry, has now resumed. It is set to begin hearings in May 2023.<sup>24</sup>

<sup>20</sup> Rec. 43, p. 765. According to the website of the New Zealand Department of the Prime Minister and Cabinet, nine other ministers are also responsible. See <https://dpmc.govt.nz/our-programmes/national-security/royal-commission-inquiry-terrorist-attack-christchurch-masjidain> (accessed 7/22/22).

<sup>21</sup> Rec. 44, p. 766. Kāpuia has its own website: <https://dpmc.govt.nz/our-programmes/special-programmes/kapuia-ministerial-advisory-group> (accessed 7/22/22). The term *kāpuia* relates to a Māori proverb, which states that "if there is only one reed, it breaks easily, but gather many together they will not break."

<sup>22</sup> *Ibid.*

<sup>23</sup> The RCI Response Tracker is available at <https://dpmc.govt.nz/our-programmes/national-security/royal-commission-inquiry-terrorist-attack-christchurch-masjidain-4> (accessed 7/22/22).

<sup>24</sup> Anna Leask, "Christchurch Mosque Terror Attacks: Full Coronial Hearing to Begin in May 2023, Coroner Explains Long Lead-Up." *New Zealand Herald* (29 June 2022), <https://www.nzherald.co.nz/nz/christchurch-mosque-terror-attacks-full-coronial-hearing-to-begin-in-may-2023-coroner-explains-long-lead-up/V3NQS5Y5HIQWTSZYXULFTW6NWE/> (accessed 7/22/22). See also the NZ Coronial Services website: <https://coronialservices.justice.govt.nz/masjid-attacks-coronial-process/> (accessed 7/22/22).

## I. INCIDENT DESCRIPTION

### 1. The Terrorist Attack<sup>25</sup>

At 1:40 PM on 15 March 2019, an individual carrying two guns (a military style semi-automatic rifle and a semi-automatic shotgun)<sup>26</sup> approached Masjid an-Nur in Christchurch, New Zealand and began shooting at worshippers who were entering the masjid; he then entered the masjid and began shooting indiscriminately. At 1:41 PM, an emergency 111 call reported the shooting to police. The individual, after emptying his shotgun, continued shooting with his rifle. At 1:42 PM, still shooting, the individual returned to his car to retrieve a second rifle (also a military style semi-automatic rifle) and then re-entered the masjid.<sup>27</sup>

At 1:45 PM, the individual again returned to his car, shooting worshippers as they fled the masjid. The individual then drove away, using a second shotgun<sup>28</sup> to shoot at people out the car window as he headed to the Linwood Islamic Center. At 1:46 PM, the first officers arrived to Masjid an-Nur, and by 1:51 PM police had surrounded the masjid.

At 1:52 PM, the individual arrived at the Linwood Islamic Center and ran towards the masjid with a third rifle (a lever action rifle),<sup>29</sup> firing shots at people outside the building and then through a window into the building. After about a minute, he abandoned his empty rifle and returned to his car to retrieve the second rifle, after which he went into the building and fired at people until he ran out of ammunition. He returned again to his car, firing at another worshipper, and fled the scene at 1:55 PM with police officers in pursuit. The first 111 call from the Linwood Center was received at 1:56 PM. At 1:59 PM, 4 kilometres from the Linwood Center, police forced the individual to a stop, then charged and arrested him. In total, there were 51 fatalities and an additional 40 people were injured.

<sup>25</sup> The account in this section and the next follows the Report's incident description in vol. 1, pt. 1, ch. 2, "The Terrorist Attack." Some details are from the New Zealand Police (NZP) Evidential Overview, "Operation Deans, Evidential Overview 15 March 2019": <https://coronialservices.justice.govt.nz/assets/Documents/Publications/d836S D43-Evidential-Overview-for-Christchurch-Masjid-attacks.pdf> (accessed 7/22/22). For an evaluation of the NZP response, see the Independent Review "Operation Deans, The First 48 Hours: Formal Police Debrief" (December 2020), <https://www.police.govt.nz/about-us/publication/formal-police-debrief-operation-deans-first-48-hours> (7/22/22).

<sup>26</sup> Specifically, the individual was armed with (i) a "Ruger AR-15 .223 caliber military-style semi-automatic rifle fitted with two Magpul PMag 40-round capacity magazines coupled together," and (ii) a "Mossberg 930 semi-automatic 12-gauge shotgun with a seven-shot magazine capacity and capacity for one further shell in the breech" (vol. 2, pt. 4, ch. 5.3, para. 23, p. 204). The individual attached a strobe light to the AR-15 in order to "confuse and disorient the worshippers" (vol. 1, pt. 1, ch. 2, paras. 15 & 16, pp. 42-43).

<sup>27</sup> The second rifle—the third gun used—was (iii) a "Windham Weaponry WW-15 military style semi-automatic rifle fitted with a Magpul PMag D-60 magazine containing 60 rounds of .223 caliber ammunition." See vol. 2, pt. 4, ch. 5.3, para. 23, p. 204. The individual drove to the masjid with a total of six guns in his vehicle—four rifles and two shotguns—five of which were actually used in the attack. Of these five, two (the Ruger and the Windham, *supra*) were "military style semi-automatic rifles" under New Zealand law. The individual had written words and phrases on his guns and magazines reflecting his extreme right-wing, ethno-nationalist and Islamophobic ideology (for an example of this, see vol. 2, pt. 4, ch. 6.6, para. 32, page 228, figure 12). Note that the individual did not have an 'E' endorsement on his license, which was required for possessing military style semi-automatic firearms. After legally purchasing the Ruger and the Windham, however, he was able to (illegally) convert them into military-style weapons by fitting them with large capacity magazines (vol. 2, pt. 4, ch. 5.3, paras. 11-15, pp. 199-200). He was able to do this because, at the time of the incident, there was no restriction on the purchase of magazines (*ibid*). For the Report's discussion of "military style semi-automatic firearms," including the definition in force on 15 March 2019 under the New Zealand Arms Amendment Act 1992, see vol. 2, pt. 5, ch. 2.2, paras. 4-6, pp. 252-253.

<sup>28</sup> The second shotgun—the fourth gun used—was (iv) a "Ranger 870 pump action 12-gauge shotgun with a five-shot magazine capacity" (vol. 2, pt. 4, ch. 5.3, para. 23, p. 204).

<sup>29</sup> The third rifle—the fifth gun used—was (v) an "Uberty .357 Magnum lever action rifle with a tubular magazine with capacity to hold 13 rounds of .357 Magnum ammunition (12 in the magazine and one in the breech)" (*ibid*).



Throughout the attack, the individual played anti-Islamic music and recorded the attack on his webcam, the first part of which he livestreamed on Facebook.

## 2. After the Attack

On 27 August 2020, the individual pleaded guilty and was sentenced to imprisonment for life without parole for the murder of 51 people and the attempted murder of 40 people. The individual was the first ever in New Zealand to receive a sentence of life imprisonment without parole.

Also on 27 August 2020, the individual was designated a terrorist entity under the NZ Terrorism Suppression Act 2002. He was sentenced to concurrent life imprisonment for engaging in a terrorist act. His assets were (and remain) frozen. It is a criminal offence for anyone to participate in or finance his activities.

## 3. Planning the Attack<sup>30</sup>

According to the Report, the individual methodically planned the attack for at least two years. He was extraordinarily careful to remain undetected and used virtual private networks (VPNs) for his communications, along with other measures to maintain anonymity.<sup>31</sup> Aspects of this preparation followed the advice found in the Oslo terrorist's manifesto, including the fact that shortly before the attack, the individual removed his hard drive, hid it, and destroyed the majority of the evidence of his planning and communications.<sup>32</sup>

Born and raised in Australia, the individual moved to New Zealand for the purpose of launching a violent attack there.<sup>33</sup> Within fifteen days of his arrival, he applied for and quickly obtained a firearms licence and began purchasing firearms and practicing at shooting clubs. He also worked out at the gym intensely and began taking steroids and testosterone to improve his strength. He received medical attention twice in New Zealand, first for stomach pain due to steroids and later for a firearm injury caused while cleaning his gun at home.<sup>34</sup> Closer to the attack, the individual flew a drone over Masjid an-Nur to gauge its dimensions and further plan his attack.<sup>35</sup>

The individual was financially independent, having received a large inheritance upon his father's death. He worked as a gym trainer for a few years but stopped in 2012 after an injury. He remained unemployed from that point onward.<sup>36</sup> From 2014 to 2017, he travelled to over 50 different countries.<sup>37</sup> Due to these travels and the cost of preparing his attack, the individual eventually began to run out of money and advanced the original date of his attack by several months (the attack was originally planned for August 2019).<sup>38</sup>

<sup>30</sup> Except as otherwise noted, the account in this and the next section follows the Report, vol. 2, pt. 4, chs. 5 & 6: "Preparation for the Terrorist Attack" and "Planning for the Terrorist Attack."

<sup>31</sup> Vol. 2, pt. 4, ch. 4.6, para. 45, p. 193.

<sup>32</sup> *Ibid.*, para. 27, p. 188; ch. 5.1, para. 2, p. 197; ch. 6.1, paras. 1–3, p. 214. The individual sent a secure digital (SD) card and a hard drive to his sister containing files relating to his planning, but many had been deleted.

<sup>33</sup> Vol. 2, pt. 4, ch. 1, para. 13, p. 167.

<sup>34</sup> *Ibid.*, ch. 5.4, paras. 34–41, p. 208; and ch. 5.5. See also vol. 2, pt. 6, ch. 7.4.

<sup>35</sup> *Ibid.* at ch. 6.4.

<sup>36</sup> Vol. 2, pt. 4, ch. 1, paras. 7, 9, & 10, pp. 165–66.

<sup>37</sup> See vol. 2, pt. 4, ch. 3, "World Travel: 15 April 2014 to 17 August 2017."

<sup>38</sup> Vol. 2, pt. 4, ch. 6.2, para. 5, p. 215. The Report's evidence suggests that the attack was originally planned for early to mid-August 2019, "which would have coincided with Eid al-Adha, the Muslim festival marking the end of the annual pilgrimage to Makkah (Mecca)." See also vol. 2, pt. 4, ch. 7, para. 7, p. 232.

#### **4. Before the Attack**

At 1:32 PM, just prior to the attack, the individual emailed the Prime Minister's Office and 33 other recipients, including news agencies. In his email, he took responsibility for the attack and attached a 74-page white supremacist manifesto entitled, "The Great Replacement," in which he recited anti-immigrant rhetoric and praised the perpetrator of the Oslo bombing and Utøya mass shooting. Also included was a description of his plan to attack the masjidain. At 1:40 PM, Parliament Services realized his plan and contacted New Zealand Police.

Prior to emailing his manifesto, the individual sent final messages to his mother and sister.

## II. RECOMMENDATIONS 1–18: COUNTERTERRORISM

One of the Report’s findings is that New Zealand’s counterterrorism effort was inadequate during the time leading up to the terrorist attack. This was in part due to organizational dysfunction, short staffing, and a paucity of funding, but also because there was no evidence-based process for assessing the “threat-scape” or for coordinating counterterrorism priorities. As a result, there was an “inappropriate concentration of resources on the threat of Islamist extremist terrorism”<sup>39</sup> and insufficient attention to the threat of right-wing extremism.<sup>40</sup>

In addition, the Report found that while the counterterrorism effort was rightly dispersed over multiple government agencies, there was a lack of practical and strategic coordination and leadership among these agencies, each of which was effectively setting its own priorities. The counterterrorism effort also lacked transparency: it had no public front, and there was no real mechanism or metric for evaluating performance and effectiveness and thus no mechanism of oversight and accountability. In this vein, the Report notes that in making counterterrorism assessments for government ministers and other decision-makers, the assessments should clearly indicate threats that are known to exist but that have not been evaluated for risk level due to lack of funding or other reasons.<sup>41</sup>

The Report remarks on the lack of laws in New Zealand governing the “pre-criminal space” in which “potential terrorists can plan and prepare acts of terrorism without committing criminal offences.”<sup>42</sup> Under Resolution 1373 of the United Nations Security Council, New Zealand is under an obligation to “criminalise acts of planning and preparation for terrorism.”<sup>43</sup> New Zealand’s general criminal law, however, only covers attempt and conspiracy to commit crimes, not the earlier planning and preparation for them, and the Terrorism Suppression Act 2002, with the exception of prohibitions on financing and other dealings with terrorist groups (services, recruitment, and participation), does not generally cover “the activities that are preliminary to acts of terrorism.” Additionally, the existing offences do not apply to the activities of “lone-actor terrorists” such as the individual.<sup>44</sup> (Instead, they target relational activities, which entail at least

<sup>39</sup> Vol. 1, p. 20.

<sup>40</sup> It is noteworthy that despite this bias in priorities, the New Zealand Security and Intelligence Service (NZSIS) was alerted to a Dunedin IP address that had been visiting right-wing extremist websites. The alert came to NZSIS through its affiliation with Operation Gallant Phoenix (also known as “Operation Solar”), which is “an intelligence fusion center ... [that has] evolved to provide a platform for partners to collect, monitor and process material regarding potential and existing terrorist threats and trends at home and globally.” Report, vol. 2, pt. 6, ch. 3.2, para. 4, p. 331. “The IP address (122.61.118.145) had accessed suspicious files relating to Al Qaeda propaganda and the Oslo terrorist’s manifesto between 24 August 2017 and 4 September 2017 (New Zealand time). During the same period, the IP address had accessed suspicious files relating to firearms (including Magpul parts) and tactics.” Vol. 2, pt. 6, ch. 3.3, para. 1, p. 333. Since the individual resided in Dunedin during the time of the questionable IP activity, the RCI elected to review the NZSIS investigation to see whether, in hindsight, the IP address might have belonged to him. The NZSIS investigation was not originally able to identify the holder of the IP address because its investigation began more than a year after the activity occurred, and the service provider’s records did not go back far enough. After considering the circumstantial evidence for and against the possibility that it was the individual’s IP address, the RCI states that it is “not confident either way whether it was the individual who accessed the suspicious files” but if so, the individual “almost certainly” would have done it in a way that would have prevented him from being identified. Vol. 2, pt. 6, ch. 3.5, para. 63, p. 343.

<sup>41</sup> The Report is emphatic that such threats should not be described as “remote,” since this gives the misleading impression that the threat is well understood and has been assessed as “remote” based on agency-wide agreement. Report, vol. 3, pt. 8, ch. 15.2, para. 54, p. 604. If the system does not “force or at least encourage public sector agencies to discuss their individual strategies and any residual risk they [are] carrying,” the opportunity to “identify” and make decisions about “gaps in the system” is lost. Vol. 3, pt. 8, ch. 15.2, para. 71, p. 608.

<sup>42</sup> Vol. 3, pt. 8, ch. 13.1, para. 2, p. 553.

<sup>43</sup> Vol. 3, pt. 8, ch. 13.3, paras. 9–13, pp. 554–55.

<sup>44</sup> Vol. 3, pt. 8, ch. 13.3, para. 16, p. 556.

two people.) This is especially problematic given “[t]he rise of lone-actor terrorist attacks.”<sup>45</sup> As the Report explains, terrorist methods have evolved to embrace lone actors because, among other advantages, they are harder to detect. Lone-actor terrorists commit violent acts without any outside support in the planning, preparation, and execution of their attacks, and despite being inspired by external influences, their decisions to act are “not directed by any group or other individuals.”<sup>46</sup> As the Report notes, the Islamic terrorist organization Dā’ish has actively encouraged lone-actor attacks, and there are numerous examples of right-wing lone-actor terrorism, including the individual’s attack on the Christchurch masjidain.<sup>47</sup> The Report’s legislative recommendations have these and other concerns in mind.

The RCI devoted an entire volume (Volume 3) of the Report to assessing New Zealand’s counterterrorism effort over the period of 2014–19. The following recommendations emerge from its assessment.

### **1. Designate a Minister and Agency to Lead and be Accountable for Counterterrorism**

There should be a single agency responsible for leading and overseeing the country’s counterterrorism effort and coordinating the work of participating agencies as well as the public face of the effort. This includes threat assessments, strategy formation, emergency preparedness, ensuring conformity to human rights, and performance monitoring and assessment. There should be a designated minister responsible for the counterterrorism effort and to whom this agency is accountable (Recs. 1 & 2, p. 734).

### **2. Create an Executive Board for Coordinating Activities across Public Sectors**

This interdepartmental board would, among other things: (1) align and coordinate the work, planning, and budgets across relevant public sector agencies addressing all intelligence and security issues; (2) provide reports on current and emerging risks and threats on a quarterly basis; and (3) with respect to counterterrorism, (a) recommend to Cabinet the strategy for addressing extremism and preventing, detecting, and responding to current and emerging threats of violent extremism and terrorism and (b) ensure that activities implementing the strategy are identified, coordinated, and monitored (Rec. 3, p. 734).

### **3. Develop a Counterterrorism Strategy with Community Sectors**

Develop a “public-facing” counterterrorism strategy in collaboration with communities, civil society, local government, and the private sector that defines the roles and responsibilities of each sector with respect to the four Rs (Reduction, Readiness, Response, Recovery) and sets measurable goals and priorities for preventing, detecting, and responding to threats of violent extremism and terrorism (Rec. 4, p. 736).

### **4. Promote Transparency and Accountability across All Counterterrorism Efforts**

“Amend the Public Finance Act 1989 to require the intelligence and security agencies to provide performance information that can be the subject of performance audit by the Auditor-General” (Rec. 5, p. 737).

“Strengthen the role of the Parliamentary Intelligence and Security Committee so that it can provide better and informed cross-parliamentary oversight of the national security system

<sup>45</sup> Vol. 3, pt. 8, ch. 2.3, paras. 25–29, pp. 409–10.

<sup>46</sup> *Ibid.*, para. 25, p. 409.

<sup>47</sup> Vol. 3, pt. 8, ch. 2.3, paras. 27–28, p. 410.

(including the counterterrorism effort) and priority setting, and members can access sensitive information as necessary for such oversight” (Rec. 5, p. 737).

Create an independent counterterrorism Advisory Group to provide advice to the leading counterterrorism agency. “The make-up of the Advisory Group on Counter-terrorism should include a gender balance, ethnic and religious diversity, a range of ages (youth, adults and elders) and geographical spread” (Rec. 7, pp. 738–39).

Include in the annual “threat-scape” report provided to the minister “a summary of the advice” from the independent Advisory Group and “the actions that have been taken in response to that advice” (Rec. 8, p. 739).

Improve intelligence and security information-sharing practices, including changes to the “need-to-know” principle across relevant public sector agencies, to ensure enabling rather than just restricting information-sharing. Oversee the implementation of recommendations in the 2018 “Review of the New Zealand Security Classification System,”<sup>48</sup> in particular those pertaining to (i) declassification (no information may remain classified indefinitely; adopt a topic-based approach for systematic declassification); (ii) classification levels (where there is doubt, information is classified at the lower level); (iii) training (revise and strengthen public-sector training); and (iv) function and performance indicators (develop them) (Rec. 9, 740-741).

“Amend the Intelligence and Security Act 2017 with respect to direct access agreements, to require regular reporting to the responsible minister for the counterterrorism effort on their establishment and implementation” (Rec. 10, p. 741).

Consider whether public sector agencies have “an appropriate number of employees that have security clearance and ... access to facilities and information management and technology systems” for reviewing relevant material (Rec. 11, p. 741)

Legislate the publication of: (i) the security and intelligence priorities of each parliamentary cycle; and (ii) the annual “threat-scape” report. Also require the committee receiving these submissions to consider them (Rec. 17, p. 745).

### **5. Engage the Public in Counterterrorism Efforts**

“Develop and promote an accessible reporting system that enables members of the public to easily and safely report concerning behaviours or incidents to a single contact point within government” (Rec. 12, p. 742).

“Develop and publish indicators and risk factors that illustrate for the public specific behaviours that may demonstrate a person’s potential for engaging in violent extremism and terrorism and update them regularly as the threatscape evolves” (Rec. 13, p. 742).

“Improve public understanding of extremism and preventing, detecting and responding to current and emerging threats of violent extremism and terrorism in New Zealand ... including ongoing public discussions on:

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<sup>48</sup> C Gwyn. 2018. “A Review of the New Zealand Security Classification System: Report.” Office of the Inspector-General of Intelligence and Security (August 2018), <https://igis.govt.nz/assets/Uploads/Classification-Review-Report.pdf> (accessed 7/22/22).

- a) the nature of New Zealand's counter-terrorism effort, including current risks and threats and how public sector agencies protect New Zealanders from the threat and risk of terrorism;
- b) who is involved in the counter-terrorism effort and their roles, recognising that communities, civil society, local government and the private sector are all part of the counter-terrorism effort, including, but not limited to, being important sources of information;
- c) the need to strike the balance between the privacy of individuals and the safety of individuals and communities and to understand the social licence for public sector agencies to engage in counter-terrorism and countering violent extremism activities;
- d) supporting the public to understand how to respond when they recognise the concerning behaviours and incidents that may demonstrate a person's potential for engaging in violent extremism and terrorism; and
- e) how social cohesion, social inclusion and diversity contribute to an effective society" (Rec. 15, p. 745).

Host an annual hui [meeting], to "bring together relevant central and local government agencies, communities, civil society, the private sector and researchers ... to create opportunities to build relationships and share understanding of countering violent extremism and terrorism" (Rec. 16, p. 745).

#### **6. Fund Research on Violent Extremism and Terrorism**

"Fund independent, New Zealand-specific research on the causes of, and measures to prevent, violent extremism and terrorism" (p. 744), with research priorities and grant recipients selected by a panel comprising officials from the new national intelligence and security agency and representatives from the Advisory Group on counterterrorism, with Advisory Group representatives forming the majority of the selection panel (Rec. 14, p. 744).

#### **7. Update Counterterrorism Legislation and Consider the Establishment of Precursor Terrorism Offences**

Review all legislation related to the counterterrorism to ensure it is current and facilitates public sector agency activity. In addition, (i) consider creating precursor terrorism offences in the Terrorism Suppression Act; (ii) attend to the urgent review of the effect of section 19 of the Intelligence and Security Act on target discovery (s. 19 protects freedom of expression); and (iii) accede to and implement the Budapest Convention (on cybercrime) (Rec. 18, p. 747).

### III. RECOMMENDATIONS 19–24: FIREARMS LICENSING

As the Report notes, New Zealanders do not have a constitutional right to possess firearms,<sup>49</sup> and the use of firearms has long been controlled in New Zealand. With the Arms Act 1983, the focus of firearms control changed from a system that merely required registration of firearms to one that instead focused on the suitability of individuals to possess firearms of different kinds (with no firearms registry). The basic licensing system granted licences to those deemed “fit and proper” to possess and use firearms, with more dangerous firearms requiring further authorization in the form of endorsements.<sup>50</sup>

The Royal Commission’s terms of reference specifically precluded recommendations regarding “amendments to firearms legislation,” and so its recommendations are limited to the firearms licensing process and the manuals guiding that process. The Report does note, however, that the NZ firearms legislation contained a significant loophole that effectively allowed the use of “military-style” semi-automatic firearms without the required “E” endorsement. This was because some semi-automatic firearms permitted by a basic firearms licence could be easily converted into military-style semi-automatic firearms with the simple addition of large-capacity magazines. At the time of the mass casualty, any New Zealander could purchase ammunition, including large-capacity magazines, without a licence or permit. The result, as mentioned, was that anyone with a basic firearms licence could effectively (albeit not legally) own and operate military-style semi-automatic firearms without the legislatively required “E” endorsement. Such was the case for the individual. The Report further remarks that this gap in the licensing system had been noted twenty years prior in a 1997 review of firearms control in New Zealand by Sir Thomas Thorp.<sup>51</sup>

Despite having arrived only very recently in New Zealand and having no family and few connections there, the individual was able to obtain a firearms licence. The Report identifies several problems with the process through which the individual’s licence was granted, and the recommendations are aimed at addressing these problems.

#### 1. Maintain Clear and Updated Licensing Manuals, Training, and Processes

The Commission found that the licensing process in general was designed for long-term New Zealanders and lacked provisions and guidance for dealing with newcomers.<sup>52</sup> There was no requirement, for example, that newcomers provide a criminal record check from other countries where they resided for significant periods. Similarly, the referee process required that all referees be interviewed in person, and this precluded interviews with family members abroad who might have input as to the suitability of the applicant (Rec. 23, p. 749). In addition, the two licensing guidance manuals<sup>53</sup> did not make sufficiently clear that the purpose of referees was to discover

<sup>49</sup> Vol. 2, pt. 5, ch. 1 (Intro), para. 2, p. 249.

<sup>50</sup> *Ibid.*, para. 3.

<sup>51</sup> Vol. 2, pt. 5, chs. 2.1–2.5, pp. 253–55; ch. 4.10, paras. 38–39, p. 283; ch. 4.10, paras. 46–47, p. 285. The 1997 review of firearms control resulted in the “Thorp Report,” which is available at <https://www.police.govt.nz/about-us/publication/review-firearms-control-new-zealand-june-1997> (accessed 7/22/22).

<sup>52</sup> Vol. 2, pt. 5, ch. 4.8, p. 279.

<sup>53</sup> The two guidance manuals, “Master Vetting Guide” and the “Firearms Licence Vetting Guide,” can be found as they existed at the time at <https://www.police.govt.nz/about-us/publication/proactive-release-papers-considered-part-royal-commission-terrorist-attacks>. As of July 2022, changes to the guides and manuals are underway but not yet complete. See Response Tracker, Rec. 18. Note that New Zealand recently introduced changes to its regulations under the Arms Act 1983. These changes include, among other things, stricter controls for applicants who have spent significant time outside New Zealand. These changes came into force in February 2022. See Arms Amendment Regulations 2021, <https://www.legislation.govt.nz/regulation/public/2021/0434/latest/LMS618507.html> (7/22/22). The Arms Act itself was amended in June 2020, with a delayed schedule for some of the changes, including the introduction of a firearms

the reasons why the applicant might *not* be fit and proper (rather than to confirm that they are), and there was inadequate training and guidance to prepare interviewers to ask the kinds of questions required to obtain this information and ensure that the referee had adequate familiarity with the applicant (Rec. 19, p. 749). The process itself was also outdated, still running on paper, and needed to be digitized (Recs. 20 & 21, p. 749). In general, the procedures and operating standards were not sufficiently clear and detailed to be consistent with the legislation (Rec. 19, p. 759).

## **2. Develop and Apply Performance Indicators to Ensure Public Confidence**

The Report found that the lack of adequately clear guidance in the firearms licensing manuals led to inconsistent interpretations and performance between different licensing units and between officers within a given unit. This led to lack of public confidence in the licensing system, which some viewed as no more than a “rubber stamp” and others described as slow and overly rigorous. The Report recommends developing performance indicators to be applied across all departments and to gauge public opinion as part of regular system reviews (Rec. 22, p. 749).

## **3. Require Health Care Providers to Report Firearm Injuries to the New Zealand Police**

The individual had presented to the emergency room after being injured by a small explosion that occurred when he was attempting to clean one of his firearms. Had this incident been reported, a follow-up safety inspection might have prompted a deeper probe into his activities (Rec. 24, p. 749).

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registry by 2023. See NZP, “New firearms laws and what they mean”, <https://www.police.govt.nz/advice-services/firearms-safety/new-s-regulations/new-firearms-law-s-and-what-they-mean> (7/22/22).



#### IV. RECOMMENDATIONS 25–27: RECOVERY

The Report states that “some affected whānau [family], survivors, and witnesses will need ongoing wellbeing support for years to come....The government must not shy away from delivering support on an ongoing basis in an effective, efficient and culturally appropriate manner” (p. 750). Trying to navigate uncoordinated public support services imposed significant strain on those affected by the terrorist attack. The Report’s recommendations outlined below aim to ease this burden and ensure long-term support for those who need it.<sup>54</sup>

##### **1. Give Survivors and Families a Single Point of Contact or Navigator**

“[Assign] each whānau, survivor or witness a continuing single point of contact who will navigate all required Public sector support on their behalf” (Rec. 25, p. 751).

##### **2. Improve Coordination among Public-Sector Support Systems**

The Report envisions “a long-term role for navigators to work with affected whānau, survivors, and witnesses to coordinate public sector support and help to reduce the complexities of dealing with multiple agencies” (p. 751). It also recommends that survivors and families themselves be actively involved in defining solutions that will work for them (Rec. 26, p. 751).

##### **3. Enable Survivors and Families to Define and Design Their Own Recovery**

The Report recommends that state agencies and social service workers “discuss with affected whānau, survivors and witnesses of the 15 March 2019 terrorist attack what, if any, restorative justice processes might be desired and how such processes might be designed and resourced” (Rec. 27, p. 751).

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<sup>54</sup> The Report’s recovery recommendations are based on “the impact of the terrorist attack on affected whānau, survivors and witnesses,” a topic that is discussed in vol. 1, pt. 3, ch. 3, pp. 127–33.

## V. RECOMMENDATIONS 28–42: SOCIAL COHESION

The Report offers a serious and informative discussion on the meaning of social cohesion in an increasingly diverse society such as New Zealand and on the complexities involved in fostering, maintaining, and protecting this cohesion. It also stresses the importance of social cohesion for protecting communities against acts of violence. In defining social cohesion, the Report highlights how it can mean different things to different peoples. For Māori people, it means “a collective sense of identity and belonging (as Māori) which is respected by the broader society as a whole ... and the ability to live as Māori and Māori determining the many facets of what being Māori means.”<sup>55</sup>

The Report notes that at least one quarter of New Zealand’s population is born abroad. New Zealand is “superdiverse,” meaning that it has had a “substantial increase in the diversity of ethnic, minority, and immigrant groups”<sup>56</sup> and is projected to continue this way for the next twenty years. Superdiversity offers opportunities for economic and social growth but also poses challenges: “Superdiversity challenges the assumptions of a shared civic culture and citizenship.”<sup>57</sup> If not managed properly, it can strain social cohesion and fragment society. Public policy and initiatives are critical in this regard, and the Report explains the importance of fostering meaningful community engagement (beyond public consultation) in developing these policies.<sup>58</sup>

The Report reviews existing government diversity initiatives and remarks on the need for an overarching strategy across the public sector that focuses on building capacity within ethnic and religious communities by “promoting the ability of communities to develop, implement, and sustain their own solutions to problems that affect them. The objective of community capacity is empowering communities rather than achieving policy goals.”<sup>59</sup> The Report’s recommendations focus on building community capacity and on increasing general awareness in New Zealand of the inherent value and instrumental benefits of a strongly diverse society.

### 1. Institute Coherent Government Leadership on Social Cohesion

“There is a need for a purposeful and overarching strategy that can define what the government is trying to achieve, identify what actions are being taken and areas for improvement” (p. 754). This strategy must be developed in a socially cohesive manner, i.e., through “the voices of communities, civil society, local government, and the private sector,” which “begins by promoting “a national dialogue on social cohesion” (p. 754). A minister must be given responsibility and accountability for coordinating a “whole of government” approach (Recs. 28 & 29, p. 754). With respect to ethnic communities in particular, there needs to be an agency to advise the government about ethnic community priorities and well-being, along with a framework for evaluating the effectiveness of the government response that is supported by data collection, performance indicators and monitoring (Rec. 30, p. 756).

### 2. Develop Appropriate Measures of Social Cohesion and Social Inclusion

The Report gives the example of the New Zealand Treasury’s “Living Standards Framework (LSF),”<sup>60</sup> a framework inaugurated in 2018 for analyzing, in a “systematic and evidenced way,”

<sup>55</sup> Vol. 4, pt. 9, ch. 1.2, para. 9.

<sup>56</sup> *Ibid.*, ch. 1.1, para. 1.

<sup>57</sup> *Ibid.*, ch. 1.5, para. 24.

<sup>58</sup> *Ibid.*, ch. 1.4, paras. 18–22.

<sup>59</sup> *Ibid.*, ch. 2.5, para. 53.

<sup>60</sup> *Ibid.*, ch. 2.7, paras. 58–60.

the impact of policy on wellbeing in New Zealand.<sup>61</sup> The framework measures the “drivers of wellbeing” along the following three dimensions, each of which is further parsed into discrete variables: (i) individual and collective wellbeing, (ii) the strength of institutions and governance, and (iii) wealth. The concept of “wealth”, in particular, encompasses not only financial and physical factors, but also “human capability, social cohesion and the natural environment.”<sup>62</sup> At the time of the Report, the LSF was the only system-level monitoring framework for social cohesion in New Zealand, and it was too early to gauge its effectiveness.<sup>63</sup> According to the Report, whatever measure might be chosen, the collection of data on ethnic and religious demographics should be a priority “in order to support analysis and advice on the implications of New Zealand’s rapidly changing society” (Recs. 31 & 32, p. 757).

### 3. Increase the Diversity of the Public Service Workforce

Regarding diversity and the public service sector, the Report states:

Overall the New Zealand Public service is diversifying and this must continue to be a priority for all public sector agencies. As at June 2019, the demographics of the total public service largely reflected those of the New Zealand population. *However, the position is different in respect of public sector chief executives and those in senior leadership positions (first, second, and third tiers) and public sector agencies involved in the counter-terrorism effort, where workforce diversity figures are low.* This should be a continuing focus for the Public Service Commissioner and the chief executives of the public sector agencies involved in the counter-terrorism effort. The Advisory Group on Counter-terrorism would be well placed to provide advice and assistance to the chief executives.<sup>64</sup> (Rec. 33, p. 759)

The Report notes that New Zealand’s public sector diversity and inclusion work program<sup>65</sup> is “a worthwhile venture that must continue to drive improving the public sector’s workforce diversity. There are now mandatory requirements for public sector agencies to plan and report on diversity, including the five *Papa Pounamu* workforce diversity priority commitments” (p. 758). These commitments should be reported on annually, monitoring progress and identifying gaps across the public sector. Special priority must be given to the counterterrorism sector (Rec. 35, p. 759). Generally, a more focused effort is required to increase diversity in leadership roles (Recs. 34 & 35).

### 4. Community Engagement in Governmental Decision-Making

In its discussion of community engagement, the Report draws upon the work of the International Association for Public Participation (IAP2), in particular the IAP2 Public Participation Spectrum, which seeks to identify levels community engagement in public planning and decision-making along a spectrum that ranges from “minor impact” to “significant impact.”<sup>66</sup> The IAP2 participation spectrum is based, among other things, on “the belief that those who are affected by a decision have a right to be involved in the decision-making process” and it aims to “promote sustainable

<sup>61</sup> See NZ Treasury, “Our Living Standards Framework” (2021), <https://www.treasury.govt.nz/information-and-services/nz-economy/higher-living-standards/our-living-standards-framework> (accessed 7/22/22).

<sup>62</sup> *Ibid.*

<sup>63</sup> Vol. 4, pt. 9, ch. 2.7, para. 59.

<sup>64</sup> Vol. 4, pt. 10, ch. 5, para. 19, p. 758 (emphasis added).

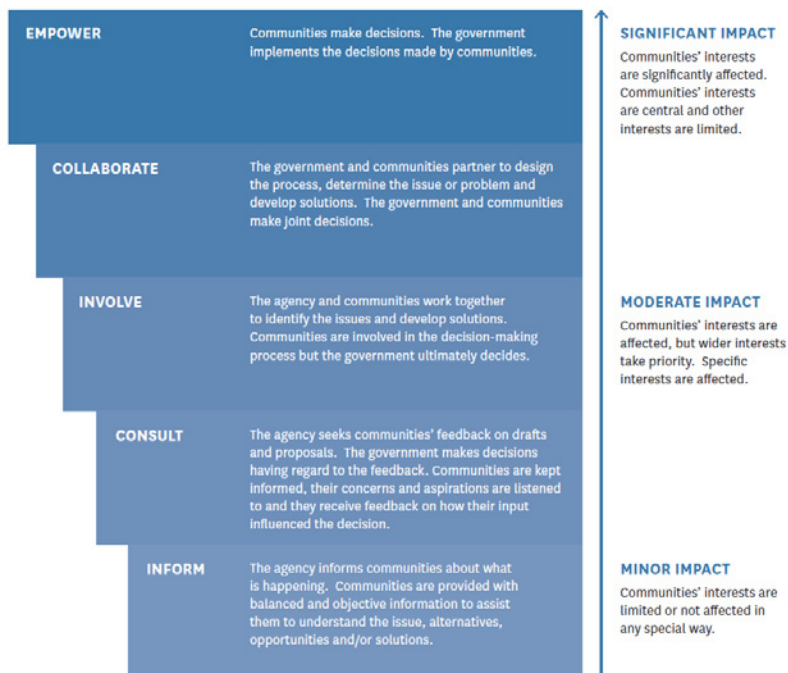
<sup>65</sup> This program, *Papa Pounamu*, is outlined in the Report at pt. 9, ch. 3. *Papa pounamu* is a Māori term meaning “valued treasure”.

<sup>66</sup> For more information on the IAP2 participation spectrum, see: <https://www.iap2.org/page/pillars> (accessed 7/22/22). For more on the International Association for Public Participation (IAP)/Association internationale pour la participation publique (AIP), see <https://www.iap2.org/mpage/Home> (accessed 7/22/22). IAP2/AIP2 has a Canadian presence and offers training in Canada, see <https://iap2canada.ca/ourboard> (accessed 7/22/22).

decisions by recognising and communicating the needs and interests of all participants, including decision-makers.”<sup>67</sup>

Figure 48 of the Report, reproduced below, is based on the IAP2 Spectrum and depicts five levels of community engagement (p. 658):

Figure 48: Levels of community engagement



The Report recommends that government agencies aim for “involve” and “collaborate” levels of community engagement, thus reaching “moderate” to “significant” levels of impact.

Require all public sector community engagement to be in accordance with New Zealand's Open Government Partnership commitments and in particular: a) require agencies to be clear about the degree of influence that community engagement has on associated decision-making by indicating to communities where the engagement sits on the International Association for Public Participation (IAP2) Public Participation Spectrum; and b) encourage agencies to undertake more ‘involve’ and ‘collaborate’ levels of engagement in accordance with the IAP2 Public Participation Spectrum (Rec. 38, p. 761).

<sup>67</sup> Vol. 4, pt. 9, ch. 1.4, para. 20.

## 6. Invest in Diversity Education and Facilitate Public Discussion on Diversity

The Report emphasizes the importance of youth education as a means of fostering understanding of diversity and empowering youth with the practical skills and approaches needed to participate in a diverse society. “As New Zealand looks ahead there is an opportunity to build and enhance our social infrastructure and resilience in the same way that physical infrastructure is being invested in.”<sup>68</sup> The Report recommends investing in educational opportunities “for young New Zealanders to learn about their role, rights and responsibilities and on the value of ethnic and religious diversity, inclusivity, conflict resolution, civic literacy and self-regulation”<sup>69</sup> (Rec. 36, p. 760).

Given that enduring change takes time and investment, the Report also recommends that political and government leaders support ongoing and transparent public conversations about embracing diversity, making sure to include all communities and provide all relevant information to participants. These public conversations should “[c]reate opportunities ...for all New Zealanders to share knowledge and improve their understanding of: a) social cohesion, including social inclusion, and the collective effort required to achieve these; and b) the value that ethnic and religious diversity can contribute to a well-functioning society”<sup>70</sup> (Rec. 37, p. 760).

## 7. Introduce Hate-Motivated and Hate Speech Offences<sup>71</sup>

The Report notes that “there are no specific hate crime offences in New Zealand,” meaning there are no crimes that include hate-motivation as an element of the offence.<sup>72</sup> Instead, the hate-motivation for a crime is taken into account at the level of sentencing. The Report finds this approach inadequate in that it fails to “capture the full blameworthiness (culpability) of the offenders” and it limits “the signalling effect of prosecution and conviction.” It also obscures the rehabilitative needs of the offender.<sup>73</sup> The Report recommends amending legislation to include hate-motivated offences that correspond to existing summary and criminal offences but that include hate motivation as an element (Rec. 39, p. 762).

More complicated is the regulation of hate speech, which the Report refers to as “speech that expresses hostility towards or contempt for people who share a characteristic.”<sup>74</sup> The Report stresses the need to protect freedom of speech while also protecting racial and religious groups against victimization and respecting New Zealand’s obligations under international law.<sup>75</sup> To underscore the importance of regulating hate speech, the Report cites research linking hate speech and hate crime.<sup>76</sup> It then assesses each of the five New Zealand statutes dealing with

<sup>68</sup> Vol. 4, pt. 10, ch. 5.3, para. 25, p. 759.

<sup>69</sup> *Ibid.*

<sup>70</sup> Vol. 4, pt. 10, ch. 5.4, para. 26, p. 760.

<sup>71</sup> A more extensive discussion of the Royal Commission’s investigation and consideration of hate-related offenses in New Zealand appears in the companion paper “Hate Speech- and Hate Crime-Related Legislation” (26 November 2020), <https://christchurchattack.royalcommission.nz/publications/comp/introduction/> (accessed 7/22/22).

<sup>72</sup> The Report characterizes a hate crime in everyday language as “an offence that is motivated by the offender’s hostility to the victim as a member of a group that has a common characteristic, such as race, religion or sexual orientation,” and it provides the example of “an assault against a person wearing religious attire that was motivated by the offender’s hostility towards the associated religion.” In the case of hate crimes, the conduct in question is already illegal, and the hateful motivation is taken into account at sentencing or as an element of a more specific offence. Vol. 4, pt. 9, chs. 4.1–4.2, paras. 3 & 16, pp. 700 & 703.

<sup>73</sup> Vol. 4, pt. 9, ch. 4.2, paras. 20–21, p. 703.

<sup>74</sup> *Ibid.*, ch. 4.1, para. 4, p. 700.

<sup>75</sup> *Ibid.*, paras. 5–8, pp. 700–1.

<sup>76</sup> Vol. 4, pt. 9, ch. 4.1, paras. 13–14, p. 702. The Report cites the following sources: J Berentson-Shaw & M Elliott, “InternetNZ Online Hate and Offline Harm,” (8 May 2019), <https://www.theworkshop.org.nz/publications/online-hate-and-offline-harm-2019> (accessed 7/22/22); and ML Williams, P Burnap, A Javed, H Liu, & S Ozalp, “Hate in the

hate speech, making suggestions for improvement. In particular, the Report finds that the broadest and most central New Zealand hate speech provisions—sections 61 and 131(a) of the Human Rights Act (HRA) 1993, which establish civil and criminal liability, respectively—are ineffective and impracticable.<sup>77</sup> The Report recommends repealing section 131 of the HRA and adding a hate speech offence to the Crimes Act 1961 instead, which would target speech that implicitly or explicitly “calls for violence against or is otherwise threatening, abusive, or insulting” to groups with protected characteristics, including religious affiliation (Rec. 40, p. 763). The Report also recommends changing the definition of “objectionable” in section 3 of the Films, Videos, and Publications Classification Act (FVPC) 1993 to include “racial superiority, racial hatred and racial discrimination” (Rec. 41, p. 763).<sup>78</sup>

Finally, given the importance of meaningful data on hate-motivated offences and behaviour<sup>79</sup> and of having officers competent to identify hate-motivations, the Report recommends changes to New Zealand Police practice with regards to recording hate-motivations for offences, as well as improved training to help officers recognize bias indicators and report victim and witness perceptions of hate-motivation (Rec. 42, p. 764).

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Machine: Anti-Black and Anti-Muslim Social Media Posts as Predictors of Offline Racially and Religiously Aggravated Crime” *British Journal of Criminology* 60(1): 93–117.

<sup>77</sup> Vol. 4, pt. 9, ch. 4.3, paras. 31–34, pp. 706–7.

<sup>78</sup> The Report recommends this change in light of its proposed repeal of s. 131 of the HRA and in order to meet New Zealand’s obligations under Article 4(a) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 1966. Note that section 3 of the FVPC includes a requirement that “the publication is likely to be injurious to the public good.” Vol. 4, pt. 9, ch. 4.4, paras. 65–69, pp. 713–14.

<sup>79</sup> The Report remarks that “[m]ore systematic and complete recording of hate motivations for offending would likely enhance community trust in New Zealand Police and, in this way, increase reporting rates.” Vol. 4, pt. 9, ch. 4.5, para. 75, p. 715.

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# **International Scan: Norway**

## ***Summary and Analysis of the Recommendations in response to the Oslo and Utøya Mass Casualty 22 July 2011***

**As found in the 2012 Norway Public Investigations Review  
“Report from the 22 July Commission: Preliminary English Version of Select  
Chapters”**

**Prepared by: Research & Policy Team  
October 2022**



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## INTRODUCTION

The mass casualty of 22 July 2011 in Oslo and on Utøya Island has had lasting impact as “the most shocking and incomprehensible acts ever experienced in Norway.”<sup>1</sup> 77 people were killed, and many more were seriously injured, all as the result of the acts of a lone perpetrator. The trauma of that day and its aftermath continues to affect survivors, families and friends of victims, first responders, and even those who were less directly connected to the events.<sup>2</sup> The perpetrator’s high-profile, hate-based political terrorism, expressed in his manifesto, has also been cited as inspiration for other extremist acts internationally,<sup>3</sup> including the 2019 Christchurch, New Zealand shootings.<sup>4</sup>

Subsequent to the events, Norway Public Investigations (NOU) was tasked with investigating what occurred and why it occurred. The NOU’s results were published on 13 August 2012, in a report entitled, “Rapport fra 22.juli-kommisjonen [Report from the 22 July Commission]”.<sup>5</sup> This summary is based on the English version of that report,<sup>6</sup> which is significantly limited in scope: of the 481-page, six-part original report, only four pages from Part I and eleven pages from Part VI of the original report have been translated. As such, the present summary necessarily contains a degree of conjecture. The Norway Commission’s most important finding, however, is clear: The events of 22 July 2011 could have been prevented, and the reason they were not prevented relates largely to problems of attitude, culture, and leadership in the Norwegian police and in the Government departments responsible for keeping Norwegians safe. To reconstruct the reasoning behind this conclusion about attitudes, culture, and leadership, we can begin with the Commission’s five central findings:

- The attack on the Government Complex on 22 July could have been prevented through effective implementation of already adopted security measures.
- The authorities’ ability to protect the people on Utøya Island failed. A more rapid police operation was a realistic possibility. The perpetrator could have been stopped earlier on 22 July.
- More security and emergency preparedness measures to impede new attacks and mitigate the adverse effects should have been implemented on 22 July.

<sup>1</sup> The Report, *infra*, p. 8.

<sup>2</sup> See G. Dyb, K. Glad, I. Lingaas, S. Stensland, “Survivors and the Aftermath of the Terrorist Attack on Utøya Island, Norway”, *Expert Report prepared for The Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty* (April 2022), Parts VIII and IX: <https://masscasualtycommission.ca/documents/commissioned-reports/#survivors-and-the-aftermath-of-the-terrorist-attack-on-ut%C3%B8ya-island-norway> (accessed 7/22/22).

<sup>3</sup> See J.M. Berger, “The Dangerous Spread of Extremist Manifestos” *Atlantic* (25 February 2019): <https://www.theatlantic.com/ideas/archive/2019/02/christopher-hasson-was-inspired-breivik-manifesto/583567/> (7/22/22). This article was written less than one month before the Christchurch attack.

<sup>4</sup> The Christchurch shootings were committed by an anti-Islamic right-wing extremist who admitted to having been inspired by the Oslo/Utøya events, and who wrote a similar manifesto and also sent it to Parliament prior to carrying out the attacks.

<sup>5</sup> The original report, in Norwegian, is available on the Government of Norway website, <https://www.regjeringen.no/no/dokumenter/nou-2012-14/id697260/> (accessed 7/22/22).

<sup>6</sup> Norway Public Investigations (NOU), “Report from the 22 July Commission: Preliminary English Version of Selected Chapters”, Oslo, 13 August 2012, (“the Report”), [https://www.regjeringen.no/contentassets/bb3dc76229c64735b4f6eb4dbfcdbfe8/en-gb/pdfs/nou2012\\_14\\_eng.pdf](https://www.regjeringen.no/contentassets/bb3dc76229c64735b4f6eb4dbfcdbfe8/en-gb/pdfs/nou2012_14_eng.pdf) (accessed 7/22/22). Unless otherwise noted, all citations are to the Preliminary English Version of the NOU report (“the Report”). Citations are to page numbers. Citations to the recommendations, all of which are sequentially listed on pages 24-27 of the Report, do not include page numbers. “Rec. 23”, for example, is a citation to recommendation 23, which appears on p. 26 of the Report.

- The health and rescue services managed to take care of the injured people and next-of-kin during the acute phase in a satisfactory manner.
- The Government's communication with the general public was good. The ministries managed to continue their work despite the devastation.
- With better ways of working and a broader focus, the Police Security Service could have become aware of the perpetrator prior to 22 July. Notwithstanding, the Commission has no grounds for contending that the Police Security Service could and should have averted the attacks (p. 11; restated p. 13).

The Commission did not come lightly to its determination that the events of 22 July 2011 could have been prevented: it was made with full understanding of the complexity of the events and with awareness of the need to see past the veil of hindsight (p. 8–10). According to the Report, prior to the investigations that led to its findings, the Commission had initially assumed that the answer to how and why the events occurred would lie in the realm of competing democratic values and the balance that had been struck in Norway between, e.g., public safety, privacy, transparency, and freedom. The Commission's work would thus revolve around whether and how to redraw the lines between these values, with the understanding that in a democratic society, "[w]e have to live with a certain level of risk" (p. 14).

Notably, however, the Commission discovered that in many instances, the hard democratic choices (e.g., to restrict freedoms in favour of public safety) had already been made, and the problem lay instead with implementation. For example, in relation to the Oslo bombing, "[t]he government *had* already made a choice between the values [of] security and transparency when it was decided [in 2004] that the H-block was to be secured against car bombs at the same time as the general public was still to have access by foot" (p. 14). The problem, rather, was that seven years on, still no action had been taken to implement this decision, and so "it was [still] possible to detonate a car bomb close to the entrance of the H-Block" (p. 18). In particular, the Government Security Council, which made the 2004 decision, had put no structures or routines in place "to ensure that the project was implemented with the intended speed and quality," and "no adequate and relevant provisional measures" had been implemented either" (p. 18).

In seeking to understand why this failure of implementation and other significant failures occurred, the Commission encountered explanations that stemmed more from problems of attitude, culture, and leadership than from anything else. As the Report states, such failures were "to a greater extent applicable to leadership, interaction, culture, and attitudes than to a lack of resources, a need for new legislation, organization, or important value choices" (p. 12). In particular, the Commission identified five key factors relating to attitude, culture, and leadership that were driving organizational dysfunction:

- The ability to acknowledge risk and learn from exercises has not been sufficient.
- The ability to implement decisions that have been made, and to use the plans that have been developed, has been ineffectual.
- The ability to coordinate and interact has been deficient.
- The potential inherent in information and communications technology has not been exploited well enough.
- Leadership's willingness and ability to clarify responsibility, set goals and adopt measures to achieve results have been insufficient (p. 11).

Thus the Report's first and "most important" recommendation is that "leaders at all levels of the administration work systematically to strengthen their own and their organisations' fundamental

attitudes and culture in respect of "(i) the acknowledgement of risk, (ii) implementation capacity, (iii) interaction, (iv) ICT utilisation, and (v) result-oriented leadership" (Rec. 1, p. 24 [numeration added]).

The Report's remaining 30 recommendations all relate to these five concerns and are divided according to whether they apply "at the National level" or to a specific agency or department, i.e., to the police, the Armed forces, the public health services, the rescue agencies as a whole (police, fire, ambulance), or to the security and intelligence services. The Report also makes three recommendations regarding legislation – specifically, firearms and ammunition control and a terrorism-related offence.

This summary discusses the Report's recommendations and the context that gives rise to them. In order to highlight the connection to the five problem areas regarding "attitudes, culture and leadership" that are identified in the Report (p. 11; restated pp. 14-15; reiterated p. 24), we structure the presentation of the recommendations in terms of those five areas. For each area, we also include contextual examples provided by the Report that help to explain the associated recommendations.

## I. INCIDENT DESCRIPTION<sup>7</sup>

### A. The Oslo Government District Attack

On Friday, 22 July 2011, an individual emailed a Manifesto of over 1500 pages to a number of recipients addressed as “Western Europe patriots.” He intended this document to create “a foundation for the development of a revolutionary right in Europe.”<sup>8</sup> Later that day, around 3 PM, the same individual, a 32-year-old man,<sup>9</sup> drove to the Oslo Government District, where he parked “a small rental truck carrying some 950 kilos (2,090 pounds) of explosives at the foot of the prime minister’s seventeen-story office building,”<sup>10</sup> known as the H-block building, which also housed the Ministry of Justice. At 3:15 PM, the individual exited the truck, lit a fuse, and walked briskly to his car, leaving the Government Complex area at 3:18 PM. He was armed (with a pistol) and wearing a fake police uniform, a bulletproof vest, and a helmet with a face shield. The bomb exploded seven minutes later, at 3:25 PM. The explosion killed eight people, injured many, and caused a fire as well as extensive structural damage to the targeted building and other buildings nearby, especially those within 100 metres.<sup>11</sup>

Just before the explosion, a witness saw an armed man in a police uniform and helmet walk away from the Government Complex and get into a vehicle, then drive away. The witness thought it was strange and decided to take down the license plate number. After the bomb exploded, the witness immediately called the police to report the information. The clerk who received the call noticed that the suspect description matched that of a previous caller who had reported seeing a uniformed officer leave a parked van at the H-block entrance and walk away. The clerk, realizing that this information was pertinent, wrote it all down and went directly up to the desk of the operations manager to deliver the message, including the vehicle’s license plate number. The operations manager was busy, however, and so the clerk, after indicating to the manager that the message was important, left it on the operation manager’s desk. From there the message was mishandled, and by the time the police issued an announcement to district police with the description and license plate number two hours later, the individual had already arrived on Utøya Island and begun the attacks.<sup>12</sup>

The description of the suspect and car might have allowed the police to intercept the suspect on his way to the Utøya Island ferry if it had been properly handled, but this critical information was lost in the chaos ...<sup>13</sup>

<sup>7</sup> The abbreviated English version of the Report does not contain a translation of the description of the Oslo and Utøya attacks or of the critical incident response. This description relies instead on the account of those events provided in the 24 August 2012 judgment of the Oslo District Court (“District Court”), <https://lovdata.no/static/file/1282/tosio-2011-188627-24-eng.pdf>, with supplementation from other sources as noted. The timeline, in particular, is culled from several different sources, as will be noted, but is based primarily on the Norwegian Broadcasting Corporation (NRK) article, “Breivik Prepared Terror for Nine Years” (23 July 2011), <https://www.nrk.no/norge/breivik-forberedte-terror-i-ni-ar-1.7724894>.

<sup>8</sup> District Court, 29.

<sup>9</sup> Hereinafter the perpetrator, Anders Behring Breivik, is referred to as “the individual”.

<sup>10</sup> Agence France-Presse (AFP), “Inquiry Faults Red Tape, Slow Police Response in Oslo Attacks.” *France24* (13 August 2012), <https://www.france24.com/en/20120813-inquiry-faults-red-tape-security-slow-police-response-oslo-attacks-anders-breivik-utoeya-norway>.

<sup>11</sup> District Court, 25.

<sup>12</sup> See “Note with Tips of Breivik was left Lying for 20 minutes” *NRK News* (13 August 2012), <https://www.nrk.no/osloogviken/flere-svakheter-hos-oslo-politiet-1.8279656> (accessed 7/22/22) [Google translation]. See also,

<sup>13</sup> M. Wood, “Lessons from the Norway Terror Attack.” *Police1* online article (22 July 2020), <https://www.police1.com/mass-casualty/articles/lessons-from-the-norway-terror-attack-yqrvvku9N0q8qdYT/> (accessed 7/22/22). See also B. Koranyi, “Norway Could Have Prevented Breivik Massacre, Says Commission.”

According to the District Court judgment, when the individual drove away,

... he heard on the car radio that four persons had died and that the H-block had not collapsed. He thought then that the explosion had been a failure, and he decided to go through with part II of the planned terrorist attack: to kill everybody attending the Norwegian Labour Youth (AUF) summer camp at Utøya. The defendant had checked AUF's website, and he knew that Gro Harlem Brundtland was going to visit Utøya on 22 July 2011.<sup>14</sup>

As the individual embarked on the 40-minute drive to Utøya Island, police responded to the first reports of the Oslo explosion, arriving at the scene at 3:28 PM. From this point, until the first report of the Utøya shooting was received at 5:30 PM, the Oslo police did not consider the possibility that the perpetrator might go on to commit an attack elsewhere.<sup>15</sup>

### **B. The Utøya Island Attack**

Utøya is a small island in Tyrifjorden Lake, northwest of Oslo, and is the site of an annual Workers Youth League (AUF) summer camp. On 22 July 2011, there were 564 people on the island, most of them connected to the camp and many of them aged 14 to 18. At about 4:55 PM, the individual arrived at the Utøya pier on the mainland side. The individual stopped his car by the road to remove his bulletproof vest and put on a combat vest with ammunition. He still wore a fake police uniform, including a fake ID, which hung around his neck. The individual drove to the ferry landing and parked his car. He then spoke to the security guard, who was also a camp participant. The individual introduced himself as a police officer, stating that he had come to secure the island in the wake of the terrorist attack in Oslo. The security guard noticed nothing unusual about the individual.<sup>16</sup>

The ferry returned from the island, which lies about 650 metres from the mainland, with the captain and two assistants. The individual carried a long box onto the ferry, explaining that it contained bomb detection equipment, along with a rifle, which he was asked to cover. (He did so using plastic bags.) Neither the ferry captain nor his companions noticed anything problematic about the individual: "The [individual] was transported to Utøya on board the ferry MS Thorbjørn, and he arrived there at about 17:17 hours. He brought with him a semiautomatic rifle, a pistol, ammunition for both firearms, smoke grenades and other equipment."<sup>17</sup>

Within minutes after the individual disembarked from the ferry, he shot two individuals, and then another as he was walking to the cafeteria. Over the next hour and twenty minutes, he killed another 64 people, with two more dying from injuries as they tried to escape.<sup>18</sup>

The police response was challenged by several delays. The first call notifying police of the attacks on the island was received at 5:30 PM. The police's one helicopter was unavailable, and even if it had been available, it was only suitable for surveillance and could not transport a team of officers. A call was made to request the helicopter of the Armed Forces, but the aircraft was located at quite a distance and did not arrive in time to be of help. Two local police officers arrived to the scene first, at 5:35 PM, but they elected to remain on the mainland and wait for back up.

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*Reuters World News* (13 August 2012), <https://www.reuters.com/article/us-breivik-commission-idUSBRE87C0PE20120813> (accessed 7/22/22).

<sup>14</sup> District Court, 29.

<sup>15</sup> Report, 16.

<sup>16</sup> District Court, 29.

<sup>17</sup> *Ibid.*

<sup>18</sup> District Court, 29.

When the Delta force (Norway's SWAT team)<sup>19</sup> arrived at 6:10 PM, they set out from the mainland by boat but their equipment was too heavy, and the boat began to sink, causing further delay until a local resident loaned his boat. By the time the Delta force reached the island around 6:25 PM, the individual had already called the police to surrender and quickly laid down his weapons when they arrived.<sup>20</sup>

The figure below depicts the approximate the location of the murders.



Source: BBC News<sup>21</sup>

<sup>19</sup> The Delta force is Norway's emergency police squad, otherwise known as a SWAT team (special weapons and tactics team).

<sup>20</sup> District Court, 34-36; S. Becker, "Elite Police Retrace Steps to Breivik", Spiegel International (2 August 2011), <https://www.spiegel.de/international/europe/norwegian-delta-force-protocol-elite-police-retrace-steps-to-breivik-a-778026.html> (accessed 7/22/22). See also Niclas Rolander and Ian Edmondson, "Police Face Criticism Over Response Time", Wall Street Journal (27 July 2011), <https://www.wsj.com/articles/SB10001424053111903999904576470270835651248> (accessed 7/22/22).

<sup>21</sup> "Norway massacre: 'We could hear the gunshots getting closer'" *BBC NEWS* (19 October 2017), <https://www.bbc.com/news/uk-scotland-41678010> (accessed 7/22/22).

## II. ACKNOWLEDGING RISK AND LEARNING FROM EXERCISES

The Report notes that the effective prevention and management of serious incidents requires two ongoing and interdependent components. The first is accurate risk awareness, which is “developed over time by compiling knowledge about the likelihood [of] various scenarios ... and the consequences of different outcomes” (p.16). Risk awareness also involves the challenging task of developing measures “designed to prevent worst case scenarios” and planning responses to “rather unlikely events,” while also accommodating the likelihood of “surprises and uncertainties” (p. 16).

The second component of effective emergency prevention and response is the implementation of these preventative measures and plans through training and “well-prepared exercises” (p. 17). According to the Report, training is essential not only due to the fact that, in emergency situations, “one is rarely better than one’s preparations,” but also because it is a source of important information and serves as an essential form of feedback, learning, and self-monitoring. Through training, “players have practical experience that gives them deeper insight into challenges and the need for changes” (p.17).

The Report notes that these two components, risk assessment and training/exercises, are interdependent, since it is through risk assessment that preparation exercises are set, while the exercises themselves expand and strengthen risk awareness. Thus “the foundation for the ability to manage crises lies in the preparations: plans, drills, exercises, interaction and ways of thinking,” while the awareness of risk, in turn, “determines whether exercises are conducted, what is drilled, and what is learned from exercises” (p. 17).

In relation to the events of 22 July, the Report found weaknesses with respect to risk assessment, especially the failure to acknowledge known risks. For example, “[i]t was underestimated that solo terrorism – where just one person was operating alone – could cause so much devastation.” This was evident in the slowness of the emergency response following the Oslo bombing, “[d]espite the fact that international experience [had] indicated [the] danger of further attacks after [an] explosion” (p. 16). For example, according to the Report, it took too long for Norway Police to increase their response personnel capacity after the bombing, and help from the Armed forces was requested so late that it was of little use. Also, “many hours passed” before civilian objects throughout the city were secured (p. 16).

The Report contrasts the slow response of Norway Police after the bombing with the response of the public health service, which “immediately after the explosion ... made preparations for several subsequent attacks,” having drilled lessons learned from Madrid and London (p. 17).

Another significant failure to acknowledge risk related to Norway’s emergency preparedness plans, which depended heavily on local police stations. Local police were expected to handle emergencies of any kind, regardless of their size and level of resources. Past experience and repeated exercises had already highlighted this vulnerability, and yet nothing had been done (p. 16).

As a final example along the first component of risk assessment, the Report points to the latent, unacknowledged risk in Norway’s firearms control system, which had low levels of firearm registration and weak enforcement of regulations. Given that “Norway is a country with a large number of weapons” these deficiencies meant that “weapons control is weaker, and the risk level is higher than assumed” (p. 16).



Turning next to the second component, which relates to training and preparatory exercises, the Report notes that prior to the attack, “the Police Security Service<sup>22</sup> [had] not organised enough exercises with a view to its role during a terrorist attack,” and this lack of preparedness was evident in its crisis management on 22 July (p. 17). As another example, “exercises [had] shown that the police’s information-sharing [was] subject to formidable weaknesses,” yet nothing had been done to address the issue. There was thus a failure to learn from these exercises. The Report contrasts this with cases where training was used effectively, such as police active shooter training, which “paved the way for an effective operation once the police arrived on the island” (p. 17).

In addition to its general recommendation to improve acknowledgement of risk and embrace lessons learned through training (Rec. 1), the Report makes specific recommendations related to improving risk assessment and acknowledgment, such as that, going forward, emergency response plans should be “drilled regularly at national and local levels alike” and that exercises should include “realistic rescue operations” that include protocols for “[dealing] with evacuees and their families and friends” (Rec. 4).

Regarding the role of local police in emergency response, the Report recommends ensuring that “the organisation of the police at the district and local levels is sufficiently robust with a view to response time, operational leadership capacity, experience and equipment” (Rec. 12). The Report also recommends three legislative changes aimed at minimizing the risk of future attacks. The first is to ban semi-automatic firearms and improve existing controls for firearms and chemical weapons (Rec. 10). The second is to make it a crime to accumulate ammunition for the purpose of committing a felony (Rec. 8). And the third is to make receiving terrorist training a punishable offense (Rec. 9).

Lastly, the Report recommends that the Police Security Service (PST) “take more independent initiatives to detect and avert further attacks” and that it recognize its special responsibility in the event of a terrorist attack to “pro-actively [inform] national authorities and relevant government agencies of its assessment of the level of threat so that measures can be implemented in time” (Rec. 30).<sup>23</sup>

<sup>22</sup> The Norwegian Police Security Service (PST) is Norway’s security service of the interior, responsible for preventing criminal acts against national security. The service, among other things, collects information about “persons and groups who may pose a threat” to the interior and provides threat assessments based on the analysis of this data. See the PST’s website, <https://pst.no/alle-artikler/artikler/dette-gjor-vi/> (accessed 7/22/22).

<sup>23</sup> Today, the PST monitors the ongoing threat assessment and publishes this on its website. For example, a shooting in Oslo on 25 June 2022 resulted in PST raising the terrorist threat level from “moderate” to “extraordinary”. See PST’s homepage, <https://pst.no/> (accessed 7/22/22).

### III. IMPLEMENTATION OF PRIOR DECISIONS AND PLANS

The Report identifies “formidable vulnerabilities” in Norway’s emergency preparedness that were exposed on 22 July. Many of these weaknesses were the result of inadequate or slow implementation of measures that had been “adopted many years ago” (pp.17-18).

A clear example of this, one that can be directly linked to the attacks, was the failure to secure Oslo’s H-Block and Government Complex perimeters against terrorist attacks. The decision to secure the perimeter of these buildings was made in 2004, seven years prior to the attacks, yet nothing had been done. The Government at the time determined it was a high priority to prevent vehicles from parking close to these buildings, and yet “no professional routines had been established to ensure that the project was implemented with the intended speed and quality” (p. 18). Nor, for that matter, were any *provisional* measures put in place.

The individual took advantage of this vulnerability when he detonated a vehicle bomb close to the entrance of the H-Block on 22 July (p. 18).

The Report remarks on the fact that delayed implementation does more than just create vulnerability by leaving society without protective measures. It also delays awareness of any shortcomings in the intended measures themselves. Indeed, until the intended measures are actually implemented, it is impossible to fully test their efficacy and address weaknesses. As an example of this, the Report notes the 2004 decision of the National Police Directorate to develop a system for “swift, secure and efficient notification between police districts in connection with major events” (p. 18). The notification system became operational six years later, in 2010. The directorate had been warned about weaknesses in the chosen solution, but these warnings were ignored, and once operational, the system experienced number of problems, but it was “never tested systematically” and the problems experienced were never resolved.

As a result, the notification system failed on 22 July (p. 18).

Delays in implementation are made worse when there are no provisional measures in place and there is no mechanism of oversight to identify and address security gaps or other potential shortcomings that arise. The Report gives the example of the regulatory standards under Norway’s 1998 Security Act for securing objects that are vital to national security. It took 13 years to develop these regulations, and during this period, “there was no oversight that could have identified significant shortcomings with a view to security” (p. 18).

While the Report acknowledges that implementation takes time and that “[t]here are good reasons why” this is the case, such as time-consuming administrative protocols to ensure public participation and the need for procurement methods to “ensure equal treatment and the prudent use of society’s funds,” the Commission encountered reasons for delay that it deemed “unacceptable” (p. 18):

We have seen examples of weak project management and inadequate project follow up. Identified obstacles to implementation were not addressed early on. In several projects, more attention was devoted to the process itself than to ensuring that one was able to deliver the desired result. Further, we saw demonstrated a lack of ability to inform and involve those affected so that they fully understood the distribution of responsibility and the importance of quality and speed. In addition, there is the fundamental challenge inherent in the fact that the

implementation and follow up of measures often get less attention from the Storting<sup>24</sup>, the political leadership and the media than new initiatives and plans. (p. 18)

Even when decisions and plans are ostensibly implemented, however, it stands as a *de facto* failure to implement if the measures in question are not actually used or complied with. According to the Report, on the 22nd of July there were failures to comply with existing plans and procedures, something that is “especially important in relation to extraordinary events” (p. 18). The Report offers the following example from the Norway Police response:

The police have developed a special set of plans for use in the event of terrorism and sabotage. The measures in the set of plans appear to be relevant after a large bomb has been detonated in the Government Complex. There were plans linked to roadblocks to prevent terrorists from getting away and initiatives for the immediate mobilisation of police personnel to reduce the response time for any further attacks. Such sets of plans are developed so that in a chaotic situation, one can implement measures experienced as being good. The set of plans was not used on 22 July. (p. 18)

By contrast, the Oslo University Hospital followed its plans: “[t]he hospital was put on the highest alert. Operating theatres were cleared, personnel were called in, and other hospitals were put on standby alert for use if needed. Helicopters were mobilised in case there was a need to evacuate patients. Coherent plans freed up capacity so that the leadership could spend time evaluating the reports on the situation. It was discovered that certain routines could lead to the danger that things would get backed up if there were to be a very large number of patients. Decisions to change these routines were taken rapidly and responsibly” (p. 18).

Several of the Report’s recommendations are directed towards improving the implementation and compliance capacity of the Norway Government and its sub-agencies. Some of the recommendations specifically address the failures of 22 July. In particular, the Report recommends proactively implementing the measures required under the Security Act for protecting objects, and it places responsibility on the Norwegian National Security Authority to conduct “oversight of critical infrastructure protection,” including the development of a “national critical infrastructure protection plan” that clarifies and divides responsibilities between “the police, the Armed Forces and the owner of the object,” which should be accompanied by “realistic exercises on the selected objects” (Rec. 6). In regards to the failure of the police notification system, the Report recommends instituting “[u]niform solutions for effective notification between [police] districts” and for “rapid notification and mobilization” of human resources within a district (Rec. 14). The Report also reiterates the ethos of compliance, recommending that, in the event of future attacks and threats, “the plans ... be followed at every level” and that increased drills and exercises must be conducted to ensure this (Rec. 4).

Other recommendations are of a more general or supplementary nature and relate to indirect mechanisms for ensuring implementation and compliance. For example, the Report recommends (with a view, it seems, to oversight and accountability) establishing a “modern set of plans that identifies and links society’s measures in the face of the threat of terrorism and any future acts of terrorism” (Rec. 3). The Report also recommends that the Ministry of Justice and Public Security make it a higher priority to institute “result-oriented” security and emergency preparedness and that the Ministry “improve [its] strategic management and follow up” of the agencies under its responsibility. And in the case of ongoing work on the Norwegian Public Safety Radio, the Report reiterates the need for provisional measures when it recommends that, until the system has been

<sup>24</sup> “Storting” is the name of the Norway Parliament.

fully instituted across the country, “temporary solutions must be ensured to meet the need for satisfactory communications” (Rec. 23).

#### IV. COORDINATION, INTEROPERABILITY, AND MUTUAL AID

The Report stresses the fact that poor coordination and interoperability can pose a danger to society: “Both civil protection and emergency preparedness require that the country’s aggregate resources be utilised efficiently. This calls for coordination and interaction” (p. 19).

According to the Report, the response on 22 July was hampered by lack of coordination, poor interoperability, and a lack of clarity in pre-existing agreements for mutual aid. In addition, poor communication and coordination among Government ministries and agencies compromised security efforts that might otherwise have prevented the attacks.

As examples, the Report first points to the police operation on Utøya Island, which it found was poorly coordinated and took longer than necessary (p. 19). Among other things, there were problems with communication infrastructure and responders used informal language that failed to satisfy the “basic requirements for accurate communication in a crisis” (p. 19). The matter was made worse by the fact that the Operations Center was understaffed and, as a result, it was overwhelmed by phone calls after the Oslo bombing. This meant, in turn, that victims on Utøya Island could not get through to the call center, and furthermore, that the center could not fulfill its mandate, per the existing emergency plans, to lead and coordinate emergency response (p. 19).

The Report also found that central security gaps leading up to the attacks were attributable, in part, to poor communication and coordination among Government ministries and agencies. For example, in 2010, the National Police Directorate expressed concern to the Office of the Prime Minister *and* the Ministry of Justice and Public Security regarding the lack of progress in securing the Government Complex. This concern, however, never reached the Ministry responsible for the project (which was the Ministry of Government Administration, Reform and Church Affairs) (p. 19).

In another example of a security lapse attributable to lack of inter-agency coordination, the Report notes that the Police Security Service had weak routines for dealing with tips and as a result, despite receiving notice of concern from three different agencies,<sup>25</sup> it did not recognize the link between these concerns, which was that they all related to the individual. As the Report states, “[p]rior to 22 July, the Police Security Service did not take much advantage of the information and capacity inherent in the postal and customs systems” (p. 19).

Almost half of the Report’s recommendations are aimed at or relate to problems of coordination, interoperability, and mutual aid. Some of these recommendations are aimed at ensuring proper flow of information within and between ministries and agencies involved in emergency response: Rec. 5 (classified information); Rec. 15 (exchange of information within the police); Recs. 23-24 (radio communications between rescue agencies); and Recs. 26-27 (information sharing within and without the Police Security Service). Other recommendations focus on improving the infrastructure that supports police operations, which includes mutual aid agreements, and on clarifying roles: Rec. 13 (Information communication technology strategy to enhance police interaction); Recs. 14, 17-18 (improvements to operation centers; creation of new police resource center<sup>26</sup>); Recs. 19-20 (mutual aid within the police and with Armed Services for helicopter access;

<sup>25</sup> The three agencies were the Directorate of Customs and Excise, the Directorate for Civil Protection and Emergency Planning, and Norway Post (p. 19).

<sup>26</sup> The construction of the center was completed in 2020. Known as “Politiets nasjonale beredskapssenter [National Police Emergency Center/Police National Preparedness Center]”, the center has been operational since December 2020. The aim of the center is to facilitate “the prevention, averting and handling of extraordinary incidents and crises, and to create security for the population.” The center brings together the “Emergency Squad, the Bomb Service, the

and clarification of helicopter protocols for active shooter situations); and Rec. 24 (regulations to clarify the respective roles of rescue agencies). Lastly, other recommendations emphasize the role of leaders in facilitating coordination (Recs. 7, 12, 27, and 30-31) and encourage leaders to address the challenges posed by “legislative imbalances,” such as the inconsistency in privacy standards that apply to the Police Security Service (PST) and its feeder agencies, the latter of which are held to higher thresholds for sharing private information of concern (Recs. 27-29):

In the opinion of the Commission, several public agencies should get involved in and take advantage of their expertise in the efforts to detect terrorism. Good interaction and information sharing among the players is required for good preventative security and effective intelligence against new threats, including solo terrorists. Our review indicates that legislative imbalances can present an obstacle to such collaboration. ... [W]e believe it to be necessary for general legislation to be reviewed with this in mind, and taking account of the established rules which state that the Police Security Service must delete the personal information if their hypotheses cannot be corroborated. (p. 19 [emphasis added])

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Crisis and Hostage Negotiators, the Helicopter Service and the Tactical Support Section.” See <https://www.politiet.no/om-politiet/organisasjonen/politidistrikter/oslo/bereds-kapsenteret/#undefined> (last accessed 7/22/22).

## V. OPTIMIZING INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)

The Report notes that based on “nearly a decade of self-evaluations, audits and consultancy reports, the formidable weaknesses of the police force's ICT solutions [were] well known to the leadership of the police and the Ministry of Justice and Public Security” (p. 20). The Report gives examples of how this “formidable weakness” caused delays and other challenges in the police response on 22 July.

First, the police relied on telephone calls to notify and mobilize personnel, which meant a loss of valuable time that might otherwise have been spent on situational analysis and operations (p. 20). This was in contrast to the easy and effective emergency text notification system used by the Oslo municipality (*ibid*). In addition, the police “did not have access to even the simplest technology for transmitting written ... information to personnel and official vehicles,” and the Delta force (Norway's S.W.A.T. team),<sup>27</sup> “did not have electronic map systems” in their vehicles (p. 20). This, combined with the inadequate coverage of the Norwegian Public Safety Radio, caused serious problems for the police operation on Utøya Island, in particular confusion about where members of the Delta force were to meet before crossing over to the island (*ibid*).

The Report frames the matter in stark terms when it remarks on the role of mobile phones and social media in the crisis, which were used by victims on Utøya Island to alert authorities and ask for help (since they could not get through to the police call center). As the Report notes, “[n]ever before have the members of government personally received information by text messages, telephone calls and social media directly from victims, at the same time as they were supposed to be dealing with a national crisis” (p. 20).

The Report also found that in day-to-day operations, police failed to optimize the use of ICT tools at their disposal:

The Commission has found that it is possible, despite cumbersome ICT solutions, to acquire a great deal of valuable leadership information from the systems that already exist. For example, we analysed the Oslo Police District's operations log for the past five years, and we found that July is actually the month with the most operational assignments, and not the opposite. (p. 20)

According to the Report, the reasons for the ongoing antiquated police ICT situation were unclear, and this was especially troubling given several years of budgetary requests for improved ICT capacity and the fact that both the ministry and the directorate agreed that the police ICT situation was “deplorable” (p. 20). Whatever the reasons may have been, the Report concludes that “the situation ought to be corrected” (*ibid*).

The Report also points to the Police Security Service (PST) as having “only to a modest degree exploited ICT opportunities to increase the capacity and quality of its work processes” (p. 21). For example, the PST had only crude systems for “knowledge management and advanced intelligence using open sources and public records” (p. 21). Additional ICT weakness in the PST stemmed from lack of legislative action: “Despite the fact that it has been known for years that terrorists operate on electronic platforms, Norway has not yet established any regulations for when the Police Security Service is allowed to monitor potential terrorists' PCs and closed forums on the Internet.” The Commission found that the failure of the PST to fully capitalize on ICT could not be justified in terms of the limitations inherent to its intelligence mandate, since there was no

<sup>27</sup> The Delta force is Norway's emergency police squad, otherwise known as a SWAT team (special weapons and tactics team).

evidence that leadership even considered (much less rejected) the possible use of new ICT tools or sought to upgrade the ICT skills of personnel (p. 21).

Only three of the Report's recommendations speak directly to improving ICT capacity. Recommendation 13 instructs the National Directorate to "quickly devise a clear and comprehensive ICT strategy for the Police" that will facilitate its work and provide the information needed to strategically develop the police agency. Recommendation 15 focuses on equipping individual patrol officers with the technological means and skills to perform their work effectively, including "access to technology for written and visual information sharing" and "training in systems that enable them to do their jobs better," including "exchange information throughout all levels within the police." Lastly, Recommendation 26 directs the Police Security Service to "quickly put into place an ICT strategy that can ensure effective information processing and information sharing within the organization."

Despite the limited number of recommendations in the Report that directly address ICT capacity, there is little question that the Commission views technological advancement as paramount:

More sophisticated use of ICT has a substantial potential for improving efficiency and quality throughout the full range of the work done by the justice sector, thereby making man-years of labour available for operational tasks. This is a key to better emergency preparedness in future. (p. 21)



## VI. LEADERSHIP THAT SET GOALS, CLARIFIES RESPONSIBILITY, AND ACHIEVES RESULTS

As was discussed in the Introduction to the present summary, the 22 July Commission came to the weighty conclusion that the events of 22 July could have been prevented. Ultimately, the Commission traced the failure to prevent the 22 July attacks to fundamental problems of attitude, culture, and leadership, which were present at every level of police and relevant government ministries and agencies. The Commission further distilled these fundamental problems into five more specific and actionable aspects, the fifth of which is perhaps the most determinative, as it relates to leadership. In particular, the Commission identified a widespread problem regarding the “willingness and ability” of leadership in the government and the police to “clarify responsibility, set goals and adopt measures to achieve results” (p. 11; restated p. 13; restated in modified form, p. 21).

The Report describes what the Commission views as the most basic function and responsibility of leadership, which is, on the one hand, to set goals and standards for co-workers and ensure that they have the training, equipment, and other conditions necessary to satisfy expectations, and on the other hand, to oversee operations and ensure that resources are effectively used and coordinated and that the goals that have been set are achieved (p. 21).

In discussing the failures of leadership leading up to 22 July, the Report focuses largely on the Ministry of Justice and Public Safety, noting that the Ministry, beyond its own, specific failures of leadership, must also “shoulder its share of the responsibility” for the failures of 22 July. The Ministry of Justice and Public Safety is in charge of the agencies that were most directly responsible for the failures that occurred on that day, including the police (headed by the National Police Directorate), the Police Security Service, the National Security Authority, and the Directorate for Civil Protection and Emergency Planning.

In terms of the Ministry’s leadership-related challenges, the Report offers three main examples, all of which appear geared toward establishing the presence of a longstanding leadership problem within the Ministry.

To begin with, the Report notes the fact that reports from the Ministry’s sub-agencies, which for several years alerted the Ministry to “factors indicative of little awareness of risk and weak implementation capacity,” fell on deaf ears, receiving no follow-up from the Ministry (p. 21).

In addition, the Ministry has historically failed in its duty to adequately resource helicopters for the police. The Report notes that in 2009 “the Armed Forces’ emergency helicopter services were reassigned to Afghanistan,” reducing helicopter support for the police. At the same time, “[t]he police’s own helicopter service experienced reduced availability.” The Ministry acknowledged the consequences of this shortfall at the time, both for the police and the Delta force, yet it did nothing to address it (p. 21).<sup>28</sup>

<sup>28</sup> The Report assumes that the reader is aware, from its previous chapters, of the lack of helicopter support for the police and the Delta force on 22 July. The suggestion is that there is a pattern within the Ministry of failing to provide adequate resources for responder sub-agencies. Note that this failure is further evidenced by the lack of ICT capacity within the police and Police Security Service, which the Report addresses in its prior, general discussion of ICT optimization (pp. 20-21). On 22 July, the police’s one helicopter was unavailable, in which case the police and Delta force had to drive to Utøya Island, at which point the Delta force, which arrived first, encountered further delays attempting to reach the island by boat. By the time the Delta force reached the island, the individual had already surrendered. Even if the helicopter had been available, however, it would not have been able to transport the responders to the island, because it was a surveillance helicopter with limited passenger capacity. The police did not

The Report's third example relates to the Ministry's failure to maintain the intended division of leadership roles regarding the police. As the Report explains, the National Police Directorate was specifically established to "ensure strong technical leadership" of the police and to introduce "a clearer distinction between the technical and political leadership of the police" (p. 21). The Commission's investigations revealed, however, that these divisions were not well maintained, and the result was ultimately the failure of both roles. Specifically, the Commission found the Ministry to be "overly involved in the details of [police] activities" and neglectful of its own responsibilities of oversight, coordination, and resourcing. This failure of oversight meant that the Ministry did nothing to curb (and in fact exacerbated) the National Police Directorate's own failure to "[take] sufficient technical control" of the police agency through "drawing up strategies, setting goals and establishing systems for continuous improvement of the police's ongoing preventative and emergency duties" (p. 21). More generally, the National Police Directorate exhibited a lack of correlation between its "goals, priorities, resources, and duties" (p. 21). In short, according to the Report, "[t]he Commission has met a police force that has identified challenges [for] itself, but which has not done enough to take control of what they *can* control at their own organizational level" (p. 21).

The Report further describes the Ministry of Justice and Public Security as lacking "overall control of the police force", and as "overly cautious" with the Public Security Service. These factors, it claims, combined with the "formidable weaknesses" in the area of ICT, "are important underlying reasons for a great deal of what went wrong" on 22 July (p. 22).

The Report closes its discussion of leadership by reiterating the Commission's conclusion that "the main challenges after 22 July are related to attitudes, culture and leadership" (p. 22). It further emphasizes that "leadership has to start at the top", meaning that changes in leadership approach must start with the topmost leaders of an organization—in this case, the Government of Norway. The Report thus recommends that "the country's leadership, represented by the Government Security Council and the Government's Emergency Council, must spend more time on awareness of threat and risk levels and on ensuring good interaction and responses in the light of the challenges arise" (p. 22; Rec. 2).

With the exception of Recommendation 2, above, and Recommendation 31, which recommends a review "of the way in which the national security and intelligence services are coordinated and interact when it comes to facing an uncertain future level of threat", all of the Report's leadership recommendations respond to the failures of the Ministry of Justice and Public Security and its sub-agencies involved in the response on 22 July.

More specifically, Recommendation 7 calls upon the Ministry to place higher priority on "result-oriented security and emergency preparedness" and to improve its performance in coordinating, managing, and following the agencies within its purview.

Recommendation 11 requires the National Police Directorate to develop "a clear system of management by objectives" and to "ensure that there is a correlation between goals, priorities, resource and manpower planning." Recommendations 12 & 13 further instruct the Directorate to

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have helicopters that could transport groups of officers; for this it relied on the Armed Forces. On 22 July, the Armed Forces helicopter was not requested in time to transport police to the island. See S. Becker, "Elite Police Retrace Steps to Breivik", *Spiegel International* (2 August 2011), <https://www.spiegel.de/international/europe/norwegian-delta-force-protocol-elite-police-retrace-steps-to-breivik-a-778026.html> (accessed 7/22/22). See also Niclas Rolander and Ian Edmondson, "Police Face Criticism Over Response Time", *Wall Street Journal* (27 July 2011), <https://www.wsj.com/articles/SB10001424053111903999904576470270835651248> (accessed 7/22/22).

“take more responsibility for coordination, efficiency and more uniform solutions in ‘Police Norway’ ...” (Rec. 12) and to “devise a clear and comprehensive ICT strategy for the police ...” (Rec. 13).

Recommendations 19 & 20 address improving police helicopter resources, beginning with “a robust police helicopter service” in Oslo with “cooperation schemes ... to ensure the police’s transport capacity in other parts of the country” (Rec. 19). The Oslo service is to be supplemented by “[r]apid, effective helicopter support ...” from the Armed Forces “in connection with efforts to combat terrorism on Norwegian territory. ...” (Rec. 20).

Finally, Recommendations 25-27 & Recommendation 30 address the Police Security Service (PST), beginning with the recommendation that the PST “develop leadership, organisational culture, work processes and objectives that are better adapted to the service’s tasks” (Rec. 25) and that it “put into place an ICT strategy” that will improve the efficiency of its internal information processing and sharing practices (Rec. 26). The Report also recommends that the PST “take more initiatives and show more willingness to cooperate and share information with other agencies, including the ordinary police and the Intelligence Service” (Rec. 27). Lastly, the PST should “take more independent initiatives to detect and avert further attacks,” and in the case a terrorist attack or serious terrorist threats<sup>29</sup>, the PST should “pro-actively” inform relevant authorities and agencies of its threat assessment so that appropriate measures can be taken without delay (Rec. 30).

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<sup>29</sup> The reference here to “serious threats” may speak to another example that the Report points to as a failure to acknowledge risk: After his arrest, the individual claimed that new terrorist actions had been planned by two other cells. While the Commission acknowledges that this claim was “dramatic” and that, rightly, “the police sounded a nationwide alarm” about it, they note that few received this alarm and that there was no follow-up. Specifically, the Report states that there was no “detailed technical analysis or general discussion” in regards to whether the threat “necessitated the implementation of more comprehensive security measures. Instead, according to the Report “people gradually accepted that the probability of new attacks was small” (pp.16-17).

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# International Scan: United Kingdom

## *Summary and Analysis of the Recommendations in response to the*

### *Hungerford Shootings, 19 August 1987*

As found in the 1988 Report by Chief Constable Colin Smith of the Thames Valley Police, “The Hungerford Massacre: Report to the Rt Hon Douglas Hurd, CBE, MP, Secretary of State for the Home Department”

### *Dunblane Shootings, 13 March 1996*

As found in the 1996 Report by the Hon Lord Cullen, “Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996”

### *Cumbria Shootings, 2 June 2010*

As found in the 2011 Report by Chief Constable Simon Chesterman of the West Mercia Police, “Operation Bridge: Peer Review into the Response of the Cumbria Constabulary Following the Actions of Derrik Bird on 2 June 2010”

Prepared by: Research & Policy Team

September 2022

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## INTRODUCTION

This document outlines recommendations stemming from the reports on the three largest mass shootings in the United Kingdom: the 1987 Hungerford shootings, the 1996 Dunblane shootings, and the 2010 Cumbria shootings. Each report is summarized, individually and respectively, in the three chapters that follow.

Of note is the fact that two of the incidents—Hungerford and Cumbria—involved a mobile shooter. In Cumbria, in particular, the perpetrator committed shootings along a distance of roughly 60 kilometers, and in Hungerford, when the perpetrator's car would not start, he set out on foot, committing a shooting rampage that spanned a one kilometer radius. Both of these incidents posed significant challenges for the police response, including the duty to warn and inform, which was largely met by issuing public announcements from helicopters to warn public. In addition, the police responding to the incident in Cumbria used direct phone calls to warn people at vulnerable locations and capitalized on a two-way radio system that was already in place for businesses.

The Dunblane massacre was the first, and is to date the only, primary school shooting in UK history. The Hungerford and Dunblane shootings both resulted in major changes to firearms legislation in the UK, including tighter licensing requirements, increased obligations on shooting clubs, and an effective ban of all concealable handguns (of any caliber) and any firearms over 22 caliber.

### 1. Plymouth Shootings (2021)

The most recent UK mass shooting occurred in Plymouth, England, on 12 August 2021. A 22-year-old male<sup>1</sup> shot and killed his mother at home and then shot and killed four more people in the neighbourhood before fatally shooting himself. A central issue in this matter has been the individual's legal possession of a firearm, which was contraindicated at the time, given the individual's history and the Home Office guidance on firearms licensing. In September 2020, almost a year before the shootings, the perpetrator admitted to assaulting two youths in a park. He voluntarily participated in Pathfinder, a rehabilitation program designed to deal with offenders outside the criminal justice system. The perpetrator's shotgun and certificate were seized around this time, but upon completion of the program, they were returned to him. Five weeks later, he committed the shootings. The perpetrator's activity on social media revealed that he identified as "incel" and propagated misogyny. The perpetrator's mother had made attempts in 2016 to report her son to the UK counterterrorism agency, and just prior to the incident she sought mental health support for her son.<sup>2</sup>

The Independent Office for Police Conduct (IOPC) has completed a review of the Plymouth shootings<sup>3</sup> but has not yet released its report:

We fully understand the importance of providing information and answers to the many questions arising from this tragic incident. However, although our investigation is now

<sup>1</sup> The perpetrator, Jake Davidson, will be referred to as "the individual".

<sup>2</sup> C. Eve, "Plymouth Shooting Inquest Will Look at 10 Key Points" *Plymouth Live* (15 March 2022), <https://www.plymouthherald.co.uk/news/plymouth-new-s/plymouth-shooting-inquest-look-10-6807597> (accessed 7/22/22) ("*Plymouth Live* (2022)").

<sup>3</sup> For information and updates about the IOPC investigation of the Plymouth incident, see the IOPC webpage <https://policeconduct.gov.uk/investigations/plymouth-mass-shooting-devon-and-cornwall-police> (accessed 7/22/22).

complete, we are unable to publish our investigation findings at this time because we need to ensure that we do not prejudice any future proceedings.<sup>4</sup>

In August 2021, the National Police Chiefs Council (NPCC) also announced that it would be conducting an investigation.<sup>5</sup> More recently, the local coroner's office announced that it will begin a six-week inquest in January 2023.<sup>6</sup>

In August 2021, in response to the Plymouth shootings, the Home Secretary requested that every police force in England, Wales, and Scotland review its firearms licensing process. The Home Secretary was specifically concerned to ensure that the Home Office guidance on firearms licensing had been (and continued to be) followed in regards to the return of shotgun and firearms certificates. The standard is to require senior-level approval for "high risk" decisions such as those where there is evidence of violence.<sup>7</sup> This standard, and others, were subsequently made statutory on 20 October 2021, when the Home Office published new statutory guidance on firearms licensing.<sup>8</sup> The statutory nature of the guidance entails that police now have a legal duty to consider it. This new guidance incorporates formerly non-statutory guidance<sup>9</sup> on firearms licensing and, among other things, introduces additional criteria for obtaining shotgun and firearms certificates, including the requirement that applicants provide a letter from their GP to the police that confirms "whether or not the applicant is or has been diagnosed or treated for any relevant medical condition which could affect their ability to possess a firearm safely."<sup>10</sup> In addition, the statutory guidance makes it explicit that firearms applicants may be subject to social media checks.<sup>11</sup>

<sup>4</sup> Independent Office for Police Conduct (IOPC), "IOPC Investigation into Devon & Cornwall Police over Jake Davison's Possession of a Shotgun Completed," Online news article (15 March 2022), <https://policeconduct.gov.uk/news/iopc-investigation-devon-cornwall-police-over-jake-davison%E2%80%99s-possession-shotgun-completed> (accessed 7/22/22). Recently, the IOPC announced that it has begun investigating the Devon and Cornwall Police's firearms licensing unit for potential health and safety breaches. See "Plymouth shooting: police force facing criminal investigation", *The Guardian* (13 September 2022), <https://www.theguardian.com/uk-news/2022/sep/13/plymouth-shooting-devon-cornwall-police-criminal-investigation> (accessed 9/20/22).

<sup>5</sup> S. Barnett, "Inquiry launched into police firearms policy in wake of Plymouth mass shooting", *Leading Britain's Conversation (LBC)* (18 August 2021), <https://www.lbc.co.uk/news/inquiry-launched-into-police-firearms-policy-in-wake-of-plymouth-mass-shooting/> (accessed 7/22/22).

<sup>6</sup> *Plymouth Live* (2022), *supra* note 1.

<sup>7</sup> UK Parliament Hansard, vol. 699, 18 August 2021, <https://hansard.parliament.uk/commons/2021-08-18/debates/210818800004/ShootingsInPlymouth> (accessed 7/22/22).

<sup>8</sup> See "Statutory Guidance for Chief Officers of Police on Firearms Licensing", UK Home Office (20 October 2021), <https://www.gov.uk/government/publications/statutory-guidance-for-police-on-firearms-licensing/statutory-guidance-for-chief-officers-of-police-on-firearms-licensing-accessible-version-from-1-november-2021> (accessed 7/22/22) ("Statutory Guidance"), s. 3.47.

<sup>9</sup> Not all of the non-statutory guidance was made statutory. The Home Office continues to publish non-statutory guidance to be read alongside the statutory guidance. See "Guide on Firearms Licensing Law" (19 December 2012, last updated 20 December 2021), <https://www.gov.uk/government/publications/firearms-law-guidance-to-the-police-2012> (accessed 7/22/22).

<sup>10</sup> See "Statutory Guidance" s. 2.29. The enhanced guidance on medical suitability was facilitated by a July 2019 Memorandum of Understanding (MOU) between the Home Office and the British Medical Association (BMA), as well as a pre-existing March 2016 joint letter from the Chief Medical Officer and Police Scotland. See Statutory Guidance, s. 2.26. See also, UK Parliament Hansard, vol. 700, 1 November 2021, <https://hansard.parliament.uk/Commons/2021-11-01/debates/2111014000009/ShootingInPlymouthReviewOfPoliceLicensingProcesses> (accessed 7/22/22). The BMA's website provides guidance to medical practitioners on firearms licensing, including the recently rolled-out firearms license digital marker system that helps GPs notify police of relevant changes to the health status of certificate holders: <https://www.bma.org.uk/advice-and-support/gp-practices/gp-service-provision/the-firearms-licensing-process> (accessed 9/20/22). See also NHS Digital, "Strengthened controls to protect the public from medically unfit gun holders" (13 July 2022), <https://digital.nhs.uk/news/2022/strengthened-controls-to-protect-the-public-from-medically-unfit-gun-holders> (accessed 9/20/22).

<sup>11</sup> Statutory Guidance, s. 2.4 (v).



## I. THE HUNGERFORD SHOOTINGS (1987)

*The Hungerford Massacre: Report of Mr. Colin Smith CVO QPM, Chief Constable, Thames Valley Police to the Rt Hon Douglas Hurd, CBE, MP, Secretary of State for the Home Department ("the Report")*<sup>12</sup>

### 1. Incident Description

On 19 August 1987, a 27-year-old individual<sup>13</sup> from Hungerford, England shot 31 people, killing sixteen and injuring fifteen before shooting himself. The shootings took place at different locations over a period of 75 minutes. Throughout the incident, the individual used three different firearms, (i) a Beretta 9mm pistol, (ii) an Underwood M1 Carbine .30 rifle, and (iii) a Kalashnikov 7.92 semi-automatic rifle.<sup>14</sup> With the exception of the first murder, the shootings took place within a radius of one kilometer.

The first murder took place at 12:30 PM at Savernake Forest, a nature spot about sixteen kilometers west of Hungerford, where the individual had frequented. On the day of the incident, the individual came across a mother with her children. Leaving her children in her car, he took the woman some distance away and then shot her repeatedly with a Beretta 9-mm pistol, killing her (para. 22, p. 5). The individual then drove back towards the town of Hungerford, stopping at a gas station, where, after filling a gas can, he aimed an Underwood M1 carbine .30 rifle at the gas attendant, shooting through glass, but missing. The individual pursued the attendant, making another failed shot before giving up and continuing back to Hungerford (para. 23, p. 5).

Around 12:45 PM, the individual arrived at the home on South View Drive in Hungerford where he lived with his mother, who was not present. He set fire to the house, whereupon his plan seems to have been to leave again in his vehicle, but when his car would not start, he removed three weapons from the vehicle and proceeded on foot. Within minutes, he shot a neighbouring couple, killing the husband with a Kalashnikov 7.92 semi-automatic rifle and the wife with the Beretta 9-mm (para. 24, page 5).<sup>15</sup>

After shooting and injuring two more people, the individual proceeded east on foot towards an open grassy plain known as the Hungerford Common Port Down. On his way there, he shot and killed a passerby with the Kalashnikov, at which point the individual then reversed direction back toward the South View Drive/Fairview Drive area, where he proceeded to kill four more people, including his mother and a police officer, and injured an additional five (paras. 26–34, pp. 5–6). The individual then proceeded south, walking through a playing field and past a park to Bulpit Lane, injuring one person and killing two (paras. 35 & 36, p. 6). He again changed course, killing two more people and injuring four more as he proceeded northward on Priory Ave. (not to be

<sup>12</sup> The Report is downloadable from the UK's Joint Emergency Services Interoperability Programme/Principles (JESIP) website: [https://jesip.org.uk/uploads/media/incident\\_reports\\_and\\_inquiries/Hungerford%20Shootings.pdf](https://jesip.org.uk/uploads/media/incident_reports_and_inquiries/Hungerford%20Shootings.pdf). For information on JESIP, consult Chapter III, "The Cumbria Shootings", *infra*. All citations are to the Report unless otherwise noted, and citations are to paragraph and page number, e.g., "paras. 4 & 5, p. 2" indicates "paragraphs 4 and 5, page 2".

<sup>13</sup> The perpetrator, Michael Ryan, is referred to as "the individual".

<sup>14</sup> At some point during the incident, the M1 jammed, and the Kalashnikov emptied, leaving the individual with only the Beretta. The Report notes that the individual was wearing "a bullet resistant [sic] waistcoat which would have protected him against all but [the police's] most powerful weapons, whereas some of his bullets had the capacity to pierce armour" (para. 43, p. 7).

<sup>15</sup> The map below depicts the approximate location of the shootings in Hungerford. The incident description provides street names for reference.

## I. The Hungerford Shootings

confused with Priory Road)<sup>16</sup> up to the juncture at Tarrant's Hill Road. He then veered southwest through residential grounds to Priory Road, where he killed one person before turning southeast down Priory Road all the way to John O'Gaunt High School. On his way down Priory Road, he killed three more people and injured three more, with the last of these six shootings taking place around 1:45 PM (paras. 37–42, pp. 6–7).

The individual seems then to have remained in the vicinity of John O'Gaunt High School until police arrived at the school at 5:26 PM (para. 42, p. 7).<sup>17</sup> By 6:00 PM, the individual was contained and in dialogue with a sergeant (paras. 63–64, p. 11). The individual shot himself at 6:52 PM (para. 65, p. 11).

The map below depicts the approximate location of the shootings in Hungerford. Each blue dot represents a person injured, and each red dot represents a person killed. As noted above, except for the first death approximately sixteen kilometers from Hungerford, the shootings took place within a radius of one kilometer.



Source: Map created by MCC Research & Policy Team.

## 2. Response and Recommendations

The town of Hungerford lies within the Thames Valley Police area, located 55 kilometers from the Thames Valley Police Headquarters at Kidlington. The closest sizable town is Newbury, sixteen kilometers away. The 'Hungerford Sector' is a 225 square-kilometer policing sector encompassing the town of Hungerford and four small villages. At the time of the incident, two sergeants and twelve constables covered the Hungerford Sector, with both sergeants and seven of the

<sup>16</sup> Priory Road begins at route A338 and winds south-eastward past John O'Gaunt High School. Priory Avenue is the continuation of Fairview Road (the road that intersects with South View Drive) southward of Tarrant's Hill Road, and it ends at Priory Road.

<sup>17</sup> Callers reported hearing shots from the High School. Most likely, this was the individual shooting at press helicopters overhead (para. 61, p. 11; para. 75(a), p. 15). There were no further injuries or fatalities from this point forward, other than the individual's suicide at 6:52 PM.

## I. The Hungerford Shootings

constables working within the town of Hungerford, the population of which was 5,000 (paras. 2-4, p. 1). Prior to the mass shooting, "Hungerford [had] not witnessed the act of murder for 111 years" (para. 2, p. 1).

**A. Communications and Equipment**

At the time of the incident, the Hungerford police station was undergoing renovations to modernize its facilities, and the Kidlington control room had "inadequate equipment and accommodation to take effective command" of an incident of the kind that occurred (para. 53, p. 9). In addition, it was standard that all emergency 999 calls from Hungerford went to the Newbury station and were dispatched from there to the Hungerford police via personal ultra-high frequency (UHF) radio. The fact that police activity in Hungerford was dependent on the Newbury and Kidlington stations posed numerous communication and coordination challenges throughout the incident response. Making matters worse was the fact that until later in the incident, there was no single telephone line connecting these three stations (para. 57, p. 10), and the shared radio system was outdated, making it hard, with the amount of radio traffic from the incident, to devote a single radio channel for the police response (para. 56, p. 10). The cellular network and public telephone lines were also overwhelmed, and in the end, some phone service areas were "blacked out" to allow adequate capacity for the police response (paras. 54 & 55, p. 10).

In terms of equipment, the police helicopter was initially grounded for repair and took some time to be airborne (para. 51, p. 8). In addition, the usual mobile communications vehicle was defective, requiring an older vehicle to be located and dispatched (para. 58, p. 10). The Force had many handheld radios for using the National Firearms Channel, but they were not enough for the number of officers deployed (para. 58, p. 10). The lack of any armoured vehicles until late in the response delayed the search for dead and injured victims in the surrounding area (para. 60, p. 11).

**B. First Responder Wellness**

For first responders, the communication and equipment difficulties, coupled with the shortage of officers, magnified the stress of the incident and its later psychological impacts. As the Report notes:

A substantial police responsibility following the incident has been the handling of stress in respect of many officers connected with the events. Stress has manifested itself not only in those close to the shootings in Hungerford but also in other officers (such as those in control rooms) who had an awesome responsibility during the early stages. *Outdated equipment and the overall shortage of manpower within the Force were no doubt factors which made the task much harder for all officers on the day, factors which have now heightened their stress level through the sadness that some of them feel at the appalling death toll revealed.* Stress counselling has been made available by the Force to all of those involved, through the offices of the Force Welfare Officers and involving the services of a professional counsellor. ... This will be a long-term problem, but it is well in hand (para. 69, p. 12, emphasis added).

Another major challenge for responders stemmed from the amount of conflicting information received from the public as to the subject's location, some of which, it turns out, was reported long after sighting (paras. 44–50, pp. 7–8).

**C. Containment and Duty to Warn and Inform**

Despite the challenges faced by responders, the Report notes their success in establishing roadblocks to protect the public and to prevent the individual from exiting the town by car. In addition, the Reports states that the "helicopter was of invaluable assistance in directing Officers

## I. The Hungerford Shootings

on the ground and members of the public to safety through its loudspeaker system. It is believed but cannot be proved that it was the activity of the helicopter which caused [the individual] to seek refuge in the school, as opposed to [committing] further killings in the town or making his way into open country” (para. 51, p. 8). The (relatively) early containment of the individual spared the Force a protracted incident in which its existing weaknesses, including lack of good communications and equipment “[would have] become significant and ... have had serious consequences” (para. 73, p. 18).

**D. Recommendations: Firearms**

The Report concludes with three main recommendations. The first two were somewhat specific to the Hungerford facts: the Report recommends (i) banning press helicopters (their presence interfered with the incident response) and (ii) acquiring an armoured vehicle (to enable, e.g., casualty evacuation, reconnaissance, and other deployments in areas where firearms may be in range) (para. 75, p. 15). The third recommendation, regarding firearms control, was of more national significance, both in terms of subject matter and impact.

At the time of the event, the individual was in legal possession of each of his firearms, but his certificate allowed him to use these weapons only at approved firearm ranges (he was a member of two such ranges.) According to the Report, all required processes, checks, and safety conditions had been duly satisfied in relation to granting the individual’s shotgun and firearms certificates, and all his firearm sales and acquisitions had been properly reported and endorsed as variations to his firearms certificate.<sup>18</sup>

The Report makes the following five observations regarding firearms legislation and licensing, stating that “the public are not only amenable to but will demand that this tragic event is used as a catalyst for changes in both the [firearms] law and administrative procedures which have long been thought desirable and well overdue” (para. 75, p. 16):

1. It would not impede any sporting or leisure interest to prohibit the normal sale and private, at-home possession of the more lethal firearms, i.e., “self-loading full-bore rifles, carbines and shotguns” (para. 75(c)(i), p. 16).
2. It is “essential,” with some exceptions, to prevent the storage of ammunition at home: “It would be relatively easy not to permit every person who justifies a firearm merely for target practice, to keep ammunition at home” (para. 75(c)(ii), p. 16).
3. “The suitability of any person to own any firearm ... needs to be the subject of much stricter rules” (para. 75(c)(iii), p. 16). Applicants should be required to provide referees, and police should be able to consult “whomsoever they [think] useful” in assessing an applicant. Furthermore, the courts should be more supportive if police refuse a request. “Historically,

<sup>18</sup> The Report addresses the individual’s firearms history in Appendix A, pages. 16-18. Note that the UK Hansard on the 1988 Firearms Amendment Act suggests some disagreement as to whether the individual should have been granted a firearms certificate. MP Martyn Jones, in particular, asserts that the individual’s firearms certificate was granted the day after he applied, and that the Thames Valley Police did not verify whether he had obtained the status of full member at the shooting club where he was a provisional member. The individual later applied for several variations to his certificate in order to allow him to purchase additional firearms, and per MP Jones, “When Ryan varied his certificate to obtain the so-called ‘Kalashnikov-style’ weapon—a self-loading rifle—he was not a member of any club at which he could legitimately have used such a firearm.” See UK Parliament Hansard, vol. 125, 21 January 1988, 1137–39, [https://api.parliament.uk/historic-hansard/commons/1988/jan/21/firearms-amendment-bill#column\\_1137](https://api.parliament.uk/historic-hansard/commons/1988/jan/21/firearms-amendment-bill#column_1137) (accessed 7/22/22).

I. The Hungerford Shootings

Judges come from a sports shooting background, and tend to be liberal, without appreciating the consequences of guns in less responsible hands” (para. 75(c)(iii), p. 16).

4. “A shotgun which falls into the wrong hands has the same lethal power as Part I Firearms and should be subject to exactly the same restrictions and laws” (para. 75(c)(iv), p. 16).
5. “Authority to purchase or acquire ammunition should be explicit to prevent armour-piercing ammunition falling into the hands of any private citizen” (para. 75(c)(v), p. 16).

**3. Firearms (Amendment) Act 1988**

In response to the Report’s firearms recommendations, the UK government enacted the Firearms (Amendment) Act 1988.<sup>19</sup> The Amendment, among other things, prohibited self-loading (semi-automatic) firearms other than those chambered for .22 rim-fire cartridges (s. 1(2)) and narrowed the Act’s definition of exempted shotguns to those with “no magazine or [having] a non-detachable magazine incapable of holding more than two cartridges” (s. 2(2)).<sup>20</sup> It also added a “good reason” criterion for issuing shotgun certificates (s. 3(1)), creating closer parity with the standard for issuing firearms certificates.

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<sup>19</sup> Both the original and revised versions of the 1988 Act can be viewed at <https://www.legislation.gov.uk/ukpga/1988/45/contents/enacted> (7/22/22).

<sup>20</sup> The Firearms Act 1968 generally distinguishes between “firearms” and “shotguns,” with stricter controls regarding the acquisition, transfer, possession, and use of “firearms” and separate certificate requirements and conditions for each. In regards to certificates, “[t]he shot gun certificate differs from the firearm certificate in that it authorises a person to have in their possession, purchase, or to acquire, an unlimited number of shot guns without the need for approval in respect of individual guns.” See Home Office (UK), “Guide on Firearms Licensing Law,” (20 December 2021), available at <https://www.gov.uk/government/publications/firearms-law-guidance-to-the-police-2012> (accessed 7/22/22).

## II. THE DUNBLANE SHOOTINGS (1996)

*The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996: The Hon Lord Cullen ("the Report")*<sup>21</sup>

### 1. Incident Description

Dunblane is a town located in central Scotland, about 48 kilometers northeast of Glasgow and 64 kilometers northwest of Edinburgh. At around 9:30 AM on 13 March 1996, a class of 28 schoolchildren ages five and six had just moved into the gymnasium at Dunblane Primary School when an individual<sup>22</sup> entered the north end of the gym carrying a firearm and began shooting rapidly and indiscriminately at the children and teachers (paras. 3.3–3.5, pp. 16-17). He fired a total of 53 shots within the gymnasium and 37 shots from the gymnasium windows and exits towards other locations (no one was seriously hurt by the outdoor shots). The individual then returned to the gymnasium, firing more shots, and then pulled out a second gun, a revolver, which he fired into his mouth, dying instantly (paras. 3.5–3.8, pp. 17-18).

A total of seventeen people (one teacher and sixteen children) were killed. Another fourteen children and three adults were injured. All of the shootings took place within three to four minutes, somewhere between 9:35-9:40 AM. As the Report explains, "an examination of the scene showed that, having entered the school with 4 handguns and 743 rounds of ammunition, Thomas Hamilton fired 105 rounds with a 9mm Browning self-loading pistol over a space of about 3–4 minutes before committing suicide with one shot from a .357 Smith & Wesson revolver" (para. 1.3, p. 5). The first call to the police was received at 9:41 AM. The call for ambulances was made at 9:43 AM (paras. 3.12 & 3.13, pp. 18-19).

### 2. Response and Recommendations

#### A. Public Inquiry

The Report is the result of a public inquiry that involved both an investigation and a tribunal of inquiry that received and considered the investigative evidence and submissions from interested parties. With the exception of an independent investigation into "the actions of the police in investigating [the individual's] conduct and authorising his holding of firearms and ammunition," the bulk of the investigative work was conducted by Central Scotland Police and involved "a painstaking and detailed examination of the conduct of [the individual] over many years," including his relationships with "a considerable number of bodies and officials ..." (para. 2.1, p. 10).<sup>23</sup> The tribunal of inquiry conducted by Lord Cullen lasted 26 days (26 May–10 July 1996). "The whole proceedings were held in public and recorded by shorthand writers" (para. 2.9, p. 12). The proceedings showed sensitivity to the needs and concerns of relatives of victims, and as a result, "details of the injuries suffered by individual victims were not explored in evidence" (para. 2.10, p. 12). In order to encourage transparency, amnesty was declared for witnesses—their testimony could not be used against them, except for the offence of perjury (para. 2.11, p. 12).

<sup>21</sup> The Report and Government Response are available on the UK Government website: <https://www.gov.uk/government/publications/public-inquiry-into-the-shootings-at-dunblane-primary-school> (accessed 7/22/22). All citations are to the Report unless otherwise indicated. Citations are to paragraph and page numbers, e.g., "paras. 3.12 & 3.13, pp. 17-18" indicates "paragraphs 3.12 and 3.13, pages 17-18".

<sup>22</sup> The perpetrator, 43-year old Thomas Hamilton, is hereinafter referred to as "the individual".

<sup>23</sup> The Report discusses these matters in c. 4, "Events in the Life of [the individual]" (p. 26); c. 5, "The Last Six Months" (p. 54); and c. 6, "[The individual's] Possession of Firearms and Ammunition" (p. 69).

## II. The Dunblane Shootings

**B. Victim Identification and Family Notification**

According to the Report, the central weakness of the police response pertained to victim identification:

[T]he point which was of most concern to the families in the present case was the delay in their being informed of the fate of their children and, in particular, the time which it took before the families of those who had been killed were informed of that fact (para. 3.34, p. 23).

There were several causes for delay in victim identification. The first was that the person who knew the children best, the class teacher, was deceased: "Since [the class teacher] was dead, help was sought from members of staff, including nursery staff, who had looked after the children during the previous year. However, not all of the children had been through the nursery. This was an extremely harrowing experience for all the members of staff who were involved." (para. 3.14, p. 19). Second, in order to expedite getting injured children to the hospital, their names were not recorded before leaving the school. This was problematic, as the names of the surviving children were needed to help properly identify the deceased. It was hours before police could get these names from the hospital, in part because the school's one telephone line "was engaged for virtually the whole time by calls from anxious parents or from the media" (para. 3.22, p. 20). Lastly, the teacher had not yet taken attendance that day, and it was only later discovered that two of her students had been absent (para. 3.14, p. 19; para. 3.21, p. 20). As a result of these factors, a child had been apparently identified as being both in the gym and at hospital:

This necessitated a second round of physical identification of the children in the gym by members of staff. This served only to make their task the more harrowing. As this doubt had arisen, the police took the deliberate decision to withhold information about any of the deceased until all of them had been identified (para. 3.24, p. 21).

Despite the significant challenges that surrounded victim identification, the Report finds the delays to be unacceptable, stating in particular that the families should have been given updates of *any kind* rather than be left on site for hours without information. The Report also stresses the importance of conveying sensitive information in a sensitive manner. As Lord Cullen states:

*These delays were entirely unacceptable, especially when they were combined with the distressing effect of lack of any information, even an explanation that there was a problem and something was being done about it. It should be accepted that the provision of information even of a limited nature should be one of the aims in setting up adequate systems in the immediate aftermath of a major incident.* I can appreciate that in the present case the police wanted to ensure that they were in a position to provide accurate information to the parents, but the need, as they saw it, to wait until their information was considered accurate in every case, along with the time taken up by the formation of the liaison teams meant that a considerable time elapsed while the parents were left in what was described as a cramped and overcrowded room, experiencing intense frustration, concern, and even anger. *It is important not merely that as much information should be provided to relatives but also that the means by which that information is provided should be as sensitive and reassuring as possible.* I note with approval that the Chief Constable intends (11.7 and 11.8) to consider allocation of officers with particular expertise for this purpose (para. 3.34, p. 23, emphasis added).

**C. Recommendations: Firearms**

The Report's recommendations address three substantive issues: 1) firearms licensing and certification; 2) school security;<sup>24</sup> and 3) vetting and supervision of adults working with children

<sup>24</sup> See Recs. 25 & 26, p. 164. These recommendations stem from c. 10, "School Security" (p. 147).



## II. The Dunblane Shootings

and young people.<sup>25</sup> This summary focuses on firearms recommendations, starting with a brief discussion of the individual's firearms history and the weaknesses in the licensing process that the Report identifies in connection with this history.<sup>26</sup>

The individual held a firearms certificate from 1977 until the events of 13 March 1996, purchasing a total of four firearms in that period: two 9-mm pistols and two .357 revolvers.<sup>27</sup> The Report identifies problems with the certification system itself as well as the way in which it was run by the officials involved. The system as it pertained to the individual lacked meaningful vetting measures, and even where measures did exist, they were not applied—they were either skipped entirely or attended to with mindless approval and, in some instances, bad judgement (para. 6.43, pp. 79-80; paras. 6.59–6.63, pp. 84-86). As a consequence, the individual was able to obtain multiple guns without good reason and amass an amount of ammunition more appropriate to competitive shooters than to the individual, who did not do much shooting throughout his status as a certificate holder (para. 6.31, p. 76). In fact, the individual had never made use of his authority to acquire a fifth firearm, a 7.62 rifle, and yet he was able to buy ammunition for it (para. 6.10, p. 72). At his certificate renewal dates, there was no assessment as to whether the individual's authorizations had in fact been used (paras. 6.32–6.36, pp. 76-77). Furthermore, pertinent existing information held by various individuals that would have collectively and even separately indicated against the individual owning firearms was never collected and aggregated for reference purposes (paras. 6.44, p. 80; paras. 6.65–6.67, pp. 86-87). The Report concludes that the individual's certificate should have been revoked (and for the same reasons, should not have been renewed) (paras. 6.64 & 6.68, pp. 86 & 87).

The Report's final remarks in chapter 6 pertain to a design flaw in the certification process, such that junior officers would determine what information, if any, was relevant to the application and then provide that to the senior officer signing the firearms certificates. This inadvertently created the presumption that a lack of information before the senior officer meant the lack of any known reason to deny the certificate:

[T]he evidence provided a disturbing picture of the operation of the decision-making process. The senior officer who had the responsibility of determining the outcome of Thomas Hamilton's application had nothing put before him but the new firearm certificate to be signed. In the absence of any indication to the contrary, he assumed that it was appropriate for him to sign. In such circumstances junior officers made the assessment of the significance of information which was obtained. The senior officer was not placed in the position of making the decision in the light of all the information which was of possible relevance (para. 6.78, p. 89).

<sup>25</sup> See Recs. 27 & 28, p. 165. These recommendations stem from c. 11, "The Vetting and Supervision of Adults Working with Children and Young People" (p. 153).

<sup>26</sup> The following discussion of the individual's history as a certificate holder is based on c. 6 of the Report, "[The individual's] Possession of Firearms and Ammunition" (p. 69). The Report's recommendations with respect to firearms are based on its chapter 6 analysis as well as the extensive discussions on firearms control and licensing in chapters 7 to 9 of the Report: c. 7, "The Control of Firearms and Ammunition" (p. 90); c. 8, "The Certification System Relating to Section 1 Firearms" (p. 94); and c. 9, "The Availability of Section 1 Firearms" (p.118). The resulting recommendations appear in chapter 12 (Recs. 1-24, pp. 162-164).

<sup>27</sup> The Report notes that in 1992, the individual was authorized to purchase both a 9-mm and .357 firearm, both of which were duplicates in caliber to guns he already held. This was *prima facie* a violation of the "good reason" standard and required justification. The justification for a duplicate could be, for example, the need for a back-up for competitive shooting (in the event of a mechanical failure). Indeed, this was the justification stated in the application—that the individual was "active in competition shooting throughout the country." Yet there was no evidence suggesting that the individual was a competitive shooter, much less "throughout the country." This unjustified issuance of duplicates could have been significant had one of the individual's weapons failed during the massacre and had he continued shooting using one of the duplicates (paras. 6.28–6.30, p. 75).



## II. The Dunblane Shootings

The Report introduces its more general discussion of firearms control with the following question:

The scale of the massacre and injuries which [the individual] was able to perpetrate and the speed with which he accomplished his purpose are such as to raise questions of public concern about the firearms which he used and had with him. Should there be a restriction on the availability of such firearms? If so, what form should it take? (para. 7.11, p. 91)

The Report recommends restricting access to handguns (the type of firearm used by the individual) in one of two ways: handguns should either be physically stored at shooting clubs,<sup>28</sup> or they should be banned from ownership altogether (and thus added to the list of prohibited firearms) (c. 12, Rec. 24, p. 164). Ultimately, the Government elected to ban handgun ownership in the United Kingdom, and the Firearms Act was amended by adding subsection (1)(aba) to the list of prohibited weapons in section 5, so that “any firearm which either has a barrel less than 30 centimetres in length or is less than 60 centimetres in length overall ...” is prohibited.<sup>29</sup>

The Report makes further firearms recommendations pertaining to licensing and to the regulation of shooting clubs. The recommendations on licensing aim to address the problems detected in the Report regarding the licensing processes. Some of the recommendations aim to ensure proper collection and flow of information pertaining to applicants and existing certificate holders so that those making certificate decisions (grants, renewals, revocations, variations, etc.) are fully aware of the information relevant to their decisions (c. 12, Recs. 1–7, p. 162). Other recommendations clarify the standards that apply to those decisions and focus in particular on the “good reason” and “suitability” standards (c. 12, Recs. 8-9 & 16-18, pp. 162-63).

Regarding the requirement to have a “good reason” to possess a firearm, the Report clarifies that when an applicant provides a “good reason” for a firearms certificate (e.g., target shooting), it is implied that the applicant in fact intends to acquire and use the firearm for that purpose. Failure to do so is grounds for revocation. In the case of the individual, the fact that he had not attended the shooting range for years would have been grounds for revoking (or failing to renew) his certificate and then for seizing his firearms and ammunition (c. 12, Recs. 8–9, pp. 162-63). With regard to suitability, the Report recommends that the “Guidance to the Police” manual clarify the suitability standard, in particular the scope of “‘fitness’ to be entrusted with a firearm and ammunition” (c. 12, Rec. 18, p. 163).<sup>30</sup> In addition, firearms applicants should be required to provide two references, and the decision as to suitability should be informed by the outcome of the candidate’s required application for membership at an approved shooting club (c. 12., Recs. 19–21, p. 164).<sup>31</sup>

<sup>28</sup> More specifically, the Report suggests either that shooting clubs lock the barrel of handguns before owners take them home or simply that handguns never be permitted to leave the clubs and must be stored there permanently.

<sup>29</sup> “... other than an air weapon, a muzzle-loading gun or a firearm designed as a signalling apparatus”—subsection (1)(aba), Firearms Act, 1968. Note that initially, the 1996 Firearms Amendment (Amendment No. 1) included “a small-caliber pistol” (i.e., a 22-caliber pistol) exception: <https://www.legislation.gov.uk/ukpga/1997/5/enacted> (7/22/22), but this was subsequently removed in a second 1996 Amendment (Amendment No. 2): <https://www.legislation.gov.uk/ukpga/1997/64/contents/enacted> (7/22/22).

<sup>30</sup> The UK Home Office currently provides both statutory and non-statutory guidance on all aspects of the licensing process. See “Statutory Guidance for Chief Officers of Police on Firearms Licensing”, UK Home Office (20 October 2021), <https://www.gov.uk/government/publications/statutory-guidance-for-police-on-firearms-licensing/statutory-guidance-for-chief-officers-of-police-on-firearms-licensing-accessible-version-from-1-november-2021> (accessed 7/22/22) (“Statutory Guidance”). See also the UK Home Office non-statutory “Guide on Firearms Licensing Law” (19 December 2012, last updated 20 December 2021), <https://www.gov.uk/government/publications/firearms-law-guidance-to-the-police-2012> (accessed 7/22/22).

<sup>31</sup> The statutory guidance now also includes the requirement that applicants provide a letter from their GP that confirms “whether or not the applicant is or has been diagnosed or treated for any relevant medical condition which could affect

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The recommendations relating to approved shooting clubs aim to hold shooting clubs accountable for their members and enlist shooting clubs as sources of information about certificate holders. For example, the Report recommends introducing several recordkeeping and reporting requirements for shooting clubs as conditions of their ongoing approved status (c. 12, Recs. 10–15 & 19, pp. 163 & 164). The records of shooting clubs are then one means for licensing agents to verify that certificate holders are actively using their firearm for the “good reason” on the basis of which they applied for it. In keeping with these recommendations for shooting clubs is the further recommendation that certificate applicants be members in good standing of approved shooting clubs and that they include relevant details of their histories in their membership application (c. 12, Recs. 11 & 20, pp. 163 & 164).

### 3. Firearms (Amendment) Acts 1996 (No. 1 and No. 2)

All of the Report’s firearms recommendations were adopted by the UK Government in some form—some by amendment, others by changes to the police guidance manuals.<sup>32</sup> Taken together, the recommendations stemming from the report on the Dunblane massacre permanently altered the landscape of firearms control in the UK.

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their ability to possess a firearm safely.” See Statutory Guidance, s. 2.29. We can perhaps trace the inception of this requirement to Rec. 22, p. 164 of the Report, which recommends considering the Association of Police Surgeons’ proposal to require “provision by the applicant’s medical practitioner of information as to the applicant’s medical history.”

<sup>32</sup> The UK government stated its acceptance of the firearms recommendations in a “Government Response” White Paper. See UK Government, “The Public Inquiry into the Shootings at Dunblane Primary School on 13 March 1996: The Government Response,” White Paper (16 October 1996), Cm. 3392, available at <https://www.gov.uk/government/publications/public-inquiry-into-the-shootings-at-dunblane-primary-school> (accessed 7/22/22).

### III. THE CUMBRIA SHOOTINGS (2010)

*Operation Bridge: Peer Review into the Response of the Cumbria Constabulary Following the Actions of Derrik Bird on 2 June 2010-- Assistant Chief Constable Simon Chesterman, West Mercia Police ("Report")*<sup>33</sup>

#### 1. Incident Description

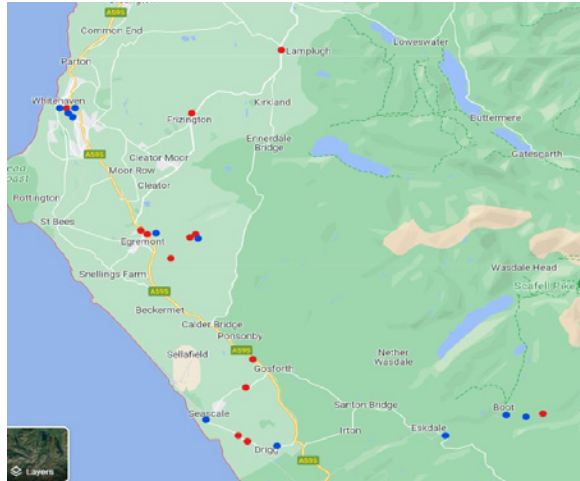
In the early hours of 2 June 2010, a 52-year-old man armed with a shotgun and 22-caliber rifle fatally shot his twin brother at the brother's home in the small community of Lamplugh, West Cumbria (paras. 8.1-8.4, p. 24).<sup>34</sup> The individual then drove his taxi 8 kilometers to the village of Frizington and, at around 10 AM, fatally shot his solicitor while the latter was leaving for work (paras. 8.5-8.10, p. 24). After leaving the solicitor's home, the individual drove to a friend's house to retrieve a shotgun he had loaned to the friend. The friend was not home, and at 10:35 AM, the individual left the friend's home and drove 8 kilometers to the taxi depot in the town of Whitehaven, which was the individual's place of employment (paras. 8.41-8.43, p. 31). Between 10:27 AM and 10:34 AM, the individual proceeded to successively shoot four fellow taxi drivers and one passenger, killing the first driver and injuring the other three drivers and the passenger (paras. 8.44-8.56 & 8.63-8.65, pp. 31-33). By this time, two unarmed Whitehaven police officers were following the individual and witnessed the last of the shootings (paras. 8.61 & 8.62, p. 33). Aware of their presence, the individual turned his vehicle to face them and pointed his shotgun in their direction (para. 8.68, p. 34). The two unarmed officers took cover inside their vehicles, and when they looked up, the individual was driving away at high speed (para. 8.69, p. 34). They attempted to follow him but lost his trail (para. 8.70, p. 34). The individual then continued on a shooting spree for over 40 kilometers, killing another nine people and injuring another seven before being forced to turn off a main road with a flat tire in the village of Boot, Holmrook.<sup>35</sup> The individual then drove to the foot of a stone bridge that crossed the Esk River and parked his car (para. 8.249, p. 55). He walked over the bridge into the woods and shot himself at approximately 12:15 PM (para. 8.251, p. 55).

In total, the individual shot 23 people (excluding himself), killing twelve and injuring eleven (para. 3.1, p. 6). The map below indicates the approximate geographical location of the shootings. Each red dot indicates a person fatally shot by the individual; blue dots indicate injured victims.

<sup>33</sup> The Report is downloadable from the UK's Joint Emergency Services Interoperability Program/Principles (JESIP) website: <https://www.jesip.org.uk/downloads/operation-bridge-peer-review-derrick-bird-shootings/> (accessed 7/22/22). All citations are to the Report unless otherwise noted. Citations are to paragraph and page number, e.g., "para. 8.12, p. 25" indicates "paragraph 8.12, page 25".

<sup>34</sup> Hereinafter, the perpetrator is referred to as "the individual".

<sup>35</sup> Paras. 8.142-144, pp. 42-43; para. 8.157, p. 144; paras. 8.162 & 8.163, p. 45; paras. 8.173-175, p. 47; para. 8.177-179, p. 47; para. 8.200, p. 49; para. 8.207, p. 50; para. 8.209, p. 51; & paras. 8.247-248, p. 55.



Source: Map created by MCC Research & Policy Team.

## 2. Response and Recommendations

The Report offers fifteen “Observations” and nine “Recommendations”.<sup>36</sup> In addition, the author of the Report, Assistant Chief Constable Simon Chesterman of the West Mercia Police, offers suggestions throughout. The following outlines some key issues with the Cumbria Constabulary incident response and discusses the Report’s related observations, recommendations, and suggestions.

### A. Call Handling

The Cumbria Constabulary response faced a number of challenges. The first relates to the initial 999 call, which came from a neighbour who witnessed the shooting of the solicitor (paras. 8.11–8.39, pp. 25–31). Below is an excerpt from the call transcript reproduced in the Report (paras. 8.15 & 8.21, pp. 25–27):

- 10:13:20 **Call handler:** Good morning, Cumbria Police, what's your emergency? ...
- 10:13:37 **Susan ROONEY:** Well I've heard like an air rifle shot and a fella's got out of a car and he's run up the farm lonning<sup>37</sup> erm and he's shooting, shooting. Well, that other taxi, it's a taxi that's took off but the van's still there and I dunno where that other fella is, eh?
- 10:13:52 **Call handler:** Right so you've heard some shots.
- 10:13:54 **Susan ROONEY:** Yeah like air rifle eh. I thought they were shooting at the sheep, but he was running after a fella eh.
- 10:14:03 **Call handler:** You heard the shots and then sorry what?
- 10:14:06 **Susan ROONEY:** A fella getting out of a car and they were parked like nose to nose and I've liked watched it and thought oh they're not shooting the sheep and I've seen a fella running up the road out the white van up the lonning and then this other fella kept

<sup>36</sup> Citations in this section are to the Observations (“Obs.”) and Recommendations (“Rec.”) as they appear in the context of the Report. A straight list of the Observations appears on pp. 10–12 (paras. 3.38–3.57), followed by the list of Recommendations on pp. 12–13 (paras. 3.58–3.69).

<sup>37</sup> “Lonning” (sometimes spelled “lonnin” or “lonnen”) is a regional term for a country lane.

shooting and I've watched it til he's got to the top and outta sight but I haven't seen this fella come back into this car but the other fella's took off in his car. I'm just frightened he's wounded up the top eh....

- 10:16:32 **Call handler:** And sorry the taxi was?  
 10:16:33 **Susan ROONEY:** Oh like a silvery blue  
 10:16:35 **Call handler:** No but did you say there was a name on it  
 10:16:38 **Susan ROONEY:** No it just had yellow taxi written on it  
 10:16:42 **Call handler:** What, on the side?  
 10:16:43 **Susan ROONEY:** Yeah round the door across the bottom, round the door  
 10:16:46 **Call handler:** Yellow taxi? Could that be the name of the firm then do you think? Yellow taxi?  
 10:16:51 **Susan ROONEY:** No it's just got taxi on it to say it's a taxi eh.  
 10:16:55 **Call handler:** What kind of vehicle do you know then?  
 10:16:56 **Susan ROONEY:** A Picasso.

The Report notes that significant detail was lost in the relay of this information to headquarters and patrol. In particular, as shown by the log of the call center, the handler described the car as a yellow taxi rather than as a silvery blue Picasso with "taxi" written on the side in yellow. In addition, the fact that Ms. Rooney *heard* the shots should have indicated to those receiving the information that the weapon was a firearm, not an air rifle, but this subtlety was not conveyed to the Force Incident Manager (FIM); instead, the incident was described simply as an air rifle shooting (para. 8.25, p. 28):<sup>38</sup>

- Comms (Airwave):** 2041 I'll just give you a (over talking/inaudible) Susan ROONEY from Frizington Road contacted saying that she heard some air rifle shots near the tip, she's seen two vehicles parked nose to nose  
 10:25:48 **9254 (Telephone):** 2 fellas are shooting each other with air rifles  
 10:25:58 **Dispatcher:** Unfortunately not all I've got is a yellow taxi and a white van the male in the yellow taxi has made off but the other male in the white van hasn't so believe he's currently still on scene

The FIM on duty bears responsibility for deciding whether the incident requires an armored response vehicle (ARV), which is a vehicle driven by authorized firearms officers (AFOs) that contains firearms in a locked safe.<sup>39</sup> The information verbally conveyed to the FIM pertained to air rifles, and the possibility that an armed man in a taxi was on the loose appears to have been lost, so the FIM did not request an ARV or a Firearms Command structure.<sup>40</sup> Upon discovery of

<sup>38</sup> The Report notes, however, that "[i]rrespective of whether the weapon was an air rifle or not, the fact that the allegation was that an individual had discharged the weapon at another person and that there was possibly someone injured, would itself be good reason to consider sending the crew of an Armed Response Vehicle to investigate" (para. 8.19, pp. 26-27).

<sup>39</sup> Historically, the AFOs obtained authorization before unlocking the firearms safe (except in urgent situations). By the time of the Report, the majority of UK jurisdictions had changed to allow AFOs to carry a firearm on their person. The Cumbria constabulary was an exception, and the Report suggests that it review its position on overt carry (Obs. 15: 76; paras. 2.109-2.115, pp. 75-76).

<sup>40</sup> Generally, unarmed and armed responses in the UK, though they work in tandem, have independent command structures. When an armed response is at play and may be protracted, the Force Incident Manager (FIM) requests a Firearms Command structure. The Firearms Command structure has three functional levels—Operational, Tactical, and Strategic (bronze, silver, and gold, respectively). In addition, there are Tactical Firearms Advisors, who advise the

the solicitor's body, the FIM deployed ARVs to the scene (10:30 AM). By the time they arrived to the solicitor's home, the individual was already in Whitehaven. The Report notes that, in hindsight, the absence of a delay would not have saved lives, since the ARVs would still not have made it to Whitehaven in time (para. 8.39, p. 31). While the Report devotes significant attention to the mistaken relay of communications, it makes no specific recommendations in this regard.

### **B. Armed Response**

When calls came in at 10:35 AM regarding the shootings at the taxi depot in Whitehaven, the FIM further requested the presence of a Firearms Commander (para. 8.76, p. 35). At this point there arose a confusion of command that persisted throughout the incident, namely that both the FIM and the Firearms Commander believed they were in command of the armed response. Fortunately, the confusion did not create harm: the constabulary did not manage to catch the individual before he committed suicide, in which case no armed confrontation was in the end necessary. According to the Report, it was up to the Firearms Commander to assert command, and it appears that he did not do so because (i) he did not have an appropriate work environment and was operating from a corner of the call center, and (ii) he did not have a dedicated radio channel for his command—the FIM had designated a single radio channel for all aspects of the response and needed to remain in charge of the unarmed incident response. The police log recorded a change of command, but the FIM was unaware of this and continued his command of the armed response, believing that it was “a fast-moving spontaneous incident where command could not effectively be handed over” (paras. 8.83–8.91, pp. 35–37; paras. 8.182–8.192, pp. 47–8; & paras. 12.49–12.59, pp. 68–69).

Regarding this confusion, the Report observes the need to “reinforce the importance of command protocols to both the Tactical Firearms Commander and the FIM and to ensure that a Commander is clearly defined at all times during a Firearm Operation” (Obs. 7, pp. 48–49). The Report also suggests that an alternative approach for the future would be to have three radio channels and three commanders working together: one for the (unarmed) incident command, one for the firearms command, and another for the crime scene supervisor/commander (paras. 8.92–8.97, pp. 37–38). Using these three channels,

The FIM could have retained command of all unarmed officers and coordinated their response in the pursuit of [the individual] with the primary objective to locate (but not intercept) him. [...] The early appointment of an additional commander to manage the scene of all incidents that had occurred would have reduced the demand on the control room. The appointed person could have utilised a separate channel to coordinate the resources at those scenes. They would also have been able to coordinate the response of partners, including liaison with the ambulance service. A dedicated firearms command channel would have enabled the Tactical Firearms Commander to manage the firearms response in concert with the incident command channel (paras. 8.94–8.96, pp. 37–38).

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Firearms Commanders but do not make decisions. In any armed response, the initial Tactical Firearms Commander is the FIM. Should a Firearms Command structure be requested, the 'cadre' Tactical Firearms Commander will assume Tactical Command upon arrival and will work with the Operational and Strategic Firearms Commanders to direct the armed response, allowing the FIM to focus on the unarmed response. In the absence of a cadre Tactical Firearms Commander, the FIM remains in Tactical Command (paras. 12.15–12.39, pp. 65–67). See also the UK College of Policing Authorized Professional Practice (APP) entry, “Command: Armed Policing”, which explains the Firearms Command structure: <https://www.college.police.uk/app/armed-policing/command> (accessed 7/22/22).

Furthermore, observing that the local Airwave channel was “overwhelmed by the radio traffic caused by [the] incident” (Obs. 1, p. 37) and that a dedicated firearms channel is paramount, the Report suggests instituting a national firearms channel (paras. 3.98-3.99, p. 38).<sup>41</sup>

In relation to the Firearms Commander, the Report recommends that there be an operational space where the FIM and Firearms Commander work side by side (Rec. 4, p. 69). It also recommends that an Operational Firearms Commander (OFC) be appointed “at the start of each tour of duty” to join ARVs on the ground in any firearm-related incident (Rec. 3, p. 68). This recommendation is in response to the fact that by the time an OFC was appointed to the Cumbria case (at approximately 12:00 PM), “it had become increasingly difficult to gain situational awareness and understanding of the staffing levels that were available. This made coordination of resources more difficult” (paras. 12.39–12.42, pp. 67-8).<sup>42</sup>

Two further firearms recommendations respond to the role of FIM. First, contrary to requirements, the FIM in charge on 2 June 2010 failed to document the decisions made in the armed response. The Report recommends the use of a loggist (scribe) or a Dictaphone for events where handwritten notation is impracticable (Rec. 6, p. 72). The Report also lists the minimum amount of information that must be recorded by commanders for review purposes and allows recording of this information by telephone under certain conditions (paras. 12.73–12.81, pp. 71-72). Second, the FIM had missed the most recent accreditation re-training for firearms commanders. The Report recommends better monitoring of accreditation re-training for Firearms Commanders (Rec. 9, pp. 76-77)

An issue of interoperability arose when supplemental ARVs were deployed from the Civil Nuclear Constabulary (CNC): the tactical commands used by the FIM had a different meaning for ARVs from the CNC. The Report recommends that the CNC “adopt [and train on] the full range of firearms tactical options ... used by the Home Office forces nationally” in addition to their bespoke tactics and terms (which should not conflict) (Rec. 5, p. 71; paras. 12.60–12.72, pp. 70-71).

### **C. Duty to Warn and Inform**

At 11:00 am, the constabulary contacted all local media to warn of the incident and of “the presence of a man actively shooting members of the public” (para. 8.156, p. 44). It supported this message through its website, ShopWatch radio links,<sup>43</sup> direct calls to vulnerable locations, and messages from the police helicopter using the “sky shout” public address (PA) system (Obs. 5, p. 44). Once police identified the individual’s travel direction, they also “telephoned ahead to warn businesses and tourist attractions” to stay inside, including every public house, campground, and smaller tourist site (paras. 8.220–8.223, p. 52). The Report praises the constabulary’s efforts to “warn and inform,” since many routes that are usually highly populated with tourists were instead deserted, and while “it is impossible to be sure ... it is highly likely that lives were saved by this strategy” (Obs. 10, p. 52).

<sup>41</sup> “Having routine access to a national firearms channel on the Police Airwave radio system would ensure that all armed officers, regardless of which police service they have attended from, have an effective tactical channel on which they can operate” (para. 3.99, p. 38).

<sup>42</sup> Where a Strategic Commander is not yet available, the Tactical Commander plays both of their roles, and the FIM has the role of Tactical Commander until the latter arrives (paras. 12.15–12.23, pp. 65-66).

<sup>43</sup> ShopWatch Two-Way Radios are described by their private providers as follows: “ShopWatch allows all Retailers in the Area to be in instant communication with each other, for a proactive approach to reducing and managing crime. On many of our Schemes, Retailers are also able to be in communication with the Local Police, CCTV and various other helpful initiatives.” See StopWatch webpage, Apex Radios Systems website: <https://www.apexradio.co.uk/shop-watch/> (accessed 7/22/22).



The Report notes, however, that the warning campaign was possible only with the help of intelligence officers. Since intelligence services are closed during evenings and on weekends, the outcome would have been different had the incident occurred during those times (para. 8.223, p. 52). The Report recommends that Cumbria Constabulary extend intelligence service support to evenings and weekends, noting that 24/7 intelligence capability already existed within the control room of many forces (Rec. 2, p. 52).

#### **D. Call Signs and the Automatic Resource Location System (ARLS)**

Throughout the response, the FIM had difficulty locating and identifying police and other first responder resources. For the armed response, in particular, the FIM was unable to locate the full regiment of armed police officers. Cumbria normally had two ARVs at its disposal, and regular patrol vehicles are easily converted to ARVs, if needed, by placing firearms and other equipment (e.g., ballistic vests) in a safe in the vehicle. During the incident, additional ARVs were required, so many of the AFOs were driving converted ARVs. The call sign for converted ARVs, however, remained that of regular patrol cars, causing confusion as to the location and number of armed resources available (paras. 12.82–12.88, pp. 72-73). The Report recommends a call sign structure that is better tailored to the constabulary's resources and readily identifies the type, geographic location, and armed/unarmed status of each resource (Rec. 7: 73). The Report also notes that a national call sign structure for specialist roles, if adopted, would help with recognizing mutual aid (Obs. 13, p. 73). Note that on 15 December 2010, the UK launched its "Civil Protection Lexicon", which aims to promote the use of common terminology among first responders.<sup>44</sup>

At the time of the incident, the Cumbria constabulary had just begun the process of introducing an Automatic Resource Location System (ARLS). Had the ARLS already been active, it would have given the FIM and Firearms Commander "the ability see the exact location of its patrols, particularly the ARVs," which would have been a "significant advantage" in trying to coordinate patrols over a large geographic area and sparsely populated communities in order to locate and intercept the individual (paras. 12.89–12.97, pp. 72-3). The Report thus recommends completing the planned introduction of ARLS (Rec. 8, p. 73).

More recently, in 2019, the Cumbria Constabulary went live with its new "SAFE" control room platform, which replaced and streamlined its legacy control room systems and introduced, among other things, stronger resource location systems. The SAFE platform offers "[s]uperior live-time reporting [that] allows for resources to be deployed effectively and increases visibility."<sup>45</sup>

#### **E. Ambulance Service**

A significant issue arose with the ambulance service: "Ambulances were not deployed to the majority of the incidents, despite being requested by members of the public and Cumbria Constabulary" (para. 8.116, p. 40). The Ambulance Service refused to attend the scenes due to "the safety of ... staff and the responsibility on the police service to create a safe environment for

<sup>44</sup> Cabinet Office (UK), "UK Civil Protection Lexicon" (15 December 2010), v. 2.1.1 (updated February 2013), <https://www.gov.uk/government/publications/emergency-responder-interoperability-lexicon> (accessed 7/22/22).

<sup>45</sup> The Cumbria Constabulary has a 10-year contract for its SAFE platform with the private contractor Saab. See Cumbria Policing and Crime Commissioner (PCC), "PCC Announces Work Underway to Deliver New Command and Control System for Cumbria Police" (2018): <https://cumbria-pcc.gov.uk/pcc-announces-work-underway-to-deliver-new-command-and-control-system-for-cumbria-police/> (accessed 7/22/22). See also Saab, "Cumbria Police Adopt Saab's Next Generation Policing Solution" (16 March 2018): <https://www.saab.com/new-room/press-releases/2018/cumbria-police-adopt-saabs-next-generation-policing-solution> (accessed 7/22/22), and Saab, "Successful implementation of SAFE into Nottinghamshire Police" (7 May 2020), which states that that Cumbria went live with SAFE in 2019: <https://www.saab.com/new-room/stories/2020/may/successful-implementation-to-safe-in-nottinghamshire-police> (accessed 7/22/22).



the ambulance service to deploy and to provide an escort to each scene” (para. 8.117, p. 40). Without medics on site, “[p]olice officers were left at scenes for significant periods of time with seriously injured casualties,” and police resources were devoted to transporting injured victims to hospital (para. 8.120–21, p. 40). While the performance of the Ambulances Service was beyond the scope of the peer review, the Report notes the need to improve interoperability with ambulance services, adding that in the case of such incidents “it is very unlikely that the police [can] ... guarantee that the scene is safe ...,” and “... it would be reasonable for the public to expect the ambulance service to attend scenes where there is residual risk” (Obs. 3, p. 41; para. 8.124, p. 41).

### 3. Firearms

The Report’s mandate was limited to evaluating the constabulary response. The Report notes that a separate peer review was conducted into the firearms licensing process.<sup>46</sup> This review was completed by Assistant Chief Constable (ACC) Adrian Whiting, who, according to the National Police Chief’s Council (NPCC), concluded “there were no reasonable opportunities for intervention within the firearms licensing system to prevent the multiple shootings by [the individual] on 2nd June 2010 in West Cumbria.”<sup>47</sup>

Whiting’s review also included recommendations. He recommended “[e]stablishing formal links between General Practitioners (GPs), mental health services and police forces to enable medical professionals to alert police if they have concerns regarding a certificate holder.”<sup>48</sup> Another recommendation was to approach family members for input as part of both the grant and renewal processes. Whiting also suggested operating a single certificate system for both firearms and shotguns. Lastly, he noted potential loopholes which he recommended be addressed. In particular, Whiting noted the lack of any legislative prohibition on the possession of firearms by those with suspended sentences.<sup>49</sup>

In conjunction with Whiting’s review, the Home Affairs Committee (HAC), in response to the Cumbria incident, investigated the use of firearms in criminal activity and made recommendations for tightening firearms legislation and the licensing processes.<sup>50</sup> The HAC’s recommendations incorporated those of the Whiting review, above-mentioned, albeit modifying the recommendation for family referees: the HAC instead recommended that the UK Government consider requiring police “to consult the current and recent domestic partners of applicants in assessing a licence application.”<sup>51</sup> Other HAC recommendations included a recommendation for the Government to update and give statutory force to its guidance on firearms licensing law, so that this guidance

<sup>46</sup> Para. 13.22, p. 80.

<sup>47</sup> The report from ACC Whiting’s firearms peer review is not available online. The National Police Chief’s Council (NPCC) offers a helpful summary of Whiting’s conclusions. NPCC, “ACPO Report into Firearms Licensing Published” (10 November 2010), <https://news.npcc.police.uk/releases/acpo-report-into-firearms-licensing-published> (accessed 7/22/22) (“NPCC Summary”).

<sup>48</sup> NPCC Summary.

<sup>49</sup> *Ibid.* Whiting noted two other potential loopholes, one relating to an increase in certificate applications for pest control and the other to do with the regulations governing miniature rifle ranges (which he feared could result in easy access to firearms without a certificate).

<sup>50</sup> Home Affairs Committee (UK), “Third Report: Firearms Control” HC 447-I, 20 December 2010, <https://old.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/publications/?type=&session=3&sort=false&inquiry=1085> (accessed 7/22/22) (“HAC Third Report”).

<sup>51</sup> HAC, Third Report, para. 74.

would have “greater weight with the courts,”<sup>52</sup> and recommendations geared to improving control of imitation and “readily convertible” firearms.<sup>53</sup>

The Government accepted or otherwise supported many of the HAC’s recommendations.<sup>54</sup> Noteworthy exceptions include the Government’s hesitancy regarding police consultation with domestic partners, expressing concern that “involving partners and recent ex-partners in signing applications may put them in a position of vulnerability and increased risk of renewed violence and abuse,”<sup>55</sup> and the Government’s rejection of the HAC’s recommendation<sup>56</sup> to operate under a single certificate system (which would have resulted in greater restrictions on access to shotguns), stating that it was “not aware that the current arrangements [cause] any difficulties which present a risk to public safety, and there is no evidence of any significant level of misuse using lawfully-held shotguns.”<sup>57</sup>

The dual certificate system has remained in place, but other recommendations about which the Government was hesitant have in fact been implemented in some form. In 2013 the Home Office revised its “Guidance on Firearms Licensing Law” to include a chapter on special measures required in cases where there is an indication of domestic abuse.<sup>58</sup> In 2021, this chapter was removed and incorporated into the new “Statutory Guidance for Chief Officers of Police on Firearms Licensing”.<sup>59</sup> The prohibition on the possession of firearms by individuals with suspended sentences, originally recommended by Whiting (and endorsed by the HAC but only partially accepted by the Government) was introduced by section 110 of the Anti-social Behaviour, Crime and Policing Act 2014 as an insertion to section 21 of the Firearms Amendment Act 1968. The recommendation to grant statutory status to firearms guidance, which was resisted in the Government’s response,<sup>60</sup> has ultimately come to fruition in the aforementioned Statutory Guidance introduced by the UK Home Office in 2021.

#### 4. Interoperability: JESIP

According to His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFR), the Joint Emergency Services Interoperability Program (JESIP) was established in 2012 in response to the findings of the Report and other critical incident reviews that exposed “gaps and

<sup>52</sup> *Ibid*, para. 42.

<sup>53</sup> *Ibid*, paras. 18, 19.

<sup>54</sup> See Home Office (UK), “Firearms Control: Response to Third Report of the Home Affairs Committee” (29 September 2011), <https://www.gov.uk/government/publications/government-response-to-the-third-report-of-the-home-affairs-committee-session-2010-to-2011> (accessed 7/22/22) (“Third Report: Government Response”).

<sup>55</sup> Third Report: Government Response, p. 10. The Government acknowledged the importance, however, of examining Canada’s existing scheme for consulting past partners in light of the claim that this scheme brought a “40% reduction in the gun murder rate of women.” *Ibid*. In 2013, the UK first included domestic abuse provisions in its Firearms Legislation Guide, which were then incorporated into its 2021 Statutory Guidance. See *infra*.

<sup>56</sup> HAC Third Report, para. 81.

<sup>57</sup> Third Report: Government Response, pp. 10-11.

<sup>58</sup> See Home Office (UK), “Guide on Firearms Licensing Law”, list of updates: <https://www.gov.uk/government/publications/firearms-law-guidance-to-the-police-2012#full-publication-update-history> (accessed 7/22/22).

<sup>59</sup> See “Additional Checks by the Police Relating to Domestic Abuse”, sections 2.46 to 2.50 of the “Statutory Guidance for Chief Officers of Police on Firearms Licensing” (16 December 2021) <https://www.gov.uk/government/publications/statutory-guidance-for-police-on-firearms-licensing/statutory-guidance-for-chief-officers-of-police-on-firearms-licensing-accessible-version-from-1-november-2021> (accessed 7/22/22).

<sup>60</sup> See Third Report: Government Response, p. 11, which states “... the Government is not attracted to making the guidance statutory.”

failings in the interoperability between the services.”<sup>61</sup> JESIP’s stated aim was, and is, “[t]o ensure the blue light services are trained and exercised to work together as effectively as possible at all levels of command in response to major or complex incidents (including fast moving terrorist scenarios) so that as many lives as possible can be saved.”<sup>62</sup> The initial JESIP program concluded its primary work in 2014, after publishing “Joint Doctrine: The Interoperability Framework”,<sup>63</sup> which was created “[to] ensure interoperability exists between the emergency services in England, Wales and Scotland, which might involve cross-border mutual aid at any time.” To that end, responder organizations were required to “make certain that their single service response arrangements, and local procedures, [were] in alignment with [the] Joint Doctrine.”<sup>64</sup>

Since 2014, JESIP is no longer a program but a set of shared principles and standards for interoperability: it is now known as the Joint Emergency Services Interoperability *Principles*.<sup>65</sup> Today, JESIP is run by a team and a Governing Board that meet quarterly.<sup>66</sup> The third edition of the “Joint Doctrine” was published in October 2021 and continues to provide “a framework of common models and principles, which when applied consistently will improve interoperability between organisations across all levels of command.”<sup>67</sup>

JESIP has also published “Joint Organisational Learning Guidance”, which offers guidance for first responder agencies on the process of debriefing and identifying and implementing lessons learned. In conjunction with this, JESIP hosts “JOL Online”, an online platform where first responder agencies can report and share interoperability lessons learned.<sup>68</sup>

Emergency communications between first responders in the UK currently operate on a TETRA-based radio system, known as “Airwave”. The UK Home Office is in the process of replacing this system with its proposed Emergency Services Network (“ESN”), a critical communications system that will enable “fast, safe and secure voice, video and data across the 4G network and give first responders immediate access to life-saving data, images and information in live situations and emergencies on the frontline.”<sup>69</sup> The ESN is also promised to expand coverage of the UK’s 999 call service to “some of the most remote and rural parts of Great Britain where it was not previously possible.”<sup>70</sup> It is projected to be fully operational by 2026. This new system will “transform” how

<sup>61</sup> His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), “Joint Emergency Services Interoperability Principles”, 18 May 2018, <https://www.justiceinspectors.gov.uk/hmicfrs/our-work/article/joint-emergency-services-interoperability-principles> (accessed 7/22/22).

<sup>62</sup> *Ibid.*

<sup>63</sup> The most recent (third) edition of “Joint Doctrine: The Interoperability Framework” (“Joint Doctrine, Third Edition”) is available on the JESIP website: <https://www.jesip.org.uk/downloads/joint-doctrine-guide/> (accessed 7/22/22). The first edition (2013) is available on the National Fire Chiefs Council (NFCC) website:

<https://www.ukfrs.com/sites/default/files/2017-09/JESIP%20Joint%20Doctrine%20-%20The%20Interoperability%20Framework.pdf> (accessed 7/22/22) (“Joint Doctrine, First Edition”).

<sup>64</sup> Joint Doctrine, First Edition, p. 2.

<sup>65</sup> See paras. 1.1-1.2, p. 4 of HMICFRS, “The tri-service review of the Joint Emergency Services Interoperability Principles (JESIP)” (April 2016), <https://www.justiceinspectors.gov.uk/hmicfrs/our-work/article/joint-emergency-services-interoperability-principles> (accessed 7/22/22).

<sup>66</sup> The JESIP website provides information about its team and governance structure:

<https://www.jesip.org.uk/governance-structure/> (accessed 7/22/22).

<sup>67</sup> Joint Doctrine, Third Edition, p. 6.

<sup>68</sup> See JESIP website, “What is Joint Organisational Learning?”, <https://www.jesip.org.uk/joint-organisational-learning/> (accessed 7/22/22). The “Joint Organisational Learning Guidance” (2017) is available for download on the JESIP website: <https://www.jesip.org.uk/downloads/joint-organisational-learning-guidance/> (accessed 7/22/22).

<sup>69</sup> Home Office Guidance (UK), “Emergency Services Network: Overview” (Updated 14 April 2022), <https://www.gov.uk/government/publications/the-emergency-services-mobile-communications-programme/emergency-services-netw-ork> (accessed 7/22/22).

<sup>70</sup> *Ibid.*

emergency services operate<sup>71</sup> and it will have great impact, it can be assumed, on interoperability as well.

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<sup>71</sup> *Ibid.*

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# **International Scan: United States**

## ***Summary and Analysis of the Recommendations in response to the Orlando Pulse Nightclub Shooting 12 June 2016***

**As found in the 2017 National Police Institute After-Action Review:  
“Rescue, Response, and Resilience: A Critical Incident Review of the Public Safety  
Response to the Attack on the Pulse Nightclub”**

**Prepared by: Research & Policy Team  
September 2022**

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## INTRODUCTION

This document summarizes an independent review of the Orlando Police Department (OPD) response to the Orlando Pulse nightclub shooting on 12 June 2016, during which 49 people were killed and 53 injured by a lone gunman. The external review was requested by Chief John W. Mina, then the head of the OPD. The review, conducted by the Police Foundation (now the National Policing Institute (NPI)), resulted in a 2017 report entitled *Rescue, Response, and Resilience: A Critical Incident Review of the Orlando Public Safety Response to the Attack on the Pulse Nightclub* (“the Report”), which was co-sponsored by the US Department of Justice Office of Community Oriented Policing Services (COPS).<sup>1</sup> The Report is summarized in 10 sections below, which mirror the ten chapters of the original report. Key recommendations, which were presented throughout the Report as “observations and lessons learned” are also outlined.

Several important themes permeate the Report and are worth highlighting. Specifically, the Report attributes the successful aspects of the critical incident response to three interrelated factors: (i) strong pre-existing inter-agency and inter-community working relationships; (ii) prior planning and training that was broad, inclusive, up-to-date, and realistic; and (iii) strong, pre-existing police–community engagement. The Report suggests that these three factors are essential to a successful critical incident response, since together they form a foundation of trust, preparedness, and resilience that is needed to face and eliminate an active shooter and recover from the tragic consequences. Most of the Report’s recommendations are related to one or more of these three themes. Specific aspects of the themes are highlighted below.

### Pre-existing Working Relationships

The Report demonstrates that the police response to an active shooter incident is only one component of what is in fact a whole-community response. The critical incident response of law enforcement is only the beginning of a response that quickly expands to involve, affect, and depend upon greater numbers of people, departments, agencies, officials, and community sectors. Preparation and training that heeds this reality must reach beyond the tactical response and prepare a coordinated, community-wide response that covers the immediate and long-term effects of the incident.

### Critical Incident Training

For critical incident training in particular, the Report voices the plea of OPD officers for more realistic training that incorporates the real-life stressors they can expect to face. Responding officers described the scenes they faced at the Pulse nightclub as “war like” and very far from the “ordinary” high-stress situations that they are expected to face day to day. In order to keep officer training up to date, the Report recommends instituting a formalized process for incorporating

<sup>1</sup> The Report is downloadable here: <https://www.policinginstitute.org/publication/rescue-response-and-resilience-a-critical-incident-review-of-the-orlando-public-safety-response-to-the-attack-on-the-pulse-nightclub/> (7/22/22). All citations are to the Report, unless otherwise indicated. Note that the COPS-NPI Report is one of several reviews conducted subsequent to the Orlando Pulse nightclub shooting. The NPI also performed a separate review of the Orlando Fire Department (OFD) response, found here: <https://www.policinginstitute.org/publication/after-action-review-of-the-orlando-fire-department-response-to-the-attack-at-pulse-nightclub/> (7/22/22); and the Orlando Office of Emergency Management (OEM) conducted its own internal review of the response as it related to the Emergency Operations Center (EOC), the Family Reunification Center (FRC), and the Family Assistance Center (FAC). The OEM Report is found here: <https://www.flapac.org/wp-content/uploads/2019/07/Pulse-Tragedy-EM-AAR-Final.pdf> (7/22/22). A brief interview of lessons learned by the Orlando Medical Center is here: <https://asprtracie.hhs.gov/technical-resources/resource/7193/lessons-learned-from-the-pulse-nightclub-shooting-an-interview-with-staff-from-orlando-regional-medical-center> (7/22/22). These additional reviews are beyond the scope of this summary, which focuses only on the COPS-NPI review of the OPD.

lessons learned from across the country into ongoing OPD training (this is something that Chief Mina had been doing informally). For example, recent incidents of lone-actor terrorism (such as at the Pulse nightclub) have shown that active-shooter training must encompass possible hostage and terrorist dimensions and address the transition between these phases. Another new development to emerge from after-action reviews (AARs) is the provision of active-shooter and counter-terrorist training for patrol officers, since they are often the first on the scene. In addition, the Report recommends that all first responders have first aid training in order to improve survival rates. Finally, Incident Command System (ICS) training should take place in realistic contexts; otherwise, it is not well-absorbed.

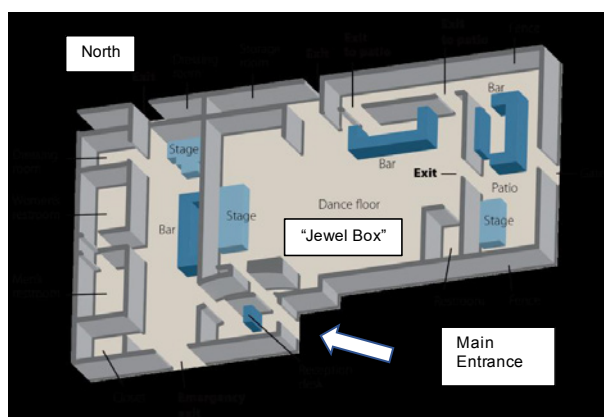
### **Police–Community Engagement**

The Report stresses the importance of police–community engagement for effective policing and critical incident response. Trust in the police is built (or weakened) with each community encounter, and so each call response is an opportunity to further strengthen community-police relationships. The Report praises the OPD for their long-term engagement with the community, especially vulnerable sectors, often outside of call situations (e.g., check-ins, community barbeques). The implication seems to be that the response to a tragedy is a particularly crucial time for strengthening (or weakening) community-police relationships. In addition, the stronger those relationships are, the more they will help to prevent future tragedies and provide a foundation for resilience when such tragedies occur.

## I. CRITICAL INCIDENT DESCRIPTION

The following is a summary of the Report's detailed description of the Pulse nightclub incident, as presented in Chapter 1 of the COPS Report.<sup>2</sup> Note that at the time of the mass shooting, the population of the city of Orlando was about 271,000, and the OPD had 743 sworn officers (xiii).

On the night of 12 June 2016, about 300 patrons danced among the Pulse nightclub's three bar sections: (1) a fenced-in outdoor patio on the east side; (2) a small room, the "Adonis" on the west side (with access to the northwest and southwest bathrooms); and (3) a large dance floor, the "Jewel Box," in the center. The club's main entrance on the south side of the club gave direct access to both the Jewel Box and the Adonis room.



### 1. Active Shooter Phase: 2:00-2:15 AM

At 2:02 AM, a man entered the nightclub from the main entrance and immediately began firing two semi-automatic weapons: (i) a Sig Sauer MCX semiautomatic .223 caliber rifle; and (ii) a Glock 17 9mm handgun. One of the three club DJs recognized the sound of gunfire over the loud music, as did the Orlando Police Department (OPD) detective standing outside on extra duty. Within seconds, the DJ stopped the music, yelling at patrons to get out, and the detective requested backup on his radio. The detective took cover and fired at the attacker from outside the club while awaiting backup.<sup>3</sup>

As the attacker continued shooting, patrons called 911. Some patrons hid, and others managed to escape: "Patrons ran for exits ... hid in dressing rooms, closets, and restrooms; or ducked behind the bars. Many of them were already wounded ..." (18). The attacker slowly made his way through the Jewel Box dance floor toward the patio area, firing about 200 rounds in five minutes.

<sup>2</sup> The timeline in Chapter 1 of the Report differs slightly from that in the Report's Introduction. This summary follows the Chapter 1 timeline, unless otherwise noted. Some details are based on the OPD Pulse Homicide Report: <https://www.orlando.gov/Our-Government/Departments-Offices/Executive-Offices/City-Clerk/Pulse-Tragedy-Public-Records> (7/22/22) ("Homicide Report").

<sup>3</sup> The perpetrator, Omar Mir Seddiq Mateen, is referred to throughout as "the subject", "the attacker", or "the shooter".

By 2:06 AM, backup arrived, and by 2:08 AM, there were enough officers, including OPD SWAT team members, to form two contact teams. The first team entered from the east side patio at 2:08 AM, and the second team entered from the south side reception window at 2:09 AM. The Report describes what officers witnessed:

Bodies were piled up on the stage and across the dance floor; individuals with devastating wounds and deceased victims were everywhere. A disco ball and colored lights were the only source of light in the otherwise dark room. There was an 'eerie quiet' broken only by occasional gunfire, cries for help, and ringing cell phones strewn across the floor or in the pockets of victims as friends and family tried to reach those inside the club (20).

At 2:10 AM, the second contact team followed the sound of shots to the Adonis Room and the hallway leading to the west restrooms. At this point, the shooting stopped, and police believed the shooter had barricaded himself in one of the restrooms. (A 911 call from a patron confirmed this.) With the subject contained and not shooting,<sup>4</sup> the second team maintained containment while the first rescued patrons. By 2:15 AM, there were 32 patrons rescued,<sup>5</sup> and the event status changed from "active shooter" to "barricaded subject with hostages".

## **2. Barricaded Hostage Phase: 2:15–2:35 AM**

At approximately 2:17 AM, two officers shot at someone exiting from the bathroom, whom they believed was the subject but was in fact an injured patron trying to escape (the shots missed, and the patron was ultimately rescued).<sup>6</sup> At 2:18 AM, the OPD SWAT Commander initiated a full SWAT call-out.<sup>7</sup> At this time, a triage team entered the club to rescue more injured survivors. As the Report notes, "[m]any of the survivors were too severely injured or in shock and unable to move by themselves, so officers and deputies carried them to the makeshift triage center, located behind the Einstein Bros. Bagels store approximately 200 feet from the club." When the triage center became full, officers transported critical victims to the hospital in their patrol cars.

At 2:35 AM, the subject called 911 and took responsibility for the shooting, pledging allegiance to the Islamic State. Thus began the near three-hour standoff that ended with the death of the subject.

## **3. Terrorism Phase: 2:35–4:45 AM**

From the subject's 911 call onward, the incident was considered a terrorist attack, and this changed the nature of the response considerably. By 2:47 AM, police verified the name of the caller and traced the call to the club. When the Crisis Negotiator returned his call, the subject

<sup>4</sup> Officials later learned that the subject barricaded himself with hostages in the northwest restroom because his rifle was jammed, and he searched Google for how to unjam his firearm. See the 13 February 2019 live "Shoot Review" presentation by the Florida State Attorney's Office for the Ninth Judicial Circuit ("SA9 Presentation"): available at <https://www.youtube.com/watch?v=NfNAms-y9ts> (7/22/22). See also the report on the use of force investigation conducted by the Florida Department of Law Enforcement (FDLE) for the 9<sup>th</sup> circuit, which the State Attorney relied upon for its review: Agent Alphonso Williams, FDLE, 9<sup>th</sup> Judicial Circuit, "Use of Force Investigation" (Case # OR-27-0258) ("FDLE Report").

<sup>5</sup> The timeline in the Report's Introduction tracks number of persons rescued.

<sup>6</sup> In 2019, the Florida State Attorney's Office clarified (based on their own and the FDLE investigation) that there were five separate law enforcement firearm engagements, the third of which was an accidental firing at a hostage trying to escape the bathroom. See SA9 Presentation. See also, FDLE Report, 229. The COPS-NPI Report's incident description contains no mention of an accidental shooting, and the Introduction's timeline says only that officers shot "at the suspect" (9). At the time of the Report, the results of the FDLE use of force investigation were not yet public. Police body-cameras confirmed that shots were fired (Homicide Report, 10).

<sup>7</sup> This request included a Crisis Negotiation Team (CNT) and an Emergency Services Unit (ESU). See Homicide Report, 12.

made threats about explosive vests for the hostages and other explosives planted in vehicles outside the club. Each time the subject hung up, the Crisis Negotiator called him again. The negotiator's strategy was to keep the subject on the phone so that teams could rescue additional patrons and search for explosives (25, 56). By 3:13 AM, 60 patrons were rescued. Officers changed shifts. The Public Information Officer (PIO) arrived on scene and began to post on Twitter. In response to the threat of explosives, a tactical robot went into the club, K-9s searched cars, and the Hazardous Device Team (HDT) was en route. At 3:25 AM, a mistaken report of gunfire at the Orlando Regional Medical Center (ORMC) caused a one-hour lockdown. By 4:30 AM, 72 patrons were rescued, including eight patrons who, with the help of outside officers, removed an air conditioner from the club wall and escaped through the opening.

#### **4. Threat Eliminated: 4:45–5:15 AM**

The HDT arrived and began preparing for an explosive breach of the west wall of the club. The charge detonated at 5:02 AM, but the hole was not large enough to exit the patrons. The HDT then used a BEARCAT with a ram to complete the first hole, which accessed the hallway between the two west bathrooms. As the BEARCAT made a second hole to breach the southwest restroom, the subject emerged from the northwest bathroom into the hallway, shooting at the officers. Thirteen officers fired a minimum of 172 bullets at the subject, who was injured by eight of these bullets and declared dead at 5:15 AM.<sup>8</sup> Police evacuated the remaining eighteen patrons.

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<sup>8</sup> See SA9 Presentation.

## II. LEADERSHIP AND RELATIONSHIPS

The shifting nature of the Pulse nightclub incident posed exceptional challenges for leadership. The Report praised the OPD for making quick, clear, and effective decisions in the face of uncertainty and for keeping up with events as they unfolded. The Report's recommendations distill the leadership and relationship factors that underpinned this success: (i) strong pre-existing relationships; (ii) "swarm intelligence"; (iii) established security clearances; (iv) cooperation among leaders; and (v) organizational awareness. In addition, the OPD had been proactive in learning from and training according to prior after action reviews, such as those regarding the events at the Boston Marathon (2013), San Bernardino (2015), the Washington Navy Yard (2013), and Aurora, Colorado (2012). The Report noted that the OPD's main shortcoming related to organizational awareness, including employee awareness and awareness of resources beyond law enforcement (41).<sup>9</sup>

### 1. Prepare for Difficult Decision-Making

Leaders, command staff, and first responders must make quick decisions under uncertainty where many lives are at stake. Individuals at every level of an organization should therefore have training to strengthen critical thinking skills, situational awareness, and collaborative skills, all of which are needed for making decisions under difficult circumstances with little to no reliable information (Lessons 2.1.1 & 2.1.2).

### 2. Build Swarm Intelligence

A successful response requires "swarm intelligence," which must be built long before an event occurs (Lessons 2.2.1 & 2.2.2). The quote below describes the five principles of swarm intelligence used by the OPD:

To some degree, the OPD response was informed by the after action report that followed the Boston Marathon bombing, including the principles of swarm intelligence:

1. An overriding object that forges unity of mission and connectivity of action . . .
2. A spirit of generosity that rallies groups and individuals to assist one another and overcome constraints of resources, know-how, or tools to achieve the paramount mission . . .
3. Respect for the responsibilities of others, described as 'staying in one's lane' while assisting others to succeed in their lane to accomplish mission critical duties and tasks . . .
4. Neither taking undue credit nor pointing blame among key players, oftentimes portrayed as 'checking your ego at the door' . . .
5. Genuine interpersonal trust and respect developed well before the event so that existing and dependable leadership relationships, integrity and camaraderie can be leveraged during the event, often described as 'don't wait for an emergency to exchange business cards' (36).

### 3. Have Federal Security Clearances in Place

The appropriate responders must already have security clearances in place, especially federal clearances in the case of terrorist attacks, in order to facilitate efficient exchange of classified information (Lesson 2.3.1).

<sup>9</sup> A major lapse during the Pulse response related to the Orlando Fire Department (OFD): "For several hours, the chief of the OFD was not notified about the ongoing incident, and the OFD established a separate incident command post, which exacerbated lack of coordination between police, fire, and EMS leaders and command staff" (45).

#### **4. Set the Tone**

To gain the trust of first responders and the community at large, leaders must set the tone through unified, consistent messaging that conveys calm, resilience, and support. Political officials and public safety leaders must demonstrate unity and cooperation (Lessons 2.4.1 & 2.4.2).

#### **5. Balance Post-event Time Commitments**

After the event, public safety leaders must balance their time between external commitments and ensuring the recovery and recognition of their own personnel and community (Lessons 2.5.1 & 2.5.2). It is important to recognize the efforts and accomplishments of all personnel involved in the response.

#### **6. Create Actionable Multi-agency Awareness of Resources**

A great degree of “familiarity, collaboration, and interagency training in preparation for critical incidents” is required to ensure ready, coordinated access to the variety and degree of resources needed during a critical incident (Lesson 2.6.1). Executive-level, multi-agency tabletop exercises that include political officials and government agency leaders are needed to help build relationships, identify external resources, and practice agreed upon roles in the cooperative deployment of resources. Inter-agency training must consider access to resources beyond law enforcement, including Fire and EMS resources (Lessons 2.6.2 & 2.6.3).

#### **7. Expand Unified Command Centers beyond Law Enforcement**

Fire departments, EMS, and other critical agencies should be included at any unified command center. This allows for a multidisciplinary response with access to all public safety assets (Lessons 2.6.3 & 3.5.1).

#### **8. Conduct After Action Reviews and Incorporate Lessons Learned from Internal and External AARs**

Conduct after action reviews and study those from other jurisdictions to craft training based on both internal and external reviews. For large-scale incidents, post-incident reviews should be conducted and should include all stakeholder groups to generate internal lessons learned (Lesson 2.7.2). Training should also reflect lessons learned from reviews in other jurisdictions and should simulate, as much as possible, the stressful conditions first responders face (Lesson 2.7.1).<sup>10</sup> “[B]uild organizations that are constantly learning and improving operations and tactics” (46).

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<sup>10</sup> The Report notes that in focus sessions, “many of the law enforcement, fire, emergency medical services, and medical personnel interviewed by the assessment team stressed that the ‘mindset [of first responders] is key’ to their ability to operate in overwhelming and unimaginable environments. *They repeated over and over again that command personnel and officers needed to train and practice decision-making and tactics in environments that simulate, as much as possible, the realities of uncertain, devastating, and overwhelming operating environments*” (21, emphasis added).



### III. TACTICAL RESPONSE AND COMMAND AND CONTROL

A striking feature of the Pulse nightclub attack is that what at first appeared to be an active shooter situation, followed by a barricaded hostage situation, was in fact a terrorist attack of unknown scope and dimensions, potentially involving explosives at multiple locations. The Report lauds the tactical response in the early active-shooter and hostage phases but finds weakness with the terrorist phase. The Report also acknowledges the importance of officer self-deployment but notes the security and efficiency problems self-deployment poses when not properly managed.

#### 1. Re-examine Response Protocols for Application to Terrorists

The law enforcement community should consider whether current active-shooter and barricaded hostage response protocols require modification for application to terrorist situations. During the incident, the OPD engaged in crisis negotiation, which was in keeping with the barricaded hostage protocols. However, the protocols were not designed with a view to terrorist attacks. The Report supports the OPD's use of crisis negotiation in the instance at hand but acknowledges the need to develop specific active shooter and barricaded hostage protocols that apply to terrorist situations. (Lesson 3.1.1).

#### 2. Organize Contact Teams Prior to Engaging Perpetrators

The Report supports the tactical approach (used by OPD) of organizing contact teams to engage, contain, and apprehend or neutralize perpetrators and rescue victims (Lesson 3.2.1).

#### 3. Be Prepared to Manage Officer Self-Deployment

The review found that during the initial stages of the Pulse nightclub incident, officer self-deployment contributed to a rapid response, saved lives, and was within protocols. However, as the incident progressed and more officers self-deployed,<sup>11</sup> these officers should have reported to staging areas to check in and receive assignments from the designated scene safety officer (regarding this role, see s. VI below). This would have facilitated re-tasking and relocating officers (especially if the terrorist threat had expanded to other locations) and would have prevented the depletion of officer resources in other parts of the city and county (Lessons 3.4.1–3.4.3).

#### 4. Include Special Units in Regular Planning and Training

During the Pulse incident, coordination between the SWAT team and the Hazardous Device Team (HDT) posed difficulties, such as the failure to respect the HDT safety perimeters and the failure of the command center to announce the wall breach before it occurred. Communication and coordination were lacking. Both sides admitted the need for more joint training to understand one another's tactics, commands, and protocols (Lessons 3.3.1 & 3.3.2).

#### 5. Institute Inter-agency ICS Training that Simulates Real Conditions

Incident Command System (ICS) planning and training should involve all first responder agencies, including medical facilities "to ensure situational awareness across specialties and the effective coordination of resources" (59) (Lesson 3.5.3).<sup>12</sup> Training on the ICS should simulate real

<sup>11</sup> The Report notes that approximately 300 officers self-deployed to the scene over the course of the incident (59).

<sup>12</sup> OPD follows the ICS of the National Incident Management System (NIMS), which is part of the Federal Emergency Management Agency (FEMA) National Response Framework (NRF):

<https://www.fema.gov/emergency-managers/national-preparedness/frameworks/response> (7/22/22) (66). The NRF is "a guide to how the nation responds to all types of disasters and emergencies." NIMS "guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents" by providing this whole community with "shared vocabulary, systems and processes."

conditions in order to engender “buy-in” of law enforcement.<sup>13</sup> Law enforcement and researchers should consider whether the current ICS model is optimal for critical incidents (Lesson 3.5.2).

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<sup>13</sup> “First responders from both the OPD and the OCSO [Orange County Sheriff’s Office] reported that paying attention during ICS training is difficult as it does not connect the structure to ‘real’ incidents” (59).

#### IV. EQUIPMENT AND TRAINING

In critical incidents, first responders default to their training (72). The OPD response during the Pulse incident was consistent with updated active-shooter training protocols nationwide,<sup>14</sup> and the Report emphasizes the importance of this, along with making training conditions as realistic as possible. OPD responders consistently described the conditions and stress they faced during the events at Pulse as comparable to a “war zone” (21),<sup>15</sup> and the Report cites research on the need to prepare officers to make effective decisions under such conditions.<sup>16</sup> In focus groups, “officers and deputies stressed the need for realistic physically and mentally challenging training, because ‘your body can’t go where your mind has never been’” (68). The Report also recommends training that extends to post-incident activities and takes into account the transitional phases of an incident and the prospect of terrorist dimensions.

Special equipment used in the tactical response included armored vehicles, robots, and helicopters (61–64; Homicide Report, 16–18). The Report notes deficiencies relating to personal protective equipment and decontamination equipment and protocols: department-issued vests did not protect against rifle ammunition such as used by the shooter (61), and officers carrying injured victims lacked equipment such as rubber gloves to protect them from bloodborne pathogens (62). With respect to communications, the Report recommends that redundancy (backup communication networks) be part of preparedness planning and training, including training in no-communication zones.

##### 1. Make Training Realistic, Up-to-Date, and Inclusive

Update counterterrorism training for law enforcement, especially patrol officers, and create exercises that train transitions between active and static phases of an incident (Lessons 4.7.1, 4.8.1, & 4.10.1). Stay abreast of evolving terrorist countermeasures in the United States and abroad (Lessons 4.6.2 & 4.7.2). Training should extend beyond elimination of the threat to include medical response, witness interviews, next-of-kin notifications, family reunification center and family assistance center facilities, police presence for vigils, and long-term aspects of mass casualties (Lessons 4.10.2 & 4.10.3).

Responders also need realistic training (Lesson 4.6.1 & 4.8.2). “First responders entering the nightclub encountered a barrage of sensory stimuli: They saw deceased victims and injured persons, heard screaming and moaning from victims, smelled the odor of gunpowder, felt water and blood, experienced movement as injured and uninjured victims ran from the building, the club was relatively dark except for the rotating strobe lights, and [they] experienced a heightened level of fear because of the potential presence of IEDs [improvised explosive devices]” (73). The Report

<sup>14</sup> “Since the Columbine High School mass shooting in Colorado in 1999, law enforcement agencies in central Florida began modifying their response to active shooter incidents. While the previous strategy had been to hold the perimeter and call SWAT, following the Columbine shooting law enforcement modified their response to actively find the shooter or shooters and stop the threat—either in a group formation or, if necessary, through the actions of a single officer. OPD officers’ and OCSO deputies’ actions at Pulse were consistent and in accordance with these updated active shooter trainings nationwide. According to Advanced Law Enforcement Rapid Response Training, the priorities in an active shooter situation are first to stop the killing and second to stop the dying” (65–66).

<sup>15</sup> The Report gives various but similar descriptions of the scene as given by responders, including how it impacted them, e.g.: “Despite their training, almost all of the first responders ... stated that the sight of victims ‘piled up like matchsticks,’ the sound of constantly ringing cell phones for those trying to contact victims, and hearing victims pleading for help or feeling victims grabbing their ankles as they were moving through the club will be with them forever. Even seasoned SWAT team members and officers who have been through military deployments to Afghanistan and Iraq were initially shocked and had difficulty processing what was occurring” (68).

<sup>16</sup> In particular, the Report cites James L. Meyerhoff, *Stress and Decision-making* (Washington, DC: Federal Law Enforcement Training Center, 2011) 1–14: <https://www.fletc.gov/research-papers> (7/22/22).

emphasizes that such levels of chaos can cause high stress, and so similar levels of chaos should be “considered and even simulated during training” (73).

The Report also notes that patrol officers are usually the first to arrive on the scene of an active shooter: “While significant emphasis has been placed on training tactical units to respond to these novel, complex, and rapidly evolving events ... actions taken by patrol and other non-tactical unit officers greatly impacts [sic] the outcome of the incident” (69). As such, the Report recommends preparing patrol officers to respond to increasingly complex active shooter and terrorist incidents, especially “decision-making and critical thinking components to strengthen the patrol officer’s ability to conduct a situational assessment and develop and execute an appropriate course of action in overwhelming operational environments” (69) (Lessons 4.8.1 & 4.8.2).

### **2. Train Respondent Civilian and Volunteer Population**

Provide training for civilian members of the responder community so that they are prepared to help victims and families and can handle the emotional stress of a mass shooter incident. The welfare of post-event responders should also be included in agency planning, training, and exercises (Lessons 4.9.1 & 4.9.2).

### **3. Equipment Must Keep Pace with Evolving Threats**

During the Pulse nightclub incident, tactical robots provided information, communicated with victims, and proved helpful in the dealing with potential explosive devices; armored vehicles provided cover against the shooter when breaching the walls (Lessons 4.1.1 & 4.2.2). Officers should have up-to-date protective equipment (vests, helmets) that match the type of weapons used by attackers. Decontamination protocols should be updated for mass shooting scenarios, and personal protective equipment (PPE) must be provided for first responders to protect them from bloodborne pathogens (Lesson 4.2.1). “Some officers and deputies described being ‘soaked’ in blood, to the point that they had to wring blood from their clothing, socks, and shoes.... One officer described having to buy industrial-strength cleaner to decontaminate the bed of his truck because of the blood and body matter that was left after transporting victims from the triage area to the hospital” (62).

### **4. Build Redundancy into Communications Systems**

Interoperability is crucial to a coordinated response. Due to an outdated paging system, the chief of the Orlando Fire Department (OFD) did not arrive at the command post until after the threat was eliminated. Separate OPD and OFD radio channels further complicated coordination between these agencies (65). Interoperability preparedness requires building redundancy into communications to compensate for failures. This includes protocols for confirming the receipt of communications (Lessons 4.3.1, 4.5.1, & 4.5.2).

### **5. Prepare for No-Transmission Zones**

During the hospital lockdown, officers inside the hospital could not communicate with the command center due to interference with medical equipment and no-signal zones. An additional officer was stationed outside the hospital to compensate. Agencies should be aware of community locations with transmission difficulties and prepare for this by training in those areas (Lesson 4.4.1).

## V. EMERGENCY MEDICAL CARE

In light of the “golden hour”—the time within which gunshot victims must receive lifesaving measures in hospital (23)<sup>17</sup>—and in light of “the increasing severity of injuries caused by expanding bullets fired from high-capacity semiautomatic rifles” (76), the Report recommends several measures to help increase the survival rate of civilians injured in a mass casualty. According to the Report, 69 of the 102 injured patrons were still alive when first responders arrived at the nightclub, and 58 (84%) of these survived, largely because they were rescued within 40 minutes and quickly transported to hospital (78).

### 1. Provide First Aid Training for All First Responders

Have “all first responders ... trained and equipped to provide basic lifesaving measures in response to explosive injuries and gunshot wounds” (Lesson 5.1.1).<sup>18</sup>

### 2. Improvise to Save Critically Injured Victims

Ensure law enforcement are prepared to improvise to save critically injured victims (Lesson 5.1.2). For example, the OPD officers and deputies “placed injured victims in the beds of their trucks and back seats of their cars” to transport them to the nearby hospital (78).

### 3. Maintain Close Communications with Medical Facilities

The Report recommends alerting hospitals at the start of a critical incident and assigning law enforcement personnel to medical facilities receiving patients to ensure security, situational awareness, and communication on all sides (Lesson 5.2.3).

### 4. Include Hospitals in Regional Mass Casualty Training

The Report recommends fostering relationships with hospital and medical personnel and including them in regional mass casualty or terrorist training (Lesson 5.2.1). It also recommends partnering with them to train law enforcement in basic emergency medical care methods that will enhance public safety and hospital response (Lesson 5.2.2).

### 5. Develop and Train a “Rescue Task Force” for Mass Casualties

The Report recommends bringing together law enforcement agencies, fire departments, and EMS to agree upon a “Rescue Task Force” to optimize victim extraction, triage, and treatment in tactical medical response situations and to train together accordingly (Lesson 5.3.1). As part of this, the Report notes new policies that adapt “the basic tenets of tactical combat casualty care ... to allow emergency medical service personnel (EMS) with appropriate protective equipment to quickly enter the scene of a critical incident” (75).

<sup>17</sup> See also page 19 of FEMA’s After-Action Review of the 1 October 2017 Las Vegas Festival Shooting. That report stresses the importance of the “golden minutes”—the time during which one must “stop the bleed” and apply basic first aid to ensure the possibility of survival: <https://www.hsd.org/?abstract&did=814668> (7/22/22). The EMS crews responding to the Las Vegas shooting had difficulty getting past the concert crowds to access injured victims. As a result, “[c]ivilians were heavily involved in providing first aid to victims—making makeshift tourniquets out of belts and transporting patients to local hospitals in privately owned vehicles” (18). The FEMA report found that in the absence of emergency medical care, “the first aid provided by concertgoers served an essential life-saving function for some victims” (19). The FEMA report recommends that fire and police departments support “stop the bleed” first-aid community training and education programs (19).

<sup>18</sup> At the time of the shooting, OPD had trained more than 700 officers in Individual First Aid Kit (IFAK) tactical medical solutions, which “proved essential to saving a significant number of critically injured victims” (78).

## VI. OFFICER SAFETY AND POST-EVENT RESPONDER WELLNESS

The Report notes that safety lapses occurred during the event and stresses the need to be prepared for incidents in which the active shooter is a terrorist aiming to use secondary devices (such as IEDs) against first responders (80). The Report also notes that mass casualty events impose a level of trauma that exceeds what responders can be expected to manage without support (81).

### 1. Establish an Incident Safety Officer

The Report recommends designating an incident safety officer as soon as possible, especially in the case of a possible terrorist incident (Lesson 6.1.1). Among other things, an incident safety officer will manage self-deployment and ensure that responding officers use ballistic equipment, follow decontamination protocols, and respect HDT safety perimeters (Lesson 6.1.2). A scene safety officer can also ensure that staging, assembly, and command posts are swept for explosives and maintain routes of ingress and egress (Lessons 3.4.2, 3.4.3, 3.6.1, 3.6.2, & 3.6.3).

### 2. Create Decontamination Protocols

The Report stresses the importance of developing and training on decontamination protocols before a critical incident occurs (Lesson 6.2.1). As the Report notes, “the individual decontamination that officers and deputies had to do themselves was one of the more traumatic parts of the response” (83–84).

### 3. Develop Post-event Wellness Strategy

Post-event wellness strategies should extend beyond first responders to include all personnel involved in a critical incident response (Lesson 6.3.2). Consider whether traditional employee assistance programs (EAPs) and other mental health structures are adequate for mass casualty events and whether outside resources should be available (Lesson 6.4.1). There should be options for personnel to choose what best meets their needs (e.g., options for the timing and structure of debriefs) (84) (Lesson 6.3.1).

### 4. Ensure Leadership Values all Personnel

Organization leadership must set the right tone post-event and “ensure that all involved in the response feel valued and are provided access to the physical and mental health resources they may need ...” (84) (Lesson 6.3.1).

### 5. Establish a Mental Health Incident Commander

The Report recommends assigning a mental health incident commander to monitor personnel well-being, coordinate debriefs, and guide employees to special services (Lesson 6.5.1). This position should be assigned to someone who has “familiarity with the agency and public safety culture; credibility with agency personnel; mental health training; connections with the local mental health community; understanding of the impact of trauma; and familiarity with Psychological First Aid” (82–83).

## VII. POST-EVENT VICTIM WELFARE

The Report's recommendations focus on four main ideas: (i) declare a state of emergency early; (ii) delegate victim services so that police can focus on law enforcement; (iii) ensure the safety, comfort, and privacy (especially from media) of families during notification and reunification at the Family Reunification Center (FRC); (iv) simplify post-event victim information and assistance services at the Family Assistance Center (FAC); and (v) plan and practice these phases ahead of time with all involved (including, e.g., businesses and airlines). Of note is the fact that the Orlando Police Department Communications Center acted as a consolidated Emergency Operations Center (EOC) (86).<sup>19</sup> The Report cites the Federal Office of Victims Services' "Victims of Mass Violence and Terrorism Toolkit" as a helpful resource created "to assist communities in preparing for and responding to victims of mass violence and terrorism in an efficient, effective, and compassionate manner"<sup>20</sup> (91).

The Orlando FRC operated 12-14 June 2016 to "provide notification and support to families of victims regarding the status of their loved ones who had been at Pulse that night" (88). This process was assisted by victim advocates, the FBI, and the Florida Department of Law Enforcement (FDLE); identification was performed by the Orange County Medical Examiners (OCME), with assistance from the Florida Emergency Mortuary Operations Response System (FEMORS), a group of 187 volunteers (including autopsy assistants, forensic scientists, and dentists) from across the state who "assist in mass casualty situations when local resources are exhausted" (87). Once next-of-kin notifications were complete, the FAC was opened on 15 June "to support the immediate needs of families, friends, and victims" (89).<sup>21</sup>

### 1. Declare a State of Emergency and Activate an Emergency Operations Center (EOC)

The Report recommends the early declaration of a state of emergency and the activation of an EOC to create a central location for coordination of support and resources, both during and after the event, and to take pressure off police forces by managing victim and community services (Lesson 7.1.1).

### 2. Plan the Family Reunification Center (FRC) Prior to Critical Incident

An FRC should be identified prior to a critical incident and be located near primary hospitals. It should be a safe, comfortable, and scalable location with basic amenities, including phone charging stations (supplying phones if needed) (Lessons 7.2.1 & 7.3.1). In the case of the Pulse shooting, the number of family and friends awaiting notification was larger than planned, and the FRC was moved to a larger venue (87). The OPD public information officers (PIOs) used press

<sup>19</sup> "The City of Orlando's Disaster Operations Center, the Police Emergency Operations Center, and the City Emergency Operations Center all consolidated into one emergency operations center (EOC) that included all relevant stakeholders to support the overall mission of the Orlando Police Department (OPD) and City of Orlando response to the Pulse attack.... During the Pulse incident, Orlando activated its level-1 EOC in the OPD communications center on the morning of June 12, 2016 and continued operating nonstop through June 22, 2016" (86).

<sup>20</sup> The toolkit and other resources can be accessed from the Office for Victims Services website: <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/mvt-toolkit/about-toolkit.html> (7/22/22).

<sup>21</sup> The FAC closed on 23 June 2016, when the Orlando Office of Emergency Management (OEM) opened the Orlando United Assistance Center (OUAC) "as a navigation point to assess the needs and provide information, support, and resources to those directly affected by the Pulse incident. It provides long-term family services and mental health and counseling services." The center remains open to this day: <https://orlandounitedassistancecenter.org/> (7/22/22). The OEM planned and practiced the three phases of their victim welfare response (FRC, FAC, and OUAC) long before the incident occurred, bringing participating sectors face to face to build relationships and clarify roles (90).

conferences, fliers, websites, and Twitter to announce details about the FRC, the FAC, and the public hotline for family and friends of the victims (87, 90, 94, 102, & 105).

### **3. Make Next-of-Kin Notifications (NOKs) Timely and in Person**

The next-of-kin notification process should be timely and notifications should be made in person where possible.<sup>22</sup> Plan ahead to prepare for logistical issues (Lessons 7.2.2 & 7.2.3).

### **4. Create a Comfortable, Accelerated Witness and Survivor Interview Process**

The survivors and witnesses of the Pulse nightclub shooting were asked to remain available until the police could interview them. There were a significant number of people to be interviewed, and it was a long wait. The Report recommends additional staffing and help from other agencies in order to complete the interview processes in a reasonable amount of time. Means should be taken to accommodate witness needs for basic amenities, contact with loved ones, and other supports such as counselors and clergy (and the privacy required for such services) (Lessons 7.3.1 & 7.3.2).

### **5. Protect Victims, Witnesses, Friends, and Families from Media**

The Report recommends creating designated zones for media in order to protect the security and privacy of victims, witnesses, friends, and families going to and from the FRC (Lessons 7.4.1 & 7.4.2).

### **6. Establish an Emergency Information Center (EIC) and Hotline for Victims' Families and Friends**

The Report recommends establishing a hotline for the family and friends of victims and establishing an emergency information center (EIC) within the EOC. There must be infrastructure and trained staff to handle calls before providing the public with the hotline number (Lesson 7.5.1). The Orlando EIC hotline quickly went from 12 to 23 phones; they answered about 6,800 calls (94).

### **7. Plan for a Family Assistance Center (FAC) Prior to Critical Incidents**

The Report recommends planning ahead to establish a Family Assistance Center (FAC) that operates as a "one-stop location for victims and their families to access any products and services necessary in the aftermath of the incident" (94) (Lesson 7.6.1). The availability of the center can be publicized via press conferences, fliers, and social media. The FAC should be secure and have IT logistical/technical capacity. The FAC can also serve as a location where government and businesses send representatives. When planning the FAC, the Report recommends partnering with nontraditional agencies and stakeholders with the jurisdiction, "including IT, public transportation, financial services, airlines and hotels, etc.," since this helps to expedite the setup process and ensures an array of available resources (95) (Lesson 7.6.2).<sup>23</sup>

<sup>22</sup> "The Orange County Medical Examiner's Office, the FDLE, and the FBI identified 48 of the 49 decedents in less than 24 hours, and most of the next-of-kin notifications were made as soon as the decedents were identified. This kept families from having to wait to get closure and begin the process of moving forward" (92).

<sup>23</sup> In total, 956 individuals and 289 families attended the Orlando FAC (94).



## VIII. INVESTIGATIONS

The Unified Command Center (UCC) established at the outset of the Pulse nightclub critical incident was used by federal, state, and local law enforcement leaders to coordinate decision-making and operations throughout the post-incident criminal investigation. Because of the terrorism aspect of the case, the FBI led the crime scene investigation, assisted by state and local police. Florida's "sunshine law"<sup>24</sup> necessitated coordination with the FBI to ensure the integrity of FBI investigations (97). The Pulse investigation began with a methodical search for explosive devices by SWAT and HDT teams (96). Besides this, the work of the investigation included the transportation and identification of deceased victims, the identification and interviewing of surviving victims and other witnesses, as well as the collection of evidence for two use-of-force investigations.<sup>25</sup> As for the interview process, the Report notes that "the OPD did not initially have victim advocates or a strategy for handling identification, interviewing, and reunification of the number of victims and witnesses who were affected at the Pulse nightclub.... The OPD had not developed protocols for interviewing large numbers of witnesses and victims during a mass casualty event" (98).

### 1. Clearly Delineate Investigative Roles and Responsibilities

A coordinated and effective inter-agency criminal investigation requires, from the outset, a clear division of roles between agencies, followed by frequent, ongoing inter-agency communication. Pre-existing relationships support these important aspects of a successful investigation (Lesson 8.1.1).

### 2. Include All Post-incident Processes in Critical Incident Training

"Critical incident training and exercises should continue through all aspects of survivor and witness identification, interviewing, and reunification" (98) (Lesson 8.1.2).

### 3. Nontraditional and Unpublicized Tasks

Though not an official recommendation, the Report notes the "tremendous professionalism and compassion" displayed by members of the Pulse investigative team who took on roles generally outside their purview with a view to the greater good. For example, the FDLE and Drug Enforcement Agency (DEA) partnered to identify vehicles and their owners, and DEA agents paid for taxis and gave food to survivors who came to collect their vehicles but did not have money because their purses and wallets were not yet retrieved. According to the Report, "[t]hese acts ... defined the public safety response to the Pulse nightclub attack and emphasized the need to adjust to the demands of a critical incident and remain focused on the overall mission" (99).

<sup>24</sup> Florida is a "Government-in-the-Sunshine" state, meaning its public records law "provides that ... records made or received by any public agency ... are available for inspection, unless specifically exempted by the Florida Legislature. Over the years, the definition of what constitutes 'public records' has come to include not just traditional written documents such as papers, maps and books, but also tapes, photographs, film, sound recordings and records stored in computers." See the website of the Office of the Attorney General of Florida:

<https://myfloridalegal.com/pages.nsf/Main/DC0B20B7DC22B7418525791B006A54E4> (7/22/22). See also Report, 97.

<sup>25</sup> Both the Florida Department of Law Enforcement (FDLE) and the Ninth Circuit State Attorney's Office conducted use of force investigations (96). The FBI Evidence Response Team (ERT) led the collection of evidence.

## IX. MEDIA AND PUBLIC RELATIONS

The Report remarks that a multitude of factors can complicate achieving clear, consistent, and accurate messaging in a crisis. For example, the public's fear and the 24-hour news cycle create the perfect storm for distraction and misinformation, making it hard to stay ahead of the narrative and maintain public trust. In addition, in the case of Orlando, 27 agencies from a variety of jurisdictions were involved in the incident response, creating additional challenges for coordinated and consistent messaging. The Report notes, however, that thanks to "a coordinated public information strategy that encompassed news media, nontraditional media, and social media, the numerous individuals and agencies involved were able to successfully keep the public informed" (100). The Report attributes most of this success to the fact that the City and police had media strategies already in place at the time of the incident and had conducted tabletop exercises together, including protocols for different types of events. In particular, in the case of a mass shooting, the protocol was that the OPD would take the lead on media and public relations, with other agencies and departments supporting and coordinating with them (101). As the Report notes, "[d]eferred to the OPD and having all city and county social media accounts, email addresses, and phone messages direct news media to the OPD ensured that all media and public relations were handled consistently" (107). Appendix A of this summary provides an outline of the media relations strategy as it unfolded during and after the Pulse nightclub shooting.

### 1. Tabletop Media Strategies with All Stakeholders

Public Information Officers (PIOs) of city agencies must establish and practice communication processes for varying types of events. A given process should include protocols regarding which entity takes the lead, what other agencies should do, and what the overall tone of the messaging should be (Lesson 9.1.1). In critical incidents, police PIOs can lead by leveraging their pre-existing social media following to act as a single primary source of information and communication (Lesson 9.3.1). Media strategy and training must include elected officials, clarifying their respective roles and responsibilities (Lesson 9.8.1).

### 2. Prepare Media Relations Teams for the Complexity of a Critical Incident

Media relations teams must be prepared for the significant strain that a major incident places on their staff and resources (Lesson 9.1.2). PIOs must be prepared to craft coordinated statements in different languages, adjust law enforcement terminology for general comprehension, and be sensitive to the perceptions of those most affected (Lessons 9.1.2 & 9.5.1). It is also important to project a continued tone of unity and resilience (Lesson 9.2.1). PIOs must respond to negative press and correct false narratives, manage press briefings and interviews (potentially in different time zones), and welcome visiting elected officials, sometimes providing them with constructive roles (Lessons 9.1.2, 9.7.3 & 9.8.1). They are also responsible for honoring victims and planning anniversary memorials. Their work continues long after an incident itself, and they must be prepared for long-term demands (Lesson 9.1.2).

### 3. Ensure that PIOs are Adequately Equipped and Located

In light of their complex work, PIOs must be adequately equipped. To ensure speed and accuracy, PIOs should have a presence at the UCC (Lesson 9.4.1). They should also have the mobile resources necessary to undertake their duties over a long period of time and in any location, including, e.g., laptops, necessary software, and smart phones (Lesson 9.4.2). Finally, even before the EOC is stood up, there should be a Joint Information Center (JIC) or other location where PIOs and other personnel from stakeholder agencies can coordinate the incident media

response and monitor media to keep abreast of erroneous information and quell rumors (Lesson 9.7.2).

**4. Have a Familiar Local Leader Introduce Press Conferences**

Having a recognizable local leader speak first at press conferences conveys that the response is and will be local, community-driven, and led by trust and unity (Lesson 9.6.1).

**5. Prioritize Local Media**

As a way to build trust with local media, the Report recommends prioritizing the needs and requests of local media before that of national and international media outlets (Lesson 9.7.1).

## X. COMMUNITY ENGAGEMENT AND RELATIONSHIPS

The Report's recommendations in this final chapter center on the importance of community relationships and police–community engagement as building blocks for the resilience needed to recover and heal after a mass casualty such as the Pulse nightclub shooting. In the years leading up to the tragedy, the OPD had made extensive, consistent efforts to engage with the Orlando community at large, as well as with specific communities, including Hispanic, LGBTQ+, and Muslim communities. These engagements extended beyond calls for help, including regular visits to communities and organized social gatherings.<sup>26</sup> The Report lauds OPD's relationship-building as having paved the way for unity rather than division in the aftermath of the crisis, allowing the OPD to better support and protect the affected families and communities (111–16).<sup>27</sup> By contrast, the Report points out weaknesses in the OPD's communication with local businesses that were affected by a ten-day investigative perimeter. It recommends having a designated local business liaison within city or law enforcement agencies as a point of contact (116–17).

### 1. Build Resilience through Strong Police–Community Relationships

The Report notes that fostering and sustaining trusting community–police relationships can enhance critical incident response and create a foundation of resilience in times of crisis (Lesson 10.1.1).

### 2. Support the Needs of Groups Particularly Affected

A crisis such as a mass casualty is an important time to further build trust within a community and strengthen existing community relationships. It is particularly important for law enforcement to be sensitive to the needs of groups most affected by the crisis, including those victimized and those likely to face retribution (Lesson 10.2.1).

### 3. Provide Long-Term Support

Maintaining police–community relationships requires continuing support even after public attention to the casualty has subsided. Anniversaries and events relating to the casualty require planning and are further opportunities to show support, build community, and strengthen police–community relationships (Lesson 10.3.1).

### 4. Provide Point-of-Contact for Businesses Affected

Consider the needs of local business affected by a mass casualty and the subsequent criminal investigation and provide a city or law enforcement point of contact to liaise with them, hear and respond to their concerns, and ensure they are aware of funding and other available support (Lesson 10.4.1).

<sup>26</sup> "According to the executive director of the Lesbian, Gay, Bisexual, Transgender Community Center of Central Florida (the Center Orlando), an LGBTQ community group, the OPD liaison officer and other OPD officers made a weekly habit of stopping in to the Center Orlando on a regular basis just to check in and to chat, long before the Pulse incident occurred. 'I have officers' personal cell phone numbers,' he said" (112).

<sup>27</sup> As examples, the Report notes that even as the incident was ongoing, the OPD and its supporting agencies deployed law enforcement across the city and county to provide security and protection to LGBTQ+ establishments, mosques, and Muslim institutions. The OPD continued to provide security and protection to affected communities after the event, including at public gatherings relating to the mass casualty. At the first press briefing, which took place outside the nightclub, law enforcement invited a local imam to stand with them and the mayor in order to show support for the Muslim community (115–16).

## APPENDIX A: MEDIA RELATIONS STRATEGY

Prior to the Pulse nightclub shooting, the City of Orlando had “conducted a tabletop exercise focused on the law enforcement and broader government response to civil disobedience,” which included developing communication protocols for different types of incidents, such as who is to take the lead on communications, so as to avoid confused and contradictory messaging. As a result, in the case of the Pulse nightclub incident, “it was predetermined that the OPD media relations office, which consists of two PIOs—one civilian and one sergeant—and a handful of support staff, would lead media and public relations, and the City would use its social media accounts to complement and share the messages being posted by police” (100–1).

OPD PIOs were notified of the incident at 3:13 AM and deployed to the scene to establish a media briefing area and begin disseminating information. After being briefed by OPD command staff, they “used the department’s Twitter feed to establish their presence and provide credible information about the ongoing incident, especially about the victims, as quickly as possible” (101). Although the OPD hosted many social media sites, they choose Twitter because it would “allow information to be shared in a timely and efficient manner without having to individually respond to the rising volume of press inquiries” (102). The other social media channels directed people to Twitter. The first OPD tweet at 3:58 AM notified people of the incident and announced that “all official updates would come from the OPD Twitter account” (102).

When the category of the event changed to a terrorist attack, which invoked federal jurisdiction, the OPD Twitter feed, having already become the focal source of information, remained as such. Thus, when media outlets linked the sound of an explosion to the suspect’s claim about explosive devices, “the OPD quickly corrected the false reports and explained that the sound was the Orange County Sheriff’s Office’s (OCSO) planned detonation of a controlled explosion to breach the exterior wall of the club” (102).

The OPD Twitter feed was the first to announce that the threat was eliminated. Subsequent to this, the media strategy shifted to include the City of Orlando’s Facebook page and began focusing on calming fears and promoting unity and resilience. OPD continued to provide information on Twitter but decided they would not release any *new* information about the investigation on social media until it was first mentioned by Chief Mina or Mayor Buddy Dyer.

In addition, while the original plan for the initial press conference was to have Mina provide an update with available details, leaders determined that it was more important for Dyer to begin the first press conference to present the message that the overall response was and would continue to be a local community-driven response focused on trust and unity, not a law enforcement response focused on an investigation and terrorism.<sup>28</sup> This same format was repeated for the second news conference.... Dyer took the podium and began by stating that since the first press conference, investigators had gotten better access to the nightclub and determined that the number of casualties was not the 20 that had been previously reported, but 50 (including the suspect). Dyer used that information to reiterate the initial message that Orlando “won’t be defined by hate, but by how we respond, with love, compassion, and unity” and that this attack was not a referendum on the LGBTQ, Hispanic, or Muslim communities. He also invited the president of the Islamic Society of Florida to address the press (103).

In order to manage the influx of press inquiries and requests for interviews, the OPD PIOs created voicemails and automated replies explaining the procedure for requests. This allowed PIOs to

<sup>28</sup> The goal seems to have been to reassure survivors, the family and friends of victims, and the citizens at large that the response would remain in OPD control and would not be handed over to the FBI.

focus on meetings at the Joint Information Center (JIC) and to prepare for press briefings. Other agencies directed incoming requests to the dedicated OPD PIO email address. The communications group at Orlando City Hall tracked all email requests and added them to a single Excel spreadsheet. The Report quotes the OPD PIO automated email response as follows:

The Orlando Police Department Media Relations Department and Public Information Officers are working hard to provide updates on the Pulse nightclub shooting. In order to do that, we are *not responding* to individual emails or phone calls until further notice.

All official updates will come from either the live media briefings, which are happening roughly every three hours on scene, or through the OPD Twitter account @orlandopolice on Twitter. Do not contact the communications center or ask for a watch commander. All information is coming through us, via Twitter only. Any media releases will be placed on the City of Orlando website and linked to from Twitter.

The FBI is the lead federal agency on the Pulse nightclub shooting. Its main national press office can be reached at 202-324-3691.

Thanks for letting us do our jobs, so we can help you do yours (104).

In the days after the shooting, the response shifted to victim services, and the City began to post victim services information on Facebook. The OPD Twitter feed continued to provide press briefing updates and echoed the City's practical information, such as about the Family Reunification Center (FRC) (104 & 105). In addition, OPD "worked with the Florida Department of Law Enforcement (FDLE) staff to ensure that next-of-kin notifications were made and the information was verified so that the OPD could honor the deceased via social media" (104 & 106).

The Report notes some of the challenges encountered by the media relations effort. For example, when the OPD released the names of the officers involved in the response, "some media outlets began aggressively tracking down the officers and their families (presumably seeking comments and additional information), in some cases even knocking on their doors and dispatching affiliates in other states to do the same with officers' family members nearby" (104–5). The Report notes that national media outlets were particularly aggressive, seeking to "generate contention" between survivors and the responding agencies to obtain exclusive stories. The PIOs addressed controversy by making use of knowledgeable OPD members, such as a SWAT team commander who "walk[ed] down the line of media and address[ed] their concerns" (105). Visits from elected officials posed further challenges to OPD and City media relations, and "personnel were allocated from both the OPD and the mayor's office to assist the elected officials arriving in Orlando without impacting or impeding the ongoing investigation at the scene" (106).

Once the OPD began accepting interviews, the PIOs prioritized local news networks. As the Report notes, "Local media outlets do not have the resources to be as aggressive and persistent as national and international outlets, but they will be the outlets that remain when the major incident and the initial response are over and the national and international media leave" (109).

As this brief review of media relations during and after the Pulse nightclub shooting shows, the OPD, "through its PIOs ... became its own news agency, using social media to correct rumors, share information and images, and frame the narrative" (107).

## **APPENDIX B: LIST OF ABBREVIATIONS**

“COPS”: Community Oriented Policing Services, U.S. Department of Justice

“NPI”: U.S. National Policing Institute (formerly the Police Foundation)

“AAR”: After-Action Review

“OPD”: Orlando Police Department

“OFD”: Orlando Fire Department

“OEM”: Office of Emergency Management

“EOC”: Emergency Operations Center

“FDLE”: Florida Department of Law Enforcement

“FRC”: Family Reunification Center

“FAC”: Family Assistance Center

“ORMC”: Orlando Regional Medical Center

“SWAT”: Special Weapons and Tactics Team

“HDT”: Hazardous Device Team

“ICS”: Incident Command System

“NIMS”: National Incident Management System

“FEMA”: Federal Emergency Response Agency

“NRF”: National Response Framework

“OSCO”: Orange County Sheriff’s Office

“IED”: Improvised Explosive Device

“OUAC”: Orlando United Assistance Center

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# Part D: Community Reports

**Share Your Experience: Summary of Responses**



## Share Your Experience: Summary of Responses

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## INTRODUCTION

The mass casualty that occurred in Nova Scotia in April 2020 took the lives of many innocent people and left others with serious physical and emotional injuries. The Mass Casualty Commission recognizes that the scale of the loss and trauma is broad and has affected the sense of safety for many people in Colchester, Cumberland, and Hants Counties and neighbouring communities, in Nova Scotia as a whole, and in Canada and beyond. The Share Your Experience process was designed to provide opportunities for anyone affected by the mass casualty to tell the Commission about the impact of these events so that the Commission could better understand the far-reaching and ongoing effects.

More than 900 individuals shared their experiences with the Commission. Most responded to the online survey, and a small number opted to share via email or through an interview with a member of the Commission team. All stories and experiences gathered through the Share Your Experience process have been collected and reviewed by the Commission. This information will help ensure the broad impact of the mass casualty is reflected in the final report and assist in the development of meaningful and effective recommendations. This process is one of the many ways the Commission is gathering information about the mass casualty; others include investigations, document review, research, public proceedings, and other public engagement activities.

This report contains a summary of the information gathered through the Share Your Experience process. The first section explains the methodology. The second section describes who responded to the online survey. One survey question asked people to rate their perception of community safety. This was the only quantitative question, and the results are outlined in the third section. All other survey questions were open-ended, and the responses are set out in the fourth, fifth, and sixth sections (connection to the mass casualty and initial impact; impact during the early weeks and months; and continuing impact). The analysis identifies several overarching themes, and these are discussed in sections on the connection between the effects of the mass casualty and broader issues and the impact of the COVID-19 pandemic. The survey also contained a series of questions focused on the experiences of first responders, and these are discussed in a separate section. The experiences shared via interviews and emails have been integrated with the online survey responses throughout this report.

A large number of people participating in the Share Your Experience process also provided their comments and critiques about the Mass Casualty Commission, and these are summarized in this report. Many respondents also shared their views about which issues the Commission should address in its report and made suggestions for reform. These contributions have been collected and will be considered by the Commission during its recommendation-making process. They are also summarized in the final section of this report.

This report contains and reflects the views expressed by survey respondents and is a report prepared for the Mass Casualty Commission. Nothing in this report is a finding made by the Commission, and nor does it reflect the views of the Commission.



## METHODOLOGY

One of the Commission's priorities has been to understand the experiences of everyone directly and indirectly affected by the mass casualty. Early consultations focused on those most affected, and these individuals and families have had the opportunity to participate in the Commission's processes on an ongoing basis. The Commission also undertook background research about how an inquiry can hear from a broader group of affected individuals and developed options suited to this purpose. In November 2021, the Commission conducted an online survey to ask for input on how people would like to share their stories and experiences. The survey questions provided a range of options and asked people to indicate how they would like to share their experiences. One hundred and sixty-four people responded to this planning survey, and the responses indicated a high level of interest in this initiative. The majority of respondents said they would be most comfortable providing their experience in writing online, but would appreciate a series of questions to help shape their responses. A significant number expressed a preference for other methods, including orally rather than in writing. The majority also indicated they wished their responses to be anonymous. Based on this feedback, the Commission created an online survey



to help people share their experience. The survey questions are set out in the text box on this page.

The survey questions were also used as a guide for interviewing those who selected to provide their input orally. Transcripts of these interviews were prepared, and the responses have been integrated with the survey responses. Individuals who provided their input via email were free to share their experience in an open-ended fashion, and their input is also integrated in this summary.

The survey was open from February 8 to March 13, 2022. The survey was originally scheduled to close on March 8. On that day, the Commission re-advertised the survey on social media, which led to a surge in responses. A decision was made to keep the survey open until the end of that week. A notice on the Commission's website advises interested individuals that although the

#### SHARE YOUR EXPERIENCE: SURVEY QUESTIONS

- What was your experience during the events of April 18-19, 2020?
- Rate your sense of safety in your community (1) before April 2020 (2) in the weeks following the mass casualty (3) present day)
- What was your experience in the weeks and months after the events?
- Have these events changed your day-to-day activities and/or behaviours and how?
- Have these events affected your mental health and/or wellbeing? If yes, how?
- Are there any examples of your community coming together or community support efforts after the mass casualty that you would like to share?
- Is there anything else you want the Commission to know about the impacts of the events on you or your community?

The survey also provided individual respondents who self-identified as first responders with the opportunity to respond to a focused set of questions:

- Were you involved in the response to the mass casualty in April 2020?
- Have these events affected your mental health and/or wellbeing? If yes, how? Please share as much or as little as you are comfortable with.
- What was your experience accessing support services (e.g. mental health support, counselling, grief and bereavement support, alternative therapy etc.) and how could access to these services be improved? Please share as much or as little as you are comfortable with.
- Have these events impacted your work as a first responder, healthcare, and/or support service provider? If yes, how? Please share as much or as little as you are comfortable with.





survey is closed, they can still share their experience via email or orally. A few emails were received after the survey closed.

All of the survey responses were carefully reviewed and analyzed. Responses have been grouped into common themes, and a representative selection of responses have been extracted and reproduced in the report as quotations. Given the large number of responses, not all of the experiences can be recorded here in full. References to other people by name have been removed in order to protect privacy. In some cases, this has meant paraphrasing responses rather than quoting them. Spelling and grammatical errors have been corrected and some responses have been abridged. The Commission's practice is to refrain from using the perpetrator's name in all of its documents. However, several of the quotations reproduced in this report do refer to the perpetrator by name, and these have been left unchanged in order to respect the personal voice of the respondent. This approach is similar to the Commission's practice of recording witnesses' use of the perpetrator's name in their oral testimony.

The frequency with which a particular experience was mentioned is indicated through the use of "many" where there were approximately 25 or more substantially similar responses and "several" where there were fewer than 25. The analysis is qualitative and used to signal prevalence and is not an exact measurement.

The survey was designed to identify whether and how experiences related to the mass casualty changed over time. Respondents were invited to tell us about their experiences at three junctures: "during the events of April 18 and 19, 2020," "in the weeks and months following the events," and at the time of the survey response in the winter of 2022, almost two years after the events. The intention to ask people to share how their experience changed over time was not communicated as clearly as it could have been. In more than a few instances, respondents provided information about immediate and longer-term impact in response to a single question. A few respondents expressed some frustration over the repetitive nature of the questions and indicated they had "already responded" on that topic. In order to address this lack of clarity, the analysis focuses on the intent of the person writing the response and the substance of what they say, rather than relying only on the specific question to which the response was made. For example, where a response is stated in the present tense, it is included in this report under the heading of "continuing impact," even if the comment was made in response to question 1, about experiences during the mass casualty. More specifically, all responses that have as their focus the statement "I am still experiencing" or "I continue to experience" are included in the section on continuing impact.

Many of the individual responses brought together a number of ideas. Not every response could be reproduced in full. The focus has been on maintaining the integrity of responses; in some cases, this has meant keeping a quotation intact even where it contains several distinct points.

## **SURVEY RESPONDENTS**

The Commission received 928 responses to the online Share Your Experience Survey. Of these, 501 were "complete" (that is, the respondent answered all of the survey questions) and 427 were



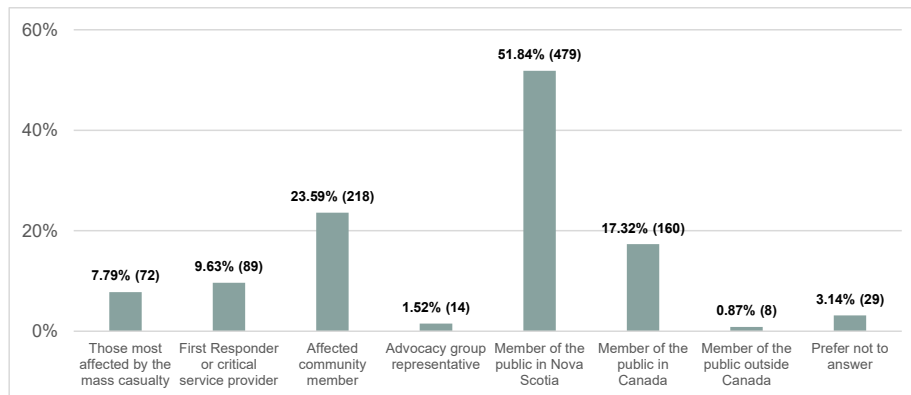
submitted while “in progress,” meaning the respondent chose to skip some of the questions or submitted their responses before they had completed the survey.

Survey respondents were asked “With which group or groups do you identify?” and were provided with these options:

- Those most affected by the mass casualty (including family members of the deceased, survivors of the violence)
- First responder or critical service provider
- Affected community member (e.g., resident of Colchester, Cumberland, or Hants Counties)
- Advocacy group representative
- Member of the public in Nova Scotia
- Member of the public in Canada
- Member of the public outside of Canada
- Prefer not to answer

The answers to this question are summarized in Table 1. Just over 50 percent of respondents identified themselves as “member of the public in Nova Scotia,” and almost 25 percent identified as an affected community member. The next largest group was “member of the public in Canada” (17 percent). Seventy-two respondents, just under 8 percent of the total, consider themselves to be among the group of “those most affected.” Eighty-five of the respondents identified themselves as a first responder or critical servicer provider (primarily police), but only 37 from this group responded to one or more of the focused survey questions provided for them. The table contains 1,069 responses (from 928 respondents) because people had the option to identify with more than one group.

Table 1: With which group or groups do you identify?





**PERCEPTION OF COMMUNITY SAFETY**

Participants in the Share Your Experience process were asked to rank their perception of community safety at three points: before the mass casualty, in the weeks following, and present day (February to April 2022). The responses are set out in Tables 2, 3, and 4. There was a significant decrease in the perception of safety after the mass casualty, and the feeling of being unsafe continues for many people today. Before April 18 and 19, 2020, 78 percent of respondents perceived their community to be safe, very safe, or extremely safe. In the weeks following the mass casualty, only 20 percent continued to feel safe. By the spring of 2022, the percentage of people who feel safe had increased to just over 30 percent. It is notable that the percentage of those who perceive themselves to be extremely unsafe has remained relatively high. Less than 1.5 percent of respondents reported feeling extremely unsafe before the mass casualty, while 19 percent did so in the weeks following the mass casualty; almost 9 percent still perceive themselves to be extremely unsafe. The respondents' perceptions of community safety, represented here in numerical terms, is also borne out in the responses to the other survey questions summarized in the remaining sections of this report.

Table 2: Perception of Community Safety before the Mass Casualty

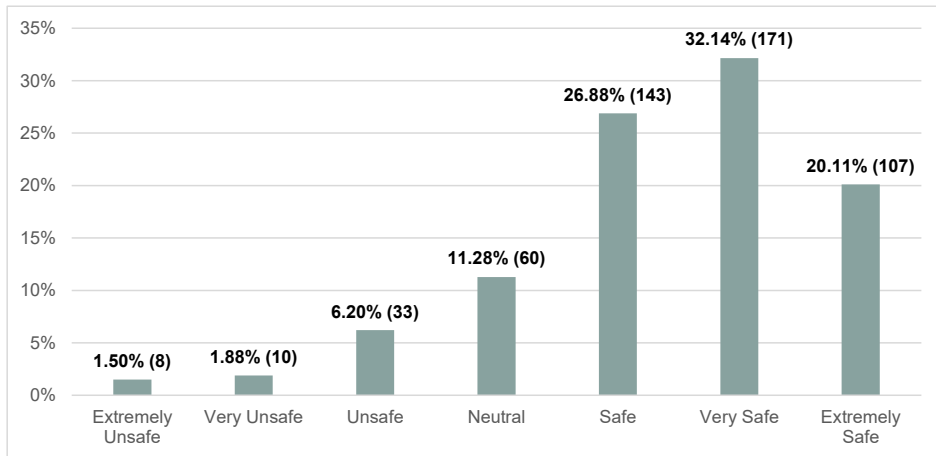




Table 3: Perception of Community Safety in Weeks Following

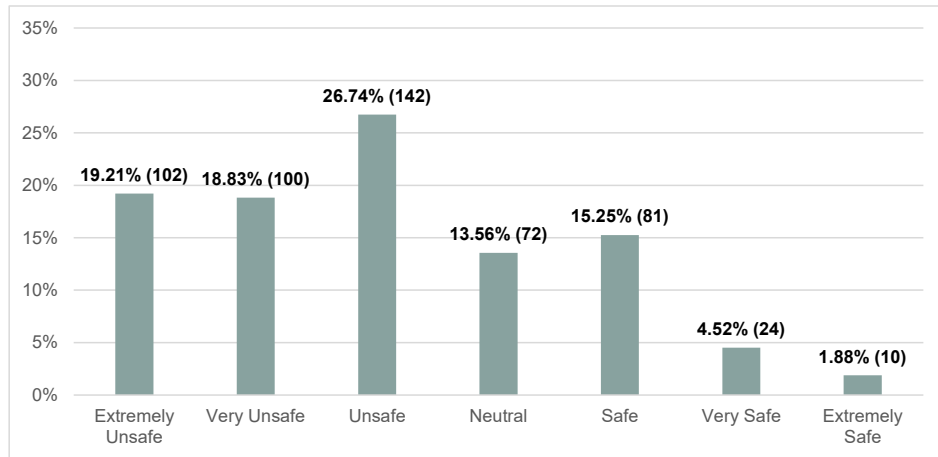
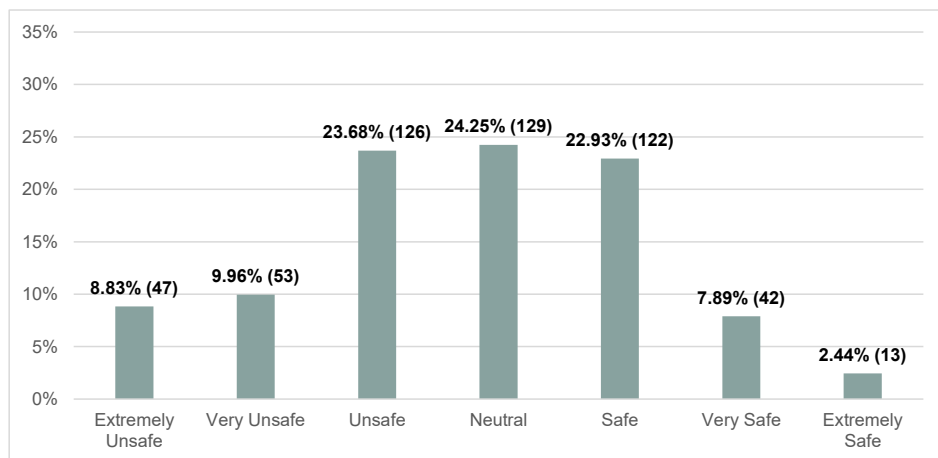


Table 4: Perception of Community Safety Present Day





## CONNECTION TO MASS CASUALTY AND INITIAL IMPACT

The first survey question asked: “What was your experience during the events of April 18–19, 2020?” The responses covered a range of topics and are summarized under these themes:

- Connection to the mass casualty
- Key words used to describe initial reaction
- Concern for others
- How they learned about the mass casualty
- Lack of communication, information, and alerting
- Immediate impact and actions taken

Many respondents also included comments that related to the ongoing impact of the mass casualty. These responses are integrated into the following section of this report on “Continuing Impact”. Similarly, many people talked about the impact of COVID-19 on their experiences during the events. All comments received about the impact of the pandemic are summarized in a later section of this report.

### Connection to Mass Casualty

Many people responded to the first question, at least in part, by describing their connection to the mass casualty. Some respondents had direct experience of the mass casualty either as witnesses or as first responders. Many others knew one or more of the victims, either directly or through a friend, and/or know one or more of the first responders or service providers who assisted in the response. Others described their connection as living in the area either presently or in the past, living close to the affected area, living in rural Nova Scotia, or knowing other people living nearby. Some described their association as being a “concerned citizen” or “Nova Scotian.” One individual stated: “EVERYONE in Nova Scotia and the Maritimes is connected in some way.”

Some respondents shared how their position or previous experiences shaped their connection to the mass casualty. For example, first responders and other service providers who were not involved on April 18 or 19, 2020, identified themselves in those terms. A number of respondents also shared their experience as former victims of domestic abuse, and described how this had an impact on their experience of the mass casualty. Others described their connection to the mass casualty as experienced through the prism of other types of violence, trauma, or losses of loved ones.

### Key Words Used to Describe Initial Reaction

Many respondents used strong language to describe their initial reaction to the mass casualty: “unbelievable fear,” “shock,” “terror,” “terrifying,” “sheer terror,” “horrifying,” “horrific nightmare,” “anger,” “disgust,” “fury,” and “outrage.” Alongside and integrated with the terror were expressions of “sadness” and “extreme sadness,” “grief,” “heartbreak,” and “devastation for the families.” A third strand of reactions was one of “disbelief,” “confusion,” and “bewilderment” that something so horrific could happen “so close to home” or “in our province.” In many cases, the expression of



disbelief and confusion focused on the police response. Dismay over the lack of information was a key aspect of the initial response over the course of April 18 and 19, 2020. A smaller number of respondents who knew the perpetrator expressed shock and disbelief concerning his actions.

A frequent feature was for respondents to describe their reaction as including a range of emotions:

- “Nervous, broken-hearted, angry, scared.”
- “Sadness for all involved. Fear, anxiety of it happening too close to home.”
- “Absolutely terrified and extremely uncertain of the events that had unfolded.”
- “A sense of anxiety. Empathy for all families who lost loved ones.”

Quite a few respondents described an arc of reaction during this initial period. For example, they described the trajectory of reactions as starting with “shock, then sadness, then anger and confusion,” or “sorrow then wonderment at policing system then deep sadness and confusion,” or “shock to sadness to anger to distrust of police.”

The following examples highlight common themes:

- “I was uncertain as to what was actually going on, a lot of confusion followed by fear and panic.”
- “I live in a rural area of Nova Scotia, about an hour’s drive away from the event. At first it was just a numb shock that something like this was happening in Nova Scotia, but it grew to anxiety that it was possible that he could be headed in the direction of my community.”
- “The next time I looked at my phone, I saw another tweet advising that the gunman’s last known location was in my own small community. That was shocking and unnerving. I know now, that by the time I read that tweet, he had already passed through my community. That is even more shocking and unnerving.”
- “Disbelief and shock something like this could happen and go on for so long. All those people unprotected for so long.”
- “I was deeply saddened by the events of April 18-19, 2020. I remember the day and feeling the dread and paranoia of knowing that there was an active shooter on the loose in our province. Although I do not live in the counties affected or personally know any of the victims or their families, I felt that all of Nova Scotia was collectively holding our breath. We all felt the devastation that such an event could occur in our beloved province. I remember seeing the tweets regarding the whereabouts of the events and being unsure if the shooter would make their way into the city.”
- “Fear, confusion, and worry about the welfare of my family in the affected areas. Concern that the RCMP was withholding information that would have potentially kept members of the community out of harm’s way.”
- “Fear and concern. It felt like things were out of the control of the police and that was unsettling.”
- “Like most Nova Scotians, a general deep sadness mixed with confusion, lack of information, and building anger with no idea where to direct it.”



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- “The shock that night, or maybe it was the next day, of the number of people who’d been murdered was unreal. So devastating and so close to home.”
- “1. Shock and disbelief that such a horrendous crime could ever happen among such laid back, relaxed, friendly, kind, caring, neighbourly, generous people in any community in Nova Scotia. 2. Fear that a family member or friend may have been a victim. 3. Sadness and empathy for the victims, their families, police, first responders, Nova Scotia. 4. Strength to reach out and stand with my children via social network photos and communications in service and support.”
- “I felt fear as I had seen neighbors, including children, outside that morning playing, walking, running, without any idea of the potential safety risk in the near proximity. Also, fearful knowing that this tragedy evolved on the 18th while we were unaware, sleeping and in the vicinity.”
- “Shock and Confusion due to lack of accurate, up to date information being available. Fear for safety of family, friends, coworkers. Devastation upon hearing of the loss of coworkers of 20+ years to such violent circumstances. Continued shock attempting to come to terms that the events took place in NS, in close knit communities, close to home, and to such innocent members of these communities. Anger due to lack of notification(s) being sent to the public. Incredible sadness of the magnitude of the losses of life and the impact to the families of the victims and the survivors of the events.”
- “Shock. Utter, complete shock that something like this happened in our little province, let alone in Canada. And horror at police inaction.”
- “I was heartbroken and stunned to hear about this mass murder and quite disturbed for days afterward, and still am. I was so upset that I did not tell friends or coworkers because I did not know how to talk about this with anyone, it is just so upsetting to hear that this happened in that community.”
- “I was at a newly purchased property working to clear the land with my family when we received the news about the mass casualty shooting. We were all in disbelief that this could not have happened in our amazing province and the reality set in of how horrific of an event had taken place. We all stopped what we were doing and sat in silence on a hill overlooking our lake. Not only did that man rob the 22 victims of their lives, he robbed the sense of safety that I think all Nova Scotians had been trying dearly to hold onto.”

#### Concern for Others

Many respondents shared their concerns for those directly affected, including family members of the victims, witnesses, and first responders. In the words of one respondent, echoed by many others, the reaction was a “heavy heart and grief for those most affected.” Another stated:

- “But mostly I am haunted by the victims. Were they afraid? Did they suffer? I truly think this could have prevented.”

Others extended their expressions of concern in a more encompassing way:



- “We consider ourselves to be fortunate ... but our hearts continue to ache for the lives lost, the families who lost loved ones, and the RCMP and first responders and their families who will never be the same as a result of this horrific event.”
- “Terrible day for all involved including the victims, police, all of Nova Scotia.”
- “Very traumatic event for law enforcement and the public.”
- “Terrible for first responders (all RCMP and EHS).”

Another major theme was a concern about the impact of the mass casualty on children. Concern was expressed for the children who witnessed the events on April 18 and 19, 2020, including the fires, and those who knew the victims. Several respondents also expressed concern about how and what to tell their children and about the difficulties involved in “trying to stay informed but not let kids hear.” One parent/caregiver stated they were “Saddened by the loss of innocence my son would experience when we would finally tell him about what happened.” They explained how they decided not to tell their child until months after the mass casualty, as they felt it was too much for someone so young to process.

#### How They Learned About Mass Casualty

Respondents learned about the mass casualty in a variety of ways and at different points over the course of April 18 and 19, 2020. Some learned either directly from an RCMP tweet or when the tweet was relayed on other social media, or when the tweet was reported on the radio or television news. Many relayed how learning about the mass casualty as it was happening was “just by chance.” In some cases, respondents shared the experience of learning through “word of mouth” or a phone call or other message from a concerned friend or family member, including, in several instances, from people outside of Nova Scotia.

Many respondents described how after they first learned that a dangerous event was unfolding they searched for further information. Many describe the difficulties they encountered and a growing level of frustration and franticness over time. Several mentioned they learned both “information and rumours” on social media and that in some cases the information was “horrific and confusing.” Still others had no awareness of the mass casualty until after it had ended, despite the fact that they were close to the events.

Here are some quotations from the responses:

- “I was awoken at 9:30 AM on April 18th 2020 by a friend who was worried about my parents who have a property in Portapique. They had the scanner on and the news hearing about a live shooter. I proceeded to call my parents to check on them and they were in their 2nd residence in Wentworth I breathed a moment of relief. To then turn the scanner on myself and hear that the shooter is now in Wentworth. I then call my parents back and tell my mother not to go for a walk at the park down the road and to stay home and lock your doors. To be far away and listen to the scanner [was] terrifying.”





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- “My 13 year old daughter came out to my driveway where we were standing panicking and screaming for us to get inside. We were unaware of the situation at that time. She now suffers with severe PTSD.”
- “Friend posted on FB they were ok, barricaded in basement. I had been all over social media trying to find out what was going on. I then had to download Twitter to see any updates.”
- “I scanned all channels on the radio in my car hoping to hear some kind of update. There were none. Not even on the News Talk channel.”
- “I’m not on Twitter, like the majority of the people in the community, so I had no official news as to what was happening. I learned through word of mouth from friends in the area what was going on.”
- “At first, I heard unsettling and then frightening stories from people on social media, but couldn’t find any police or official evidence for them. It was frightening to hear things from frightened people, which I believed, but couldn’t understand in any context.”
- “On the morning of April 19th I received a call from a relative from out of province who had heard of someone shooting citizens down in the mainland. I reviewed local media outlets to catch up on what was happening, but there was no information. I then went to social media where I eventually located two tweets from the RCMP about the situation. The original shelter in place from the night before and the replica cruiser tweet had just been released. I honestly was stunned at this single form of notification.”

Several respondents reported that the RCMP tweet left them with the impression that the active shooter situation was an isolated event, and a few remarked that it was likely “a domestic dispute.” As a result, many respondents explained they went on with their plans only to learn later that the situation was unresolved:

- “I first heard of the active shooter on the news Sunday morning and saw that there had been a tweet from RCMP. When there were no following tweets, I assumed that it was a domestic incident in rural NS.”
- “I recall before going to bed around 2200 reading a tweet about RCMP addressing a firearms complaint in Portapique. The next day 22 people were dead.”
- “We had heard there had been a shooting event in Portapique the previous evening, but the media coverage and statements from the RCMP led both my friends and my family to believe that this was an isolated incident or a domestic dispute. During the day, my husband and I loaded the car in preparation for a hike with our young toddler. If my son had not gotten car sick and [we had not] turned our car around I shudder to think that we may have been on the highway in Enfield during this whole ordeal. The way in which the RCMP led the public to believe this was an everyday event, or an isolated incident is sickening and should be addressed immediately.”
- “We heard that there was a shooter on Saturday evening, but thought it was someone who barricaded themselves in their home, we didn’t have any idea what was going on. On Sunday morning my husband and I went to Walmart to get some groceries, he waited in



the car and I went in (only one person per household). Our plan was to wipe the groceries with Lysol wipes while putting them in our bags in the car, due to the pandemic and fear. But in the middle of grocery shopping, which was already an anxious experience due to the pandemic, an announcement came over the speakers at Walmart saying emergency lockdown was going to happen, so I was able to quickly checkout with the few items I had, ran across the parking lot in total fear and we wiped the groceries quickly and put them in the car and got on the highway on the way home. We saw the emergency vehicles on the highway going in the opposite direction on the highway, and were receiving frantic texts and calls from our son.”

- “In the morning of the 19th, there was a mention in the media (news) that people in the Portapique area should stay indoors. The wording was vague, and the warning did not seem serious, and in either case I was not in Portapique.”

#### Lack of Communication, Information, and Alerting

A large number of respondents were critical of the RCMP’s use of Twitter to notify the public of the actual and potential danger over the course of April 18 and 19, 2020.

- “When we initially heard about the incident unfolding through Twitter we thought it was a joke since there were no official channels mirroring the message at the time.”
- “When I saw the RCMP tweets on the matter, I grossly underestimated the seriousness of it. Given that there was no emergency alert, I thought it was nothing more than an isolated incident.”
- [Tried to get parents to stay in in Dartmouth, not go for a walk.] They said it wasn’t a big deal because they would have released an emergency alert if this was something to be worried about and that it was probably an isolated incident.”
- “Flabbergasted the public was not widely and loudly warned while the manhunt was ongoing.”
- “Everyone was confused and scared. Why was there no public alert? Everyone was searching social media piecing together what was going on.”
- “My understanding of the limited reach of Twitter’s footprint in Canada, had me scratching my head. (On a good day Twitter would have had maybe 4 million active users at that point) I sat there wondering why they would choose this sole form of communication. The demographics of Twitter’ user base would not be representative of any rural community in NS. It would have been weighted heavily towards younger aged users, while lacking older generations. Combine these facts with the terrible internet / cell coverage in rural NS, and this notification was set to fail from the start.”
- “The idea to simply post on Twitter the events that were occurring is an act I still find incredibly ridiculous. I am a 22-year-old who is prominent on social media but do not have a Twitter account, and I don’t honestly know anybody that does.”
- “Hearing about a suspected mass shooter via Facebook was scary and inappropriate. I felt very unsupported and distrustful of the RCMP who are supposed to protect and inform



the public. Why was Twitter the only way information was shared by the RCMP? Why was the Emergency Notification not used?"

Many respondents expressed the opinion that lives could have been saved if a more effective means of alerting had been employed.

- "Those poor people who went about their business on the morning of the 19th could still be alive if the RCMP just sent out an amber alert type emergency notification."
- "Thankfully I do follow the RCMP on Twitter but I can say that from where I grew up that I'm probably 1% of people from those areas of rural NS that do. The use of social media (especially Twitter) to warn the public was NOT a successful way to warn the public. I can't help but think Joey would still be here with his partner and 4 children today if a different method was used to warn the public."
- "We are still trying to heal from this event. I know in my heart that if an alert had been issued my friends would still be alive."
- "An emergency alert describing everything they knew about the murderer should have gone out Saturday night. No excuses! Some of those poor souls would be alive today if they had this info, and I'll stand by this forever."
- "There should have been an alert sent out! I and many others would not have been out on the roads that day."
- "I'm angry with the lack of response there was to warn the public. It's tragic anyone died, but the deaths of the victims of April 19th could've been prevented if people had been warned and made aware of the life-threatening, dangerous situation."

Many respondents reported that the lack of official information added to their stress and anxiety during the mass casualty. As stated in one response: "I found out more from friends and family in the community than I did from any official source." In particular, several respondents who lived close by commented on the lack of information and not being checked on: "We live across the river from the killer. Three of the victims were our friends. No one ever contacted us or told us of the danger."

The lack of information made it more difficult for individuals to make informed decisions about whether it was safe to go out, travel, or go to work, and how to assist elderly parents. The lack of official information also contributed to the experience that some individuals were warned while others were not, creating a sense of unfairness: that the amount of information you had "depended on who you knew."

- "I went to Amherst early that morning and my sister in Labrador texted asking if we'd heard anything about what was going on in Portapique? How did my sister 1300 Kms away know more than I did? At that point, my friends had already been murdered, but we didn't know that."

Several police officers working during the mass casualty also reported a problematic lack of communication:



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- “I worked the night the shooting started. I spent some time watching the highway into Amherst for vehicles associated to the shooter. I was not told that he was in a marked police vehicle. Had he come toward Amherst I would have pulled up to the police vehicle he was in and asked what was going on. It was not until hours later that I learned he was in a police vehicle. The many calls I received from family and friends concerned about me and fellow officers was overwhelming.”
- “I was working that day as a Police Officer in another area of NS. I was getting brief updates as matters unfolded but really was in the dark as to what was really happening. The lack of information made me concerned enough that I called my family and told them to stay home until I called them back to say it was ok to leave the house as I had no idea what was actually happening. I didn’t give my family any details but they knew by my tone it must serious.”
- “Many officers on duty were frustrated with how much time had passed since the start of the incident, and the extreme lack of communication and detail. Communication was made with our municipal partners in the area, Truro, Amherst, New Glasgow, and they knew nothing more than we did, and Truro advised they called RCMP command and was treated with contempt by the dispatcher, and then told someone would call them back, to which no one ever did. Eventually we learned the person was likely in a mock RCMP vehicle and direction of travel could be towards Halifax. With so many roads that split from there he could be going any direction, so members were on high alert and waiting for an ask for help all day. It was a very stressful day of ‘what if’ and worrying about our policing colleagues in that area.”

Some respondents shared their views on how the lack of clear communication by the RCMP in the days after the mass casualty compounded the negative effects.

- “Like most Nova Scotians, bewilderment of what is happening and more so, why is it continuing. Questions building, as some details started coming out and sadness for the victims. When the RCMP started putting out releases, it was a disaster, as if they were trying to build some kind of narrative that would appease the public. [I] was distressed at how I thought the lack of information being offered would negatively affect the families, friends and neighbours. Well, it wouldn’t take a genius to realize, those poor people did suffer more than necessary, because of the convoluted stories they were offered and then no answers at all.”
- “Very little information was provided by RCMP even after the event was over. When you don’t get information and facts your mind tries to fill in the gaps.”
- “I do recall how incredulous I was that the RCMP even during the Sunday morning/lunchtime period was still relying on Twitter to inform the public; it was the media that was informing the public based on the RCMP’s tweets. I was also appalled on the Sunday and following days at the lack of professionalism of and information provided by the local RCMP during media scrums. I am – of course – horrified by what happened that weekend and my heart breaks for the families of the victims.”



### Immediate Impact and Actions Taken

Several respondents shared their experience of being directly involved during the mass casualty and described being “scared for our lives,” hearing gunshots, and doing what they could to keep themselves, their families, and their pets safe. They also reported letting others know they were safe and contacting neighbours to share information. Other respondents described frantically trying to reach members of their family; some also described the ways in which they learned of the deaths of family members.

Many respondents reported hiding in their homes during the mass casualty, including those who lived close by and others who identified themselves as living in Halifax. Another safety strategy shared by one respondent was to stay on the phone with adult children until they heard the news that the perpetrator had been shot.

- “We had to hide in our basement and park our car blocking our driveway as we read reports that the shooter was sighted closer and closer to Enfield where I live. I felt angry and unprotected.”
- [Respondent was about to go out for a walk when they were warned shooter was close by.] “I dressed in all dark colours and wore shoes in case I needed to run. I sat in my living room listening (quietly) to an emergency line, where we heard of fires in Wentworth and later a car accident involving police cars near Elmsdale. We also checked our social media and followed along with the RCMP tweets. I fielded messages from friends and family across Nova Scotia, Canada, and as far as Bermuda.”
- “I remember feeling fearful to go outside or leave my yard as it seemed that the direction of this killer was unpredictable. Once he was stopped I felt relieved.”
- “I left our cottage to run an errand. I just got out of my driveway when I got a call from a friend saying the shooter was in Wentworth. I immediately pulled into another friend’s driveway and ran into their place. I wasn’t supposed to be socializing inside with other people at that point in the pandemic but we were so scared and worried, we took the chance. We huddled in their place – glued to our phones and radio trying desperately to get some information about the evolving situation.”
- “I felt fearful that the RCMP were unable to protect anyone in the community at this point; locked doors, drew curtains and followed social media.”
- “Closed curtains told kids to stay away from the windows though did not tell them what was going on.”

Another common reaction was to reach out to help others: “to warn each other to stay home, to stay off the roads”; “by helping in getting information to people from away about why people not answering phones”; and “to help and support first responders.”

- “I spent the remainder of the morning reaching out to my family and friends in Cumberland/Colchester/Hants counties and desperately hoping this person, who we knew nothing about, wouldn’t end up in their community, their yard. I was in constant contact with my sister, making a safety plan with her as she lives alone. I also found out later that



day that I knew several of the deceased – and that’s the thing about Nova Scotia, everyone was impacted in some way.”

- “I called as many people around my area as I could to tell them to lock their doors and be on guard because at this point we have no idea where he is headed. It was one of the most horrific nights of my life ...”

Some expressed feeling conflicting pulls between helping others and being very worried about the safety of family members:

- “Everyone was feeling quite desperate for information. My family members were getting into their vehicle to head into Truro when they became aware of the RCMP vehicle, so decided to stay home. I recall feeling very helpless – trying to provide support to the staff who were responding/had responded to the situation (child welfare social workers called to assist with the children), while feeling very worried for my family members and their safety. I was also keenly aware that we ourselves live in a fairly secluded area, and because the only solid information seemed to be coming through social media, becoming very anxious when there was speculation that the vehicle may be headed to HRM [Halifax Regional Municipality]. In the days after, I recall being very vigilant about checking door locks, keeping outside lights on, and not feeling safe to be out in our yard.”

Several respondents who were away during the mass casualty or who live farther away expressed concern about not being able to assist:

- “Waking up to the news, it unfolded over the day. I was away at the time and it felt gut wrenching that I couldn’t be home with my community.”

Another relatively frequent theme during the immediate aftermath was the experience of sensing how the individual respondent, a member of their family, or someone they knew, could have been a victim.

- “A friend’s mom lives and walks regularly near where the pedestrian was shot and killed. It so easily could have been any of us. These are places we know and even if we don’t live there ourselves, our friends and family do. That night there was the most intense red sunset. It was beautiful and awful. We were all so deeply hurt. As the details continued to emerge it got worse and not better. The thought of those children on the phone with 911 for hours is very painful.”

Some respondents shared their experience of the psychological toll of the mass casualty. In many cases, as discussed late in this report, this toll extended into the aftermath and for some continues until today. For others, the mass casualty compounded past trauma, triggering PTSD flashbacks and terror at the events unfolded. The descriptions of the immediate impact include:

- “Of course you’re concerned for the people there and then wondering how far the perpetrator would be driving and then as more information came out that it was a person



masquerading impersonating an RCMP officer and even though I was a long way away from the incident, stranger things have happened where someone could arrive under cover in my community ... your mind just starts to take off imagining different scenarios that might affect you ...”

- “I had to stop watching social media and checking my phone for a while. All I could do was lay still and stare ahead. This just couldn’t be real ...”
- “I am a VON nurse and I was working and listening to the events on the radio as they transpired. Everything was so unsure and scattered at the time, but when I got word that 2 VON employees had been gunned down it shook me to my bones. Two of our own murdered while doing our jobs ...”
- “I went into shock and became anxious about my family’s safety in Halifax. I definitely didn’t feel safe until they reported that he was killed at Enfield gas bar.”
- “My daughter is a survivor who lost 11 neighbors. She was there at the time of the shooting and I spoke to her on the phone in the early hours of April 19. There came time she went into her closet and I lost contact with her. I thought she was dead. I am still triggered by this today ...”
- “PTSD flashbacks and terror.”
- “I actually had panic attacks over what Const. Stevenson did in her final moments, she’s a true hero.”

#### IMPACT DURING EARLY WEEKS AND MONTHS

The second survey question asked: “What was your experience in the weeks and months after the events?” A few respondents reported that they continued “to live in the shadow of the tragedy.” This sentiment was echoed in the vast majority of responses. Respondents described the “shadow” of the mass casualty in a number of ways. Some respondents shared their personal experience of loss and sorrow, and many more expressed their grief for those directly affected. Others summarized their experience in one or more key words that capture the complex reactions experienced by many people. One common thread was shock and disbelief that a mass casualty could happen in rural Nova Scotia.

Many focused on their experience in seeking out and responding to information about the mass casualty. Another frequently mentioned experience was increased fear and anxiety and a decreased sense of security. Some people described this experience in general terms and others gave specific examples of when and how they experienced fear and anxiety. Many respondents referred to their experience as a decline in mental health or heightened concern about the impact on the mental health of others. Some talked about supports they were able to access while others described difficulties in obtaining support services. A smaller number of people framed their experience during this period by emphasizing the positive steps taken during the weeks and months after the mass casualty. Others connected their personal experiences to broader issues such as systemic racism, gender equality, and gun control; these topics are discussed in a separate section of this report, “Connection to broader issues.” A few respondents reported experiencing no effects from the mass casualty during this period.



One respondent indicated that they “were shaken by these events in a way that is somewhat indescribable.” In the ensuing months, they realized this experience was broadly shared, as they talked with others “who seem to all have experienced the same fear and sadness that I experienced.” Another respondent also expressed this sense of connection and shared understanding among those indirectly affected by the mass casualty:

- “We put hearts in our windows. We put flags of Nova Scotia up. I walked and thought, sometimes with tears flowing under my surgical mask. Nobody could see that I was crying, but even if they could, they would have understood and cried with me. I don’t cry as much now, but on hearing the name Portapique, my stomach does a flip, I’m sure my heart beats a little faster. I live in Cape Breton, and the few times I drive up that way, I ache for all the people near there.”

#### Personal Loss, Sorrow, and Expressions of Grief

Some respondents shared their experiences of personal loss as a family member of someone whose life was taken on April 18 or 19, 2020. Several described the specific challenges they encountered during the initial weeks and months and the difficulties they had in coping with their loss, the “shambles” resulting from the mass casualty, and, in some cases, additional stresses such as illness within the family.

Others shared how they and their families were “immensely affected mentally” in the following weeks and months as a result of knowing those who were directly affected. Several told us that as more news came out about the fatalities, they began to realize they had a stronger connection to the mass casualty than they had initially thought. One person wrote: “I was overwhelmed by the magnitude of the numbers of the victims.” Other responses included:

- “Unfortunately, our family members in the area lost a close friend in the shooting, someone they relied on. So while there was immense shock at the events, anger at the failure of the RCMP, it was mostly sadness and pain for our family members who were in pain.”
- “I am heartbroken for the loss of my friends. I am heartbroken for the tragedy and loss my friends are living and trying to cope with. I am heartbroken for the children who lost their parents. I am heartbroken for the children who witnessed their murdered parents. I am heartbroken for strangers who lost loved ones, I am heartbroken for the RCMP and first responders on the ground April 18th and 19th, I am heartbroken for the loved ones grieving without closure, without concrete answers and without respect and support from our leaders.”
- “Like many Nova Scotians, I experienced great disbelief, shock, frustration, and terrible sadness. It was hard to concentrate during the work day and the isolation of the pandemic didn’t help matters. Seeing the degrees of separation between myself and the victims shrink as more was shared by family and friends who lost loved ones as a result of the shooting was heartbreaking.”
- “It was devastating in so many ways, & in the days and weeks following, I found myself crying, sitting in silent disbelief & feeling helpless, especially because I was not able to





see my girls given the pandemic restrictions. I shared tears with them over the phone. With time, and 6 degrees of separation (less in NS!), I learned more about the victims and connections. It got harder and harder to listen to the stories, especially those of children affected and the families of children who died. It is so hard to understand how this happened.”

- “Slowly finding out connections with 8+ victims.”

Another prevalent experience shared in survey responses was grief for the loss of lives and for families: “heavy grief for the families affected,” “heartbroken for families,” “devastation to hear stories of victims,” “I thought of the families.” Some extended their expressions of concern to others including police, first responders, and the affected communities.

Some respondents shared experiencing both “relief that none of the victims were family or friends of mine” as well as “sadness and empathy for victims, their families, police, first responders, and the people of Nova Scotia.” Another wrote: “I was worried, shocked, devastated, sad that I lost my co-worker and happy that my husband was OK and came home safe that night.”

- “Sympathy for the families and police. Unsure of what happened and why.”
- “Followed the information closely. It caused a great deal of concern for the children of the families affected, for the first responders, and for the people of the communities involved. Also for our province.”
- “Overwhelmed at the lies. Heartbroken for the families and a sense of being unable to help them.”
- “Solidarity with victims – because any one of us could be one. Waiting for accountability and transparency. Nothing less.”
- “Overall shock and sadness for families affected. We need to learn as much as we can so [we] can ensure this never happens again.”
- “Still shocked and my cousin’s son and his family were killed so it hits close to home. Seems I feel close to all the families as a fellow Nova Scotian and my heart breaks.”
- “My heart ached for everyone along the route of the shootings.”
- “Initially, shock and horror and a sense of surrealism. Then pain and empathy for the families and grief for our Province.”

Some respondents described a generalized sense of loss during this period. Others shared how they experienced feelings of sorrow in response to specific situations – for example, “when driving in the area where people were killed” or “when seeing the memorials.” Those living in the affected communities shared their experience of how their day-to-day activities were affected by the initial presence of additional police and by the large number of people driving by. Several commented on how this additional attention made their lives more difficult:

- “We were also constantly reminded by the never-ending parade of cars coming down our private road and then turning around in our driveway. My husband made a sign to put up at the end of the road that seems to be on every news story but didn’t stop the gawkers. It felt like we were constantly on display at a tourist attraction.”



### Complex Reactions

Many of the key words used to describe the initial reaction to the mass casualty were also used in the responses sharing experiences during the weeks and months after April 18 and 19, 2020. A combination of responses was again commonly reported, underscoring the complexity of reactions:

- “Trauma, anger, sadness, and fear.”
- “Scared, worried, sad.”
- “Trauma, disbelief, shock, sadness.”
- “Horror, terror, disbelief.”
- “Anxiety, exhaustion, fear, confusion, anger, frustration, disappointment, distrust, paranoid.”
- “Hurt, anger, sad.... all of the typical emotions someone would feel when a life is taken too soon by a monster in your home town”
- “Very sad for the families of those who were slaughtered. In a state of bewilderment that this could happen in NS. Angry that public safety was ignored.”
- “Sadness and compassion for all that were killed and their families and friends left behind to question and wonder what happened and what went wrong.
- “Felt lost, hurt, numb and incredibly sad. I was worried about my friend’s daughter. Still in disbelief that that something like this could happen.”
- “Numbness, extreme sadness, shock. Couldn’t believe this had happened. Kept thinking about all the innocent victims and the children left behind. Emily Tuck went to the same school as my daughter so we took flowers to the memorial at CEC [Cobequid Educational Centre]. Attended a memorial at work for Alanna. Frustrated that more people weren’t warned to stay in their homes early on the 19th.”

One of the strong recurring themes in the reactions during the weeks and months after the mass casualty was a sense of shock and disbelief that the event happened in rural Nova Scotia. For some, this was described as a loss of the sense of security they had valued.

- “Shock. Disbelief that this could happen here. Sadness for the families.”
- “Betrayed by the police. Unsafe. Sad for the victims and their families. I would have waves of emotions where I felt like my idyllic rural life would never be the same.”
- “In the days following, I cried a lot. In the weeks following I was depressed. I could not understand how this could happen in NS and a quiet place like Portapique.”
- “Sad, questioning, wondering how things got so far gone without Nova Scotians being warned about what was happening. It was a dark and surreal time. Still hard to face that it happened in Nova Scotia.”
- “Extreme sadness and disbelief that this happened so close to home.”
- “Shocked that this happened in sleepy little Nova Scotia. Shocked that the psycho went as far as he did.”



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- “I felt shocked, saddened and vulnerable that something like that could happen in our beautiful province.”
- “We were devastated to know that this had happened so close to us. It was heartbreaking to hear of the families that had lost their loved ones.”
- “It hurt deeply, but also I had fear of my once safe community.”
- “Heightened sense of anxiety around emergency communications and potential for an incident in this province. Upset that my impression of Atlantic Canada as being safe was shattered. Incredibly sad for the people of NS.”
- “Rural Nova Scotia cannot be considered a safe place to live. We are forever changed and not in a good way.”
- “Having spent much time both working and as a tourist in the affected area, I at first reflected on how wonderful of a place it was... it really was a place that was untouched by the outside world and its problems, to a degree that many people from outside the province/country couldn’t truly comprehend. This of course all changed overnight. As much as people from outside of the region could not comprehend the ‘Lightness’ of this area of Nova Scotia, this province had never truly experienced this level of ‘Darkness’ before April 2020, and I feel that this resulted in the kind of ‘Hashtag Grieving’ one sees emerge in places, especially Western places, touched by tragedy. I was, to be honest, disappointed and depressed by this.”
- “I can only assume my experience is comparable to most Nova Scotians who were not directly affected by the events – a bit shaken by something like this happening within our province, wondering how it was able to happen [and] how it came to play out the way it did.”
- “Personally – we tried to come to terms with living in a place ‘where something like this could happen’ – it’s still unbelievable to me that this is reality – that what happened – happened. Every new detail was ... too much. I remember driving to our cottage (from Halifax to Antigonish) for the first time in July of 2020. Our first time venturing into that part of the province. I remember my heart aching as we passed signs, drove by the gas stop where he was killed, I remember looking at the highway and thinking ‘he drove here’ – and I hated thinking of him. I hated that. I know I’ll always think of it when I drive that road and that makes me so sad. I can’t see a police officer or police car without thinking of it. My heart catches.”

#### Unanswered Questions and the Need to Know

Many people were searching for answers and took active steps to seek out publicly available information to try to understand the events of April 18 and 19, 2020. Some people reported being focused on getting answers to specific questions, such as where the perpetrator got his guns and why no emergency alert had been issued. A small number shared the experience of being unable to watch or listen to the news about the mass casualty. For example, one respondent wrote: “Full of sorrow for those affected by the tragedy. Unable to read or watch or listen to the news. Overwhelming sadness for the families.” Another person shared:

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- “I became very selective in what I read in the newspaper, what I’d listen to, like our whole neighborhood had either Nova Scotia Strong up or whatever ... We did that. But I really because every little thing, just it just was, I think it was worse than the initial shock. So for a long time, I didn’t look at anything. I didn’t read anything. Even to look at the fam- ... the pictures of the 22 was very difficult. So I mean, and some of some of my family members were ... not OK with it, but they would read more than I would. Yeah, I found it very difficult. Extremely difficult.”

A large number of respondents indicated that they had “so many questions” and experienced “frustration with lack of information and clarity”:

- “Traumatizing. Desperately seeking for answers, and felt like there was radio-silence and that something was being covered up, why couldn’t Nova Scotians get any answers??”
- “Stared at the tv day after day looking for hope in the horror of what happened. Cried often.”
- “I was craving knowledge. What happened. What really happened that day.”
- “Total shock still. And no answers as to what really happened! Causing much added anxiety and disbelief that an emergency alert was never sent in the wee hours of the night when this tragedy all began!”
- “Shocked and saddened that there was not more information being shared with the families and the public.”
- “I was very confused am shook up at what I witnessed and saw. Very sad for victims’ families and our province. Even I wanted answers.”
- “Shock and sadness. As more information came to light, anger. Felt pressured and intimidated at times to join a narrative that may not have been 100 % accurate.”
- “In the days, weeks and months that followed, I watched and read everything I could about this unfathomable event. I was deeply affected by the individual stories of the victims and their families. I felt a tremendous grief for weeks. I searched for details that would explain why this happened but the information continued to be confusing and incomplete.”
- “I stayed up to date on the news for a few weeks and then gradually forgot about it as time went on.”
- “Shock and horror at what had transpired. I was a bit obsessed with reading/watching everything, and following the trajectory of the events.”
- “I continued to follow every update from this story, trying to put the pieces of the puzzle together.”
- “Since April 19 I think I’ve read every article from every news affiliate and listened to every podcast searching for answers that will never be found.”
- “It’s heartbreaking to hear the family stories but with each one I wanted to hear more, I wanted to know how special each member was to their families. And then for months things went silent as if it was to be forgotten. I thank Jordan B [Bonaparte] and Paul P [Palango] for keeping the story alive, I have seen every episode it’s given me a better understanding of the story.”



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- “Trying to make sense of this tragic situation and to keep myself informed, I followed media information on a regular basis and talked with family and friends about it regularly. 2 people that I know were directly impacted by the situation.”
- “The event didn’t really touch me or my life – for the most part my experience is one of waiting to find out what in the world happened, like a lot of Nova Scotians.”
- “I continued to seek out information about how community members were impacted. I felt personally connected to them in some way. I was so confused about how this happened. I felt hate toward the murderer. But I also felt anger toward the authorities. I felt distrust and disappointed in their ability to provide safety to citizens of Nova Scotia. To this day, I cannot believe that I first heard this was happening on social media. I am mad that I received updates about a mass shooting on Twitter. I am mad that people left their homes to go to work without knowing their lives were in danger because they were not heavy social media users or did not have time to check their phones that morning.”

Some respondents commented that media coverage helped them during the weeks and months after the mass casualty by providing important information. One issue highlighted was the role of media in providing information about the perpetrator’s history. Others experienced media coverage as contributing to difficulties during this early period:

- “Anger at the way the press were trying to whip people into a frenzy with speculations about what happened and who may have tried to support the gunman. No investigation of the harm they were doing. Friends thinking that just because something is printed it’s true so they are upset over things that aren’t true, and they aren’t able to shut off their fear. Like the idea that the gunman was a paid informant so the police didn’t stop him.”
- “... the constant false information that was being shared by the media and social media.”
- “This event has very much strained my relationship with the media and with police service in the province.”
- “My experience after the massacre committed by Gabriel Wortman was that strange combination of participating in this massive experiment regarding the socio-political and economic responses to the pandemic while realizing that it as well as the media and political response to Gabriel Wortman’s assassination of 22 innocent people was quickly becoming a non-event. The media stopped reporting on it, and the Provincial and Federal governments were hoping the whole thing would go away. My trust in Canada’s large institutions in the media and government began to seriously erode.”
- “Shocked at discovery of what shooter had planned and how many lives affected. Also ongoing questions by family and friends closer to situation was disturbing to watch and listen too, as a private person I see no need to make all this public for sooooo many reasons. Not sure what is expected to change. This was a very unusual situation and could never be a plan of action. It just keeps grief and hurt in community at all levels as well as divide some groups.”

Many respondents commented that the release of more information did not contribute to greater understanding:



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- “To this day it’s hard to grasp what took place, more so as details are released.”
- “Details and facts are confusing. None of it adds up. Make sense of why my coworker friend died please.”
- “We have been following many Facebook groups, YouTube presentations, Twitter and any media about this tragedy. The very first information (within weeks) that was given to the public by any of the above, immediately after the tragedy, appears to be the most accurate. With the passage of time, the information became less clear and mixed. Early on we noted lack of clarity and change of information by the RCMP.”
- “I tried to pay as much attention to what the outcome was of this for as long as it was emotionally viable for me to do so. I got caught up in reading conspiracies about the incident on places like Reddit, and it felt like I was getting more information from the general public than I was from authorities. Even though it had nothing to do with me personally, as a lifetime Nova Scotian resident I was shocked and saddened by this incident for weeks, and even now whenever it’s brought up it is still difficult to understand.”
- “More and more information came available in the weeks and months after the events and with it my feelings of horror deepened. During that time, I heard countless stories of grief from others who were closer to the victims. ... One of the things that affected me the most was the fact that actual police officers shot at the Onslow Fire Hall and volunteers and weren’t charged with anything. The obvious incompetence is baffling. If they thought they were aiming at the murderer, why was their aim so poor? Once they realized the error, why didn’t they make sure no one inside was harmed?”

Many respondents shared their reactions to information about the perpetrator and, in particular, expressed fear, anger, shock, and disbelief about his history and possession of firearms and the replica police vehicle.

- “Just in shock and disbelief that the suspect had gotten away with so much.”
- “Fear that someone so hateful and destructive lived in my community of Dartmouth.”
- “Disbelief that nothing had been done about that individual despite being well known.”
- “... Anger. That anyone would do such horrible things. And that he was allowed to have a car that looked like an RCMP vehicle let alone several of them ...”
- “We listened to the victims’ stories, their lost relatives, tried to understand the timeline of events. We were devastated. It was hard to understand how this person could possess these vehicles, weapons, etc., and not be questioned previously. It appeared that people had alerted authorities previously.”
- “I get very angry whenever I hear information surrounding the events of that night or read about prior acts of GW that should have been recognized as red flags.”
- “Just general disappointment with the RCMP, the provincial government and federal government. All these reports of people’s past interactions with the gunman and the authorities just let this guy run around.”

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- “Amazed at the details that slowly came out after media made successful applications for right to publish from ITOs [Information To Obtain]. So many red flags. Police botched the handling of it as well as the subsequent investigation.”
- “Following the events as more information was known about the person was even more frustrating that this person was not on a watch list of some sort , as numerous complaints had been reported about his behavior and actions, also makes you wonder and doubt of the effectiveness of our police services loosing trust in the system.”
- “And there was anger that someone who had clearly exhibited signs of being deranged had been allowed to carry on unchecked, including purchasing and upgrading an old RCMP vehicle.”
- “... also why someone with such a violent history toward his neighbors (GW) was not investigated.”
- “I was also distressed by the reporting of the gunman’s partner, and whether she was considered a victim or not (I certainly believe she was/is). I was also distressed to hear news about people who had reported the gunman to police services before the events in April 2020 and the seeming lack of action that was taken.”
- “Anger and extreme frustration about people’s surprise that gendered violence leads to this many deaths. Hearing that the woman who was being abused by the perpetrator – that she was criminally charged is enraging. After seeing what the perpetrator was possible of doing, how could you expect her to do anything that she thinks might make him even the least bit uncomfortable. I found myself wondering how many police knew about this man, that he was purchasing gear and obsessed with police (e.g. the imitation police car) and did nothing. There is no way they did not know about the perpetrator – he was clearly at police auctions. Let’s get real.”

A few respondents shared their experience from the perspective of someone who knew the perpetrator. One person wrote:

- “I was angry with Gabe for not reaching out, and people that spoke out against him. I felt so bad for both Gabe and his victims and their families. I just don’t understand what happened. The Gabe of the mass shooting is not the Gabe I knew. I was convinced in the beginning it had to be a mistake. It couldn’t be Gabe. Was my judgment that far off? I still question myself to this day about my judgment of people, situations or circumstances. I now do not even trust my own judgment.”

Many respondents framed their experience in the weeks and months following the events of April 18 and 19, 2020, as a response to post-event RCMP communications. People’s experiences were shaped by what they saw as a lack of information, contradictory information, and lack of transparency. The vast majority of respondents who raised this topic shared their experience of disbelieving the RCMP accounts. Some commented that initial praise for policing turned to distrust and anger.



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- “The info that the RCMP shared during briefings was slow to come and then just stopped, which led to mistrust and conspiracy theories. Then we started to get leaked info through alternative media sources, which led to more mistrust.”
- “I felt betrayed. I felt like I was being patronized when what I needed was honestly and an apology.”
- “I felt our government and police force handled this poorly during and after the fact. I feel like there were many mistakes made, and instead of owning up to them honestly the public has been misdirected, lied to, have had information withheld. It felt like more effort was going into protecting people’s and organizations’ reputations, and using this as an excuse to ram through firearm legislation that would not have affected this event also just felt insulting, patronizing, and like a way to deflect attention away from the government and RCMP.”
- “Confusion and anger over how poorly the situation had been handled and how poor communication was even after the event. To this day there are no answers around fundamental questions. It shook our faith in the police force and convinced us that the Canadian legal/police system is completely incapable of dealing with unstable individuals like the perpetrator.”
- “Honestly, I felt that information from the RCMP was lacking. After each press conference I had more questions than answers. Some things didn’t add up. Looking back I now realize some of the things they said were misleading (ie they knew who the suspect was and what he was driving the night before, they didn’t just realize it the next day from the suspect’s partner). Later, the RCMP just stopped giving press conferences altogether. How was that a positive choice? People need facts. Without facts people try to fill in the gaps.”
- “Pure disgust at the incompetence of the RCMP, their inability to own up to failures and constant ‘sweeping the dirt under the rug’ behavior. Shock that a group who claims to serve and protect its citizens is lying and hiding information and only watching their own backs. Pathetic behavior and pathetic organization.”
- “Enraged at the first press conference. That the RCMP (Mr. Leather) could stand up there and say ‘I believe we did send an amber alert.’ Complete loss of trust in the RCMP. Mistakes in the fog of war of an unprecedented, chaotic situation are somewhat forgivable. The lack of transparency, and accountability to mistakes are not. Attacks on journalists are not forgivable.”
- “Disbelief. At the news conferences, I couldn’t understand the lack of information provided by the RCMP. And nothing but glowing reviews of their response, which we know now wasn’t true. They filled in the blanks early on so not to implicate the actions of their members. If you watch the initial news conferences now, it is unbelievable the messages they provided.”
- “It was absolutely heart breaking and terrifying. Law enforcement did nothing to help with that – they should have accepted their part and how they failed – lying to Nova Scotians from the get-go has eroded any faith we had in our system.”
- “Hearing conflicting accounts of the events was so frustrating. Also hearing the RCMP continuously justifying their actions was pathetic.”





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- “There was missing information or inconsistencies that made me wonder if we were being told everything that we should be.”
- “I tried to remain impartial as I listened to the RCMP officers (leadership) provide updates to Nova Scotia and that were unclear and not extremely informative. Subsequently as more information has become available my faith and trust in the RCMP as a force has decreased substantially. I feel the actions since the incident of the RCMP and of government in general both provincial and federal have been more focussed on downplaying the capability of the RCMP leadership and ‘protecting the image’ of the force rather than getting to the truth, determining how this can be fixed (training, accountability etc) so it may never happen again.”

Other respondents expressed “relief that the investigation was led by the RCMP, a police organization I have great regard and respect for over many years.” Many were “appalled by everyone getting mad at the RCMP.” Several members of the RCMP and their family members told us about the impact of this anger toward the RCMP. This last group of responses is summarized later in this report (see “Experience of First Responders”).

- “Over the next year leading up to the first anniversary I struggled to make sense of both the tragedy and the anger directed towards the RCMP by the general public. Our officers could never have anticipated a mass murder of this extent. I understand the pain of loss but I cannot begin to imagine or understand how challenging this night was to the officers on duty that night. It is good to get to the bottom of this and to find answers to what actually happened but even in the pain of losing my friend I cannot justify vilifying the RCMP who risk their lives so many times and found themselves in the middle of the worst mass shooting in Canadian history.”
- “I searched online for information and was disgusted by the attack on RCMP and the common law wife. I feel like because the gunman was killed – the family of victims needed someone to actively blame. This entire casualty resulted in hating RCMP or police – and victims who survived. If the perpetrator had lived their rage would be directed at him.”
- “I still find myself angered by people who criticize the RCMP and first responders who went to the scene to assist. My heart aches for not only those personnel, but also for the wives and children of those who attended the horrific scene, as they seem to be the other forgotten, unrecognized victims of this tragedy. One person is responsible for this tragedy. No more, no less.”

The perceived lack of information was described as contributing to conclusions that there was corruption and a cover-up:

- “The weeks and months, and now years afterward has been spent searching for answers. Most of the information that has come to light has either been leaked, or the media had to sue to find out. The corruption and attempted cover up is blatantly obvious.”
- “Total frustration over lack of information. I deal in an environment which is all about reducing risk and lessons learned. Lessons learned are no good when they come out



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years later. The lack of public information has led to 'theories' by the public. After a while these become fact and people loose believe in the system."

- "For a while, although transparency was obviously lacking, I convinced myself it must be for the greater good. However, we have reached the point where significant trauma is being caused by the lack of explanations. My sense of safety was shook by the events, and has been further shook by what feels like a coverup."
- "Frustration and anger with the monster who did this, the RCMP who enabled him and their blatant cover up and profiteering from the event."
- "Disbelief, suspicion and diminished trust in police services and government as a result of the half-truths and obvious distruths that they were disseminating as facts to the public."
- "Then the cover up started. I was furious when I found out the government was trying to cover this up by using a less intense inquiry to see what happened. What a joke."
- "The fact that the story is still unclear after all this time leads me to believe the RCMP was in some way complicit with the shooter."
- "Frustration how this was allowed to happen, the blatant cover ups and lies that were cooked up. The SIRT [Serious Incident Response Team] report was proven to be another lie. I have lost faith in the RCMP and SIRT. They are a joke. I just hope this inquiry is public and people get to ask the hard questions and get answers."
- "I fear that the truth of what really happened will not come out. Inconsistencies with RCMP reports makes me wonder what kind of cover up they are trying to pull."

The need to know more and a belief by some that information was being withheld galvanized some people to demand that governments hold a public inquiry rather than an independent review as originally planned. These efforts were led by those most affected, and in particular by the families of those whose lives were taken during the mass casualty.

- "My experience following this event included a lot of confusion. Not understanding why the ones in charge were not owning up to the mistakes made, as well as feeling unheard. The feeling of not being heard comes from when the decision between an inquiry and a review, it was clear what the families wanted. But at first that was ignored."
- "Shocked, sad in the weeks after. Later ... Frustrated with the arrogance of government before finally coming around [to] have an inquiry."
- "Building aggravation and hope and best wishes for the families fighting for answers."
- "Hoping for answers and wondering why people had to fight to get an inquiry and not a review."
- "Once I found out that there was not going to be an inquiry, I wrote emails to my local MLA, my MP, and I also went to a march to the Legislature to show support to the family for the inquiry. I watched the news a lot, more so than usual."

### Always in Thoughts

For some respondents, the events of April 18 and 19, 2020, and unanswered questions about what had occurred were "always in their thoughts" during these early weeks and months. For



example, one person wrote: “On edge and just couldn’t stop thinking about it.” Within this group of respondents, some describe this experience as having negative consequences such as sleeplessness, fear, or a reduction in their ability to empathize or sympathize in other situations. This group of responses included the following words:

- “Always in my thoughts, every time seeing an RCMP car or station, every time driving past that scumbag’s office (thankfully those grimacing teeth were removed from that building, although that whole corner still haunts me). Every time I drove past Enfield exit – although not anymore, it’s been so many times since – that haunting day relived.”
- “For several months after April 2020, I experienced obsessive thoughts that my family or I would be harmed any time there was a knock at my door.”
- “I felt very hurt, and I could not rest. I lost my appetite. I was restless, and I paced back and forth in front of the TV. I damned the senior RCMP Officers for ignoring me (warning about RCMP uniforms) ... At night, I could not sleep. I wandered around our home late at night thinking and rethinking about the shock of the victims seeing the killer dressed up like an RCMP constable, but he intended for the uniform to give him an advantage. And it did.”
- “Thinking over and over again about the children who survived and their horror that night. Trying to rationalize or understand why he would do this. And a loss of empathy and sympathy for other situations. When I hear or learn of other sad situations it doesn’t affect me the same.”
- “Just couldn’t seem to forget the events and nervous in my own community as this could have happened anywhere.”
- “I was constantly researching what had happened. I stayed up late, barely slept, because I wanted to know how this could happen. I still do, which is why I’m following this commission. I go by where his office was a lot because it’s on my route to downtown. At this point it hadn’t been demolished, every time I passed it, it felt like everyone around was also staring at it. I felt scared. Of course in those weeks there were constant news articles about him. One of which was about the incident he had where he assaulted someone outside of his office and I went into a deep-dive to see what else I could find from when that happened. Looking at digital versions of the Herald, stories from Global and CBC from around that time just trying to find something that would tell me why he wasn’t a red flag. I was excessively concerned at the fact that nobody knew he was going to do this beforehand, nobody stopped it. I was worried that if he managed to evade suspicion there might be another person in the province who had done the same. I was worried that someone was going to copy him. I stayed home as much as I could so I wouldn’t be caught somewhere if there was another. During those weeks and months directly after, my life was filled with fear and lack of sleep. I do not know anyone directly impacted by this tragedy and even I was feeling the effects of it.”
- “It bothered me so much I was obsessed with the news about it and was seeking out information constantly. The answers weren’t coming, just more and more and more victims. I couldn’t sleep well.”



- “It was incredibly difficult to cope. It played on my mind all the time. I dreamed about it often. As the months wore on it stopped consuming nearly all my thoughts, and then I would just have the trouble of driving by the roadside memorials. Where I would usually start crying again at least twice a day. I would try taking other routes but they added a lot of time on my travel. I no longer cry when I pass them but also do not really like [the] constant reminder.”
- “Lots of what if’s running through my mind for months, running different scenarios through my head of how things could have been so much worse for my family, feelings of unforgiving anger that the RCMP failed to inform the people of NS the true facts of what was happening in real time, knowing that he was portraying himself as an officer in a cop car.”

#### Decreased Sense of Safety and Increased Fear

A large number of respondents shared their experiences of fear and a perceived lack of safety and security during the weeks and months following the events of April 18 and 19, 2020. A decreased sense of safety was described both in general terms and as resulting in consequences such as an inability to concentrate, nightmares, and difficulties sleeping. People described themselves as being “on high alert,” “hyper-vigilant,” and in “fight or flight” mode. One person wrote: “Less restful sleep, easily startled, easily emotional, more reactive.” These responses included:

- “Scared, afraid for my own safety.”
- “Fear. Not comfortable in my home town. Suspicious of new people.”
- “It was hard to feel safe.”
- “I was extremely afraid and nervous.”
- “The overwhelming pain, fear, anxiety, sadness for everybody affected, directly and indirectly.”
- “All I can say is, fear.”
- “Disturbed. For the families of the victims. For the man who did this. For the police and everyone involved. There was a lack of security felt. I felt bad for judging the police but also felt like they dropped the ball.”
- “Constant worry, fear of all RCMP, and sleepless nights.”
- “I had nightmares and was very concerned about my entire province and the well-being of others. My children were scared.”
- “Fear. I had trouble going into public spaces.”
- “I was constantly worried for my family. What if something like this happens again. I struggled to sleep at night. I had to talk to my doctor as I felt that my mental health was suffering from all of this. It took months before I felt anywhere near safe & stopped worrying about this happening again.”
- “Scared to go outside my home, could not breath. Fight and flight mode 24/7 for 12 plus months. Harrassed by media, very little support provided to us. Grief, trauma, secluded feeling, nightmares, tremours, terror, irritable, constant crying.”



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- “In the weeks and months after as we began to learn more about what happen[ed] things continued to feel uneasy. Everything felt dangerous and there were several alerts about what in the end were relatively innocuous things that triggered massive feelings of panic where we immediately reached out to all our people to make sure they were safe.”
- “I was hyper-vigilant and had a hard time concentrating while at home & at work.”
- “Heightened sense of danger and caution, locking doors, worry for my son. Those feelings lessened until the renewed media attention to the Commission work.”
- “Terrified, always looking over my shoulder, night sweats, tears, huge loss of trust in the police.”
- “After the event there were rumors that there was an accomplice still on the loose. So, there was a lot of anxiety in the weeks after the shooting.”
- “I felt I was on heightened alert – making sure my doors were locked. Night time was hardest as I didn’t feel as safe as I had prior to this happening. I worried at night that someone might break in to my home. I found myself constantly looking around when I was outside as I live in a rural area and my back yard is wooded. I felt like someone could be there even though I knew it wasn’t likely.”
- “Myself and my coworkers were grieving the loss of those we knew, as well as all the victims in NS. This was devastating, not only to know the victims personally, but to have it hit so close to home. We were limited in connecting with each other but did what we could. Having previously felt relatively safe in my home during Covid, I no longer felt so, and despite knowing the perpetrator was dead, I found myself fearful in general, uncomfortable near doors and windows, and having a lot of trouble sleeping, for weeks after. It was a couple of weeks before I was able to go for a walk on my street. I felt nervous when I saw a police vehicle even though I work with police as part of my job.”
- “I was on high alert the weeks after the events, still am but not at the same level. I watched as much as I could online. So sad for these families.”
- “Nervous while out not knowing if there would be a copy cat situation.”
- “Following the shooting I felt on edge and timid being in public.”
- “Very difficult. We were under lock down, I couldn’t see my family. I couldn’t concentrate for work and this affected my performance greatly. I cried every day for months, hearing and learning about the families. I was scared to leave the house, very shook up when I met a police car. I tried to read as much as possible about what had happened.”
- “I stopped meditating after that, because I felt like I needed to stay vigilant, watching Twitter, to keep my family safe. I didn’t even realize for months that this was why I stopped meditating. My distrust of the police has grown since then, because there was no cohesive information about what was going on.”
- “My experience over the weeks and months was isolation. I was fearful to do the things I would normally do such as walking, taking long drives. I could not sleep and was afraid to stay alone. Hearing of other gun-related situation so soon after this tragedy influenced my trust in community safety.”
- “In the weeks following, I did not feel safe in my home. I was very jumpy, emotional, couldn’t concentrate. I felt I was hyper-vigilant at the time with respect to my doors and



windows. I kept the lights on at night when I didn't previously, and I had difficulty sleeping. I have replayed what happened in my mind numerous times and revisiting it during the MCC."

- "My safety was threatened by what happened. I no longer felt safe in my community. I went through a police check at 11pm on a dark secluded road after work one night and as I approached I couldn't help but think this man could blow my head off. I felt tremendous grief for the families and actually began to have nightmares of the events and in fact have a vision in my head of what I believed to have happened to one of the families. I can vividly picture the details."

For some people, increased fear caused them to alter their behavior:

- "I was scared. I didn't walk my dog as early or as late as I usually would. To this day there's not a day that goes by that I don't think of those poor people who were tricked by this man."
- "I felt different about everything I do, including walking in my community. Walking was what I did to stay healthy mentally as the pandemic prevented people from socializing and I am a social person."
- "I kept close to home and felt unsafe for many months to walk in my area. I felt unsafe in my community and still have moments of feeling unsafe."
- "Around the time of the shooting, we were being discouraged to leave our immediate environment, and were being told to 'stay the blazes home.' The only way to get exercise was to walk on a highway really similar to the one where these shootings happened – so needless to say we didn't get too much exercise in April of last year. I eventually developed anxiety about driving once the lockdown ended, which was fairly inconvenient as I commute to Halifax for work. This lasted for about a year."
- "It took me a couple of weeks to feel comfortable to resume my walks around the area. As well driving past the memorials set up every day on Plains Road was a constant reminder. When cars would drive by me on my walk I would feel great panic. As well when I would see a RCMP vehicle I would feel an uneasiness."

Quite a few respondents linked their increased fear to their decreased trust in police and anxiety about police vehicles:

- "I experienced increased fear and was definitely living in flight and fight for a long time after this event. I didn't feel safe and I lost faith in trusting all police officers and/or any first responder dressed in a uniform. I really wasn't looking forward to having to be pulled over by a police officer even if it was for a routine check point. (Do I trust police or are they pretending to be a police officer?)"
- "I was also struck by paranoia and fear. If I was driving from house to house during work I would get anxious if I thought a car was following me. Also I had high anxiety regarding any police vehicles that I would encounter. These fears grew whenever I was on call and



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had to venture out into the community, alone, going to strangers' homes, who sometimes didn't have cell service ..."

- "We knew we had to bring some normalcy back to our day and later in the afternoon we took a walk in our neighbourhood, but it was still frightening, even knowing he was caught. A few days later I drove to work in Shubenacadie knowing I was driving the same route as the gunman. I saw the charred remains of a cruiser on the road. I saw the police tape where Heidi was killed. It shook me to the core. [...] a police helicopter flew overhead on my drive from Shubie to Enfield after work one day and I panicked. I pulled into a parking lot sobbing and shaking with fear. I called my Mother who calmed me and continued on my way still shaking. I am still fearful when I see a police cruiser or helicopter. My 13 year old has recurrent nightmares of a shooter coming to our house and burning it down with all of us inside. I can't even tell her it won't happen, because it did happen to several families in our community. I feel sadness and fear each time I drive through Wentworth to get to our family cottage. I feel it when I drive by Debert and Portapique. I firmly believe that no amount of training can prepare anyone for this type of situation. I'm sure the officers involved did the best they could. It must have been horrifying for them, just as the news of it has been horrifying for us."
- "I was afraid to open my door to go to work. I was afraid to go to my car after work at night. I drove up to a police road check with a lone officer on a dark isolated road and immediately thought this could be the end of my life. Thankfully he was a kind officer doing his job."
- "Looking twice at EVERY police car, uncertain if it was real or fake, and what business for that car being in my sphere. No longer trusting police to the level I had before. Wondering why on two prior recent occasions, very late at night, a police car was parked at end of my street, at edge of my property – was it an officer taking a break, waiting for something specific, or was it GW cruising around county playing cop? My unexpected and unnatural reaction to case of missing boy in Truro three weeks later. How much more sorrow will be placed on this community, to bear?"
- "It happened in my community. I was nervous when seeing an RCMP car and not wanting to be out in the dark. Took [some] time to feel normalcy."
- "Weeks and months afterwards my husband and I would break down for no reason, I was really nervous when someone would come up my driveway. We were at work a few days later and heard gunshots and it put me into a panic attack because we were in an open field clearing straw. We both knew victims. Another day we came home from work and there was a RCMP card in our door which triggered my anxiety. To this day I feel extreme anxiety whenever seeing a RCMP cruiser."
- "Heightened anxiety. Very suspicious of any RCMP car when passing one I would be triggered and have an anxiety attack. Traffic stops are extremely triggering."
- "A day or two later a helicopter flew overhead. I was out in the back yard and began to shake and cry. I was afraid of police cars being in the neighborhood without an apparent reason. Any time a helicopter flies over head I freeze up."
- "4 days after this happened, my cat was brutally murdered by a dog. For months after, whenever I saw a police car, I would have anxiety. Whenever a car was on the side of the



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road, I would have anxiety. Sometimes, I think of the good Samaritans in NS and how anyone of us would have left our home or vehicle to help someone like Tom and Joey did. This has affected our whole community as a province, and we want answers!”

- “I never really felt comfortable stopping for the RCMP after and I was always on edge not knowing if a suspect could get a hold of another vehicle and another suit and do the same thing. And even when I see a police officer driving by, I still get flashbacks of that very day, the fires and smoke in the air. The gunshots’ terrible, terrible sounds. Sometimes I would have dreams. A police officer was pulling me over and would shoot me. Then I would wake up and sweat dripping down my face and body.”
- “After the incident I had panic attacks whenever I saw a police vehicle. It took a few months to feel comfortable to go out.”

Some respondents related how specific situations such as fireworks or driving past specific locations connected to the mass casualty could trigger fear and, in some cases, panic:

- “Personally, for at least a month, I was scared at night and didn’t want my immediate family members to leave me alone. About a week after the event, a neighbour lit firecrackers and when I heard the popping noises, I ran and locked both doors before heading to our basement. All I could think was that our neighbour was shooting his wife - I was rattled. This is not normal for me. After that first month, this type of anxiety began to subside but there is a certain level of fear that never goes away when you realize that evil-doers very much live amongst us.”
- “...Not feeling safe to be out in our yard due to our home being surrounded by woods. Because of where we live, we have no curtains or shades on our windows, and I recall not feeling safe at night when lights were on inside the house meaning we couldn’t see the dark backyard, so leaving all the outside lights on all the time. It felt surreal. I was concerned about our staff who had to respond to the families/children, and also for the large number of staff who live in the area and were impacted as neighbours. Because we were all navigating those early pandemic days, our usual methods of providing support were not available to us, so feeling really frustrated that as the days went along, we were almost just onto the next crisis for everyone. Interestingly, I drive by the denture clinic every day on my way to and from work and until the building was recently demolished, hadn’t realized that I was having a reaction and recalling the events subconsciously every time I drove by it – wondering how many times I may have seen the shooter and not been aware of how something like that could be being prepared for by someone right in our own community, and gone unnoticed.”
- “It was extremely disturbing to drive past all the properties in order to leave our premises. It was also disturbing to hear stories but no facts about the situation. Every time I hear fireworks, it takes me back to that night when I heard – what I perceived to be fireworks – but, obviously were not fireworks. It was strange not to be advised or even have a follow-up to see if we were okay.”





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- “No longer feeling safe, insomnia caused by trauma. Less than a week later there were reports of shots fired and a possible shooter in the Stillwater Lake neighbourhood, my neighbourhood. I was 9 months pregnant with twins and my husband and I huddle in the dark for hours each holding an ax, hoping no one would come for us. We had absolutely no faith in police handling the situation. Very little information was given to people in the neighbourhood and we were terrified.”
- “Hearing gun shots from gun range after incident was disturbing.”

#### Effect on Children, Grandchildren, and Their Caregivers

A number of respondents wrote about the impact of the events of April 18 and 19, 2020, on their children and grandchildren. Parents and other caregivers also shared the difficulties they experienced in dealing with the aftermath while trying to assist children and protect them from learning information that was inappropriate for their stage of development.

- “I had nightmares and was very concerned about my entire province and the well-being of others. My children were scared.”
- “Crippling. We didn’t want to leave our house. We felt empty, our poor community had been shattered completely rattled. It isn’t safe anymore. The kids no longer feel safe in the hands of the police ... Both my daughters have severe anxiety caused by this, my youngest daughter won’t leave my side and won’t settle when her other siblings aren’t present at home. It has completely uprooted our lives. My grandfather’s birthday is in May and we went to his grave which unfortunately is literally the next lot from GW house he burnt to the ground. There still was a sign that said his dentist on the ground that my kids spotted. My son isn’t the same as this has affected him beyond anything anyone could ever imagine.”
- “I was shattered, my grandchildren still want to know everything, they as children worry about how they would be protected if something like this occurred in Alberta, they do not have trust in any police to save them after how this was handled in NS, it is just unbelievable how so many people could have died when police were notified so early.”
- “It was extremely difficult to help my son through this. He was 9 years old at the time. His friend’s parents work with the RCMP. He no longer felt safe in his community. Previously, if he had a nightmare or got scared at night I could always comfort him by saying we live in a really safe, quiet place where nothing ever happens. Once Portapique happened he no longer had that comfort level that his small hometown was a safe space. He developed an anxiety disorder and completely stopped sleeping. I hate that his life was so heavily impacted just by living in a community where this happened.”
- “My fellow mothers and I supported each other when we had days where we would just cry. We couldn’t release our feelings in front of our children and they were in lockdown with us. I remember hating the messages of Nova Scotia Strong coming from outside the province. It felt ridiculous. Strong? We had just had an event that broke us. Absolutely broke us – and people who have never experienced this are telling us to be strong. External help was not helpful. No one understood. The only words of comfort came from



Sandy Hook and from Scotland. Places who had gone through mass shootings reached out and only they had words of comfort. They knew we were broken. They assured us we would be in a shock for a while. They let us know that what we were experiencing was normal in such a situation. That was helpful.”

- “Actively trying to not watch the news or have radio on when son was home or in car, so he would not learn about events until we felt he was ready, or at least a bit more mature.”
- “It was overwhelming and distressing. I felt that we had been violated as a community and the grief was enormous, almost impossible to bear. My 13 year old daughter suffered from nightmares and severe PTSD, fear of fireworks, and any other loud sounds as it takes her back to the day of the mass shooting. She will forever be affected because of this horrendous act.”
- “My son has really been traumatized by this mass shooting. He is weighted down with the ‘what ifs.’ He is hurt and angry for the children and other family members known to him left to mourn the deaths of their parents. He is burdened by the image of Heather’s body. He lives in fear. He feels unsafe. It is heartbreaking as a mom to know he feels unsafe in our home, under my watchful eye and guardianship. I won’t lie – I too have a lot of emotional unpacking to do in response to this tragedy. There are triggers and still sleepless nights, although, sleep is coming easier some days without the dependence of professionally prescribed aids. Along with the weight of mourning, I am also burdened with a GREAT amount of guilt to feel, now say to you – we are / I am fortunate. Our experience and connection to this mass shooting was minimal compared to so many other people.”
- “Pain for multiple family members. Wondering how the events and evacuation would affect my teenage daughter.”
- “I was confused as there were so many stories. Friends of mine had lost spouses and loved ones. My children were most affected in my house. My oldest would not walk by our big window in the living room for two months. She was having panic attacks and told me that she always thought I could protect her and now she knows that is not true.”

#### Decline in Mental Health

Many respondents experienced a decline in mental health during the weeks and months following April 18 and 19, 2020. This was reported as sadness, including extended crying, anxiety, feelings of overwhelm or hopelessness, and for some this extended to depression, PTSD, or a triggering of pre-existing mental health disorders. Others experienced “numbness” or “isolation,” and “living in a fog.” For some, the decline in mental health extended to physical manifestations, such as chronic headaches.

- “In the weeks and months following I watched the news and social media learning about the victims and their stories. It was so sad and I was often in tears and feeling overwhelmed.”
- “Anxiety, very thankful my friends and family were safe, but [for] a lot of veterans in my family it was a major PTSD trigger.”
- “Fear, grief, confusion, chronic headaches.”



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- “Experienced daily sorrow.”
- “Anxiety, shock, guilt, a stronger bond with co-workers and community. PTSD.”
- “I felt lost and very saddened by the occurrences of those days.”
- “I felt hopeless and as though nothing was being done to keep Nova Scotians safe.”
- “My mental health declined. Waiting for answers as to why no alert. Mourning for those lost.”
- “In the weeks and months following the shootings our community was in shock. I still remember the first times that I had to drive on the roads he had used during his rampage. I still remember the first time I passed an RCMP vehicle on any of these roads. It was extremely triggering. The grief and shock was overwhelming. There were days where I would function fine, and days where I would unexpectedly start crying. There was so much grief that hit at seemingly random times.”
- “Every time it was talked about I cried and wouldn’t be able to focus. I would feel sick and have trouble focusing. I was living in Bridgewater when the young man stabbed a cop and went on the run, and helicopters were flying over my house, and reporters were everywhere around town and RCMP were everywhere. I was really triggered by this event and any time I heard sirens, or the helicopter fly over my house I thought it was someone planning a mass shooting. I ended up in therapy for it.”
- “Severe depression, hallucinations of them, anxiety, drug abuse, and severe disassociation.”
- “Severe PTSD.”
- “Unable to sleep, calling in sick to work for a few days and not being able to talk to anyone. I live alone and so did not have that many resources, this even having happened early in the pandemic. I went for an assessment for anxiety and was positively diagnosed.”
- “Yeah, I think pretty well trying to find some psychological help. And just every single time anything came out in the news it ... and it came out frequently, it just stirred up all those huge feelings of being in a state of shock. And yeah, the grief just kept rolling.”
- “I have and continue to struggle with PTSD. I am off work due to ongoing symptoms, struggling financially and with no access to mental health supports.”
- “I cried a lot and at random times. I couldn’t sleep on Saturday nights. I couldn’t connect with family and friends to properly grieve. It took me until June to realize I needed help. I went to one of the trauma centres to talk and to seek help. They were amazingly supportive and helped me arrange grief counselling. I was in weekly then bi-weekly then monthly sessions for 7 months. It was hard to find joy in things I once did. It just didn’t seem right. It was almost like when you have the baby blues after having a baby. I never really knew what would trigger me to cry. When it was time to return to work as a teacher, I broke down on the drive on the first day of school. My life was still moving forward but Lisa’s wasn’t. I became overly obsessed with keeping my own kids safe because now I knew for sure the worst things can actually happen. I am still dealing with this – especially in the time of Covid.”
- “I personally had depression and anxiety. Became semi obsessed with news coverage looking for answers as to how and why my dear friend was no longer alive and why nothing



was being said. I struggled with talking to family and had emotional periods where I needed time alone to process this. After the first months anger more than hurt set in. No efforts seemed to [be] made to get to the truth, and it seemed not urgent to figure out what went wrong and how all these events were like dominos because of bad choices.”

- “The decline of my mental health and the reality of losing a close friend and so many community members had began to set in. Ultimately the politicization of the whole topic (guns, RCMP, to the conspiracies) rather than dissecting the entire situation with what information and trails we had stirred up more negative emotions than positive.”
- “We’ve been dealing with nightmares, being terrified every time we see an RCMP vehicle. Constant crying whenever a memory comes up. Inability to sleep for the memories.”

Some respondents reported they were able to access support services that assisted them during the weeks and months following the mass casualty. For example, one person commented: “I had nightmares for quite some time and did go for two visits in Portapique with the counsellor who was very helpful.” Another said: “I spoke with someone about feeling anxiety about the events even though not directly affected. They helped to guide me through some issues.” However, others indicated that there was an unmet need for mental health services (this topic is addressed below in the section “Unmet Need for Mental Health Support”). Some responses also addressed the difficulties experienced by some providers of these services:

- “I work in the public library system in HRM and serve a handful of folks that were directly impacted by the events: folks who lost a close relative, friend, or member of their extended family. The library is still in early stages of providing trauma-informed care and service, so they have often been difficult and heartbreaking interactions.”
- “I was contacted by a non-profit organization, call[ed] the After Trauma Empowerment Network, which is based in Shubenacadie, Nova Scotia, where several people were murdered by the gunman. I volunteered with this organization, and for the past year I have been working on developing trauma-informed educational resources and information materials on the various types of trauma [and] their impact on people who are affected by them, how they can receive help and support in their local communities, as well as nationally and internationally. I have a Master of Adult Education degree, and pride myself on my work in the community and in helping those that need assistance, in particular the people that were directly impacted by the mass shooting rampage that occurred in Nova Scotia on April 19th and April the 20th, 2020. I have been working on creating these trauma-informed information sheets and educational guides for the past year however it has been very difficult to do. It has triggered my own PTSD flashbacks and the material has been very difficult to put together in a manner that is easy to understand and that has the relevant information and details and to make sure that it is presented in a sensitive manner.”



### Positive Steps Taken

Some respondents shared their experience of taking positive steps to assist those more directly affected by the mass casualty during the weeks and months after April 2020. Examples mentioned include the provision of pro bono services by members of the Association of Psychologists of Nova Scotia, organizing and contributing to fundraisers, helping others to access counselling they needed, and so on. These and other examples of the community coming together after the mass casualty are discussed later in this report.

People described how being able to be of service helped them during this period, but coupled this with comments on how the events also had an impact on them. A few respondents shared how it helped them to talk through safety issues and develop plans for safety, both with co-workers and with family members. One person reported the mass casualty had led to a positive family reconciliation, and several mentioned that these events reminded them to be positive, make the most of every day, and reach out to others. Several people mentioned that it was a relief when the perpetrator's business sign was taken down.

- “I had a fundraiser that was sent to support the families and they are always on my mind. I listen to anything and everything I can about the event but it's so discouraging. The public has a right to know the truth so we can work towards it never happening again.”
- “I was happy to see how much our town came together and supported each other. I thought about how this could have been handled differently. I thought of how hard this must have been on the RCMP. I hated driving by the denture clinic. I wish he was still alive to hear why he did this. In the same thought glad he's gone and they got him. He was so close yet so far from my town.”
- “We had more directly impacted employees at my office, we arranged for grief counselling – and took counselling for managers. Upon reflection, we were all in shock – but there should have been more of a pause to help people.”
- “Just in shock & feeling helpless as to how to help those involved. :( I'm a quilter & a group organized a quilt that could be made to give to the survivors, so I made one & hope it gave some comfort to someone.”
- “It was a nightmare for the entire province, as we all rallied around & behind the surviving victims (family & friends). I became a member of the “NS Strong” group & others, donated to all of them to support families with financial help, bought NS Strong decals & flags, and suffered nightmares for months.”
- “Driving past the denture clinic gave me an unexplainable eerie feeling. It felt like the huge set of dentures were grinning from the perpetrator. It was unsettling. Finally the building has been taken down.”
- “Drove by his business in Dartmouth just to somehow ‘see’ the guy. Stopped for fuel at the gas station where he was killed in order to go in and ask them how they were doing. Made a plan if a police car attempted to pull me over.”



## CONTINUING IMPACT

The Share Your Experience survey asked three questions about the continuing impact of the mass casualty: whether the events changed day-to-day activities and/or behaviours and, if so, how; whether the events have affected mental health and/or well-being and, if so, how; and whether there was anything else people wanted the Commission to know about the impacts of the events on themselves or their community. About a third of the responses to these questions reported no ongoing effects of the mass casualty, although in some cases these negative responses were qualified to some extent. There were relatively few responses to the last (open-ended) question about other types of impact.

### Impact on Behaviour

The responses of those most affected by the mass casualty shared the experience of all-encompassing changes to their lives: “our life changed forever that day”; “it’s hard to put into words how much has changed in our lives”; and “of course they have changed for all who are left behind, near or far.” One person wrote: “Our sense of safety was taken from us. Our friends were taken from us. So our day to day activities and behaviors are very different.” Some of these respondents gave specific examples of day-to-day changes, such as finding it difficult to leave the house, changes in employment, abandoning plans, and taking on some of the obligations that had been carried out by their loved before the events of April 18 and 19, 2020. Two common threads were not feeling safe and finding it difficult to leave the house.

Many respondents indicated they had not changed their day-to-day activities or behaviours as a result of the mass casualty. For some the response was a clear “no,” while for others the negative response was qualified by “not overly,” “not really,” or “not much.” Some felt it was important to not change their behavior; aside from acknowledging and remembering the “great loss of loved ones,” they felt that life must go on. One respondent said: “No, I haven’t changed my behaviour at all. You can’t plan for crazy people who snap. I don’t want to live my life in fear.” Some respondents qualified their negative response:

- “No. Although I suppose I now have more faith in the power of advocacy as we were able to force the government to launch an appropriate process.”
- “Not really. I live in a quiet town now and feel very comfortable although my doors are locked each and every night.”
- “Not anymore now that a proper alert system has been developed.”
- “Not much change. More vigilant now.”
- “No major changes but I do consciously lock my doors and am more cautious about opening door to strangers. I think about the gunman impersonating an RCMP officer which leaves me uneasy.”
- “No change in my day-to-day activities and I haven’t been stopped or had an incident with the RCMP since that time but it certainly would be a little voice in the back of my head saying ‘are you real.’”



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- “No, but I won’t drive into West Colchester, beyond Great Village anymore. I have trouble when I need to drive through Debert area. My vehicles and house remain locked, including when I’m home alone during the day. I check that my outbuildings (barns and sheds) are locked or latched securely.”
- “The events have not changed my day-to-day activities, but upon reflection I would have to admit it has changed my level of trust ... I try to be more observant of my surroundings and the activities within my neighbourhood. We keep our doors locked both at home and at our cottage now. The event shattered the innocence of our world.”
- “Not really – need to live, makes me worry a bit when my children go to large public gatherings.”

Many respondents shared that they had changed their activities and behaviours for “a while” but this was no longer the case. Some were able to identify a specific period of time: “weeks and months”; “not beyond 4-6 weeks”; “for the first year most definitely.” One respondent stated: “did for a while but reclaimed confidence in people.” Other responses along these lines included:

- “Not anymore. For a long time every time I saw the police I got chills. One night not long after the shooting a police man knocked on my front door late at night as I had left my garage door open and I was really scared to open the door for the first time in my life.”
- “Some relationships have become strained or dropped altogether, but otherwise my behaviour is largely unchanged. There was a period of elevated anxiety when going outside for walks, but it has passed. I had some episodes of weeping due to stress, but those passed quickly.”

The responses from people who said their activities or behaviours continued to be affected by the mass casualty are set out here under four categories: strategies undertaken to respond to increased fear and diminished experience of safety; reactions to police vehicles and police officers; diminished trust in the RCMP; and diminished trust in other institutions and authorities.

#### *Strategies to Feel Safer*

Many respondents reported changes in their activities and behaviours following the mass casualty. One said the events “changed their worldview of safety” and another that their “sense of security was gone forever.” Many people gave specific examples of how their diminished trust and sense of safety affected their lives on a day-to-day basis. Many mentioned being more proactive about their safety and told us about strategies they employed to feel safer: locked doors, being more aware of their surroundings and more cautious, following different sources of information more carefully, and avoiding former activities and specific situations. A few stated they had acquired firearms, and others stated they hadn’t taken the steps they wanted to because the law “won’t let me defend myself.”

Many people also said they experienced diminished trust in others: “don’t trust anyone”; “lost some faith in humanity”; “lost faith in mankind”; “look at people with skepticism”; “more cautious even with people I know”; and “less likely to help a stranger.” Others have responded by becoming



“more concerned about mental health of family and neighbours”; feeling a “heightened awareness about mental health/people who might need help”; or becoming actively concerned “about those most affected and trying to learn how to help.” Several people mentioned they were more likely to report concerning situations or behaviours. One said:

- “My career has been dedicated to serving those with barriers, in many cases those with mental health concerns, I think this event has made me more observant and concerned about risk analysis to prevent future events!”

Still others reported keeping in touch with family more, and one said they had changed “In one way. A big way. Love those around you more. Tell them.”

These are some responses that include examples of how people have changed their day-to-day activities or behaviours:

- “I am more cautious of people and what they may do. I no longer feel exceptionally safe in my area like I used to.”
- “Much more cautious with things. Never know who is doing what and where people’s mental states are at.”
- “I now startle at loud noises. I’m suspicious and a little afraid of RCMP cars and always think of the gunman when I see an RCMP vehicle. I worry and panic a bit when I hear an unexpected car pull into my driveway.”
- “I seldom leave my home and keep self defence weapons nearby.”
- “More aware of events around me and what might happen.”
- “I now lock my doors every night. I’m not out in the dark as much as I used to be. The bumps in the night are now louder and more noticeable. Our serenity has be[en] taken from us by one asshole!!”
- “It’s hard to put it into words. So many things come to mind. I’m a rockhound, I love to go to Parrsboro – I cannot ever drive past the Portapique Beach Road without thinking about the first hand accounts I heard of what happened there. Every time it’s like a punch in the stomach. I get quiet for a while. If I’m travelling with someone at the time, I don’t tell them how that affects me. They won’t understand. It changes you. This has changed all of us in ways. In some ways we’ve pulled together and strengthened as a community and as a province, in other ways, we’re damaged. Hurt. Fearful. Grieving. Angry. Confused. Questioning. Lacking trust.”
- “For 30 years I never was afraid to walk along the roads in this beautiful Valley. Not anymore; I only walk with other people.”
- “More suspicious ... Vigilantes have not had our support before but we find ourselves locking doors more, even during the day, careful when out in the yard alone, going for walks – definitely not alone anymore, we’re much more cautious and while some may say that’s a good thing, it’s not comfortable. We worry more about family and friends and they about us. This is not our normal.”





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- “I don’t go out as much as I used to. I don’t talk to anyone I don’t know. I definitely do not roll down my window or talk to any law enforcement. I go very far out of my way to not call non-emergency or 911 as needed (which has impacted my work, as I do need to call frequently).”
- “Lock my doors and am considering getting a gun license.”
- “I still live my life as I did, but this has made me start thinking about buying a firearm to be prepared for when this inevitably happens again.”
- “Became an advocate to replace the RCMP policing in Nova Scotia. I abhor guns, but am considering one anyway – the RCMP will never come to the rescue. We’re on our own.”
- “Not driving along the shore the way used to.”
- “I can not return to my job, I lock my doors now, I rarely leave my home, my marriage is suffering, and so much more.”
- “I may or may not have purchased something to defend myself in the car.”
- “I believe they have made me more fearful. I don’t go out a lot in the evening on my own. I used to walk a dog in the evening and I think it has given me a sense of more fear about yeah, just how an accident ... an incident I should say, could happen with coming right out of the blue, and no ... no knowledge that somebody is around that is as crazy as that. Yeah, it’s made me more fearful.”
- “When I drive alone at night I choose to take more populated routes. I have trouble sleeping. I have a vivid picture of what happened. I can see the faces of the casualties before their murders. I check my door locks more often.”
- “Worry about others. ... I feel sad, nervous to be alone at my cottage in Wentworth where I was the night of the shooting. I am thankful that my family was OK and I feel guilty about that.”
- “I quit my job and decided to take up lavender farming.”
- “I’ve realized even in my own town I can’t trust the police to arrive quickly. I’m retiring soon and want to move to a rural community [but] the mass casualty event has made me think twice about first responders in rural communities. I realized I can’t trust communications within the police force. Any police force. The only person I can trust in an emergency situation is me. I was raised not to take the law into my own hands but have discovered that there are more and more times that I must. I hate to say it but I have become much more cynical since the events in Portapique, N.S.”
- “Very much so as a VON nurse. I need to be more aware of my surroundings. And it’s damaged my trust in the RCMP[. T]hey could have done a better job of keeping us safe.”
- “I don’t know how to answer this. In some ways – nothing has changed. I can’t live my life in fear that a (please God) ‘one in a lifetime’ event will befall me at any moment. I don’t want to raise my kids in fear ... but it’s there. Inside. And I think we push past it (those of us who can. Who were changed but not destroyed) but it’s there and will always be. An awareness. About the evil that is possible. That safety isn’t truly something we can have.”
- “We lock our home. I am more suspicious about strangers and or vehicles in my neighborhood. I am less likely to stop and help a stranger.”



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- “It was about a year later I started feeling very uneasy when I went to Great Village to visit family. All of a sudden I felt very creeped out if I went for a walk in the woods or went to pick berries. I felt like I had to look over my shoulder all the time. My rational mind knows he’s gone but some place in my mind he could be back and is still a danger. I’m not sure I trust people any more. I feel threatened in Great Village but also in Truro. I don’t go for walks any more. I don’t think about it all the time but it creeps into my mind fairly often very suddenly and my heart is broken all over again and I am very, very nervous. I also cry when I meet some family members of those killed. I imagine what those people must have felt when they saw a gun pointed at them. I have very little confidence in the police. Would have trouble wondering what I would do if a police car tried to pull me over. Try to plan a strategy as to what I would do if that happened. Most of all, I wonder why nobody used the alert system to warn people. Why use such a cumbersome method as the telephone when there is an alert system available.”
- “Yes, my eyes are more open to what is going on around me and in my neighbourhood. If I saw someone with a replica vehicle, I would report it. Someone I knew who was not an officer dressed as one, I would report it. I think we are all more attuned about the mental health of family, friends and neighbours because of this event in a location you would never expect and an event you would never expect.”
- “I can say that my first few sights of Mounties filled me with so much dread and fear and that it took until late fall 2021 before we could go back to the beach area. Then it was so sad. One of my favourite fishing places and we can’t go back, all I see and think there is about Jamie and her family.”
- “I stay in touch with Twitter and try to keep up to date with anything happening in ns around my community in order to keep my family safe.”
- “I make sure to check Twitter much more frequently. Specifically checking for mentions of violence because on the 18-19 I was getting my information from other people who were tweet[ing] what they saw and heard. Because law enforcement hadn’t been updating the public frequently. If I go out somewhere I have to have my phone with me and I have to have access to data to be able to check Twitter if I feel anxious that something may be happening somewhere close. I make sure to check the Halifax fire feed now because they announce things that were on the dispatcher so if a situation happened like the April tragedy where there were many fires set within a small area, it would be very quickly highlighted on their feed.”
- “I check my phone constantly to make sure there is no crazy news. That no gunman is on the loose. It made me question if you really know your neighbours and made me question moving outside of the city.”
- “I am very cautious when out, more so than ever before. Watching all around & when driving I now lock doors the minute I get in my car. I don’t feel safe being home alone & especially after dark.”
- “Day to day now is better, I do not enjoy being out after dark by myself ...for example getting gas etc. very emotional when I hear of updates and the news. I have developed a



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distrust of information. I don't know who to believe with information. We would regularly go for drives along that shore. We have been there maybe twice since it happened."

- "We have changed our routine to secure our rural property from vehicle entry overnight. We are less likely to disclose details of our location to those we don't know, and are less likely to share information about our whereabouts and absences with neighbours."
- "Our VON clients miss Kristen very much. She had a kind loving caring soul. She was a hell of a coworker that got up for work every day to help and provide for the people of Colchester even if she didn't want to. I pay closer attention to my surrounding[s], I've made it more of a habit to call my people ahead of time letting them know I'm on my way. I even keep touch with my family more often as tomorrow is factually not promised."
- "I live with much more fear and trauma now. I compulsively ensure my front door is locked. I had to add a lock to my bedroom door in order to sleep. TV shows with people impersonating police make me shake and feel sick. I downloaded Truro's new alert system which warns me of road closures, water main breaks etc. in hopes that at least they are responsive in sending out alerts when needed since I can't trust the provincial alert system. I interact with others that aren't in my family less. Unplanned fireworks cause panic attacks, I purposely go to quiet remote areas where I can feel safe during events like New Years that I know will have fireworks."
- "I don't putter around our property without a care in the world anymore. I shut and lock doors. I'm hyper aware of my surroundings and no longer blindly trust authority figures as I had previously. Hunting season up here was too much. The sound of gunshots made me abandon whatever project I was engrossed in, and head in the house. I know it's irrational but that's where I am. I fill the bird feeders and head out back to the privacy of the backyard. A salesperson came to our door and quite frankly, I just ignored him and didn't answer the door. Every delivery vehicle that pulls in the driveway makes me alert ... even though I know they're just bringing me a parcel. Every day I think about the victims and their families. Don't get me wrong, I'm still a functioning member of society, but every day something takes me back to April 19. I think RCMP cruisers are the biggest thing that set me off. I wish I still had faith in our law enforcement entities but the powers that be hesitated and it cost lives."
- "I haven't given much thought as to how I have changed until now when I was thinking about how to answer this question. Still working from home, I can't be alone in my house without every door or window locked. If a vehicle comes into my yard that I don't recognize, I move away from my office window and into the hallway until it leaves. I didn't even realize I did this until just now."
- "Honestly, it changes how you interact and how cautious you are. For example we have neighbours that broke the law (we are the victims) – nothing too serious but it's still a crime. We didn't want to confront the neighbours and make an enemy out of them just in case. Pre-mass casualty, we would have confronted them and dealt with it. And although Covid and lockdown was hard, it actually gave us an excuse to not leave our property for a bit. And the fact that it was two sets of tragedies – people the gunman knew and those he shot at random – i.e people going to work. That scares me too because of the



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randomness of it all. Plus it happened in a rural setting – I always thought that rural communities were safer. We keep our doors locked now, even when we are home. That feeling of trust is gone, I used to feel extremely safe before the events. Then I went to feeling unsafe right after, and then over the past two years, I am gradually feeling more safe. This tragedy has definitely changed my perceptions of people and rural living. My home and rural property has always been my 'happy place' where I felt safe. I'm sure the victims in Portapique felt the same until the tragedies. Do I still trust the RCMP working on the ground in the communities? Absolutely. Do I trust RCMP senior management? They definitely have some work to do to restore public trust."

- "I don't hardly leave my house ... My anxiety will not allow me to."
- "Always looking over my shoulder on the rare occasion I leave my house. Jumping and heart races at loud noises."
- "I've following Twitter and police more on social media. I'm more cautious when police vehicles are driving [past] and making sure I'm remembering the number on the car."
- "I think the main thing is that I've spent more time being interested in local news, and I notice that when there is any sort of thing to panic about, my mind jumps to worst case scenarios. For instance, a few days, or a week after this incident, there was the police stabbing in Bridgewater, where we actually DID receive a warning for, and because of the events that just happened, we were all very much on edge for what turned out to be not as major of an event, even though it was still a violent crime closer to us."
- "Before, I didn't see a need for me or my children to have and carry cell phones. I mean, I had one for emergencies in the car, but not for receiving public alerts. Now, we all have a device for immediate communication, at all times... I don't trust neighbours, specifically men, like I might have done before. COVID changed things too, but now I worry about people who are mentally ill becoming violent."
- "I spend more time reassuring my daughter that we are safe than I used to. I am less trusting of the police cruisers I see on the road, feeling unsure if they are legit or not. I am fearful of strangers who approach me, for fear of my safety."
- "More self-aware of my surroundings and how I present myself or deal with people in stressful situations. At home we lock our vehicles and lock doors to our home or camper while camping. We purchased better locks and lights for our home. Talked to our children about hiding spots, different properties they could run to for help and how to use a phone for 911."
- "I always lock the door, I don't answer the door when someone knocks. I think I will always be more careful now."
- "I am more cautious being out at night. In the back of my mind is the constant thought that a dangerous situation could be just around the corner. I have modified my behavior – I am less friendly with strangers, avoid men who are on their own, and have developed the practice of identifying 'escape routes' from wherever I am – a parking lot at night, rural community centre, a new building, my workplace. I am very aware of my security at home – closing the drapes, lighting, and locking doors. I am more cautious with men, and less inclined to trust. I bought a phone for my son, to ensure we can keep in contact. And, my



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trust in the RCMP has eroded, not because of their actions, but because if someone can impersonate an officer so convincingly, how do you tell the good guys from the threats.”

- “I am far more protective of my kids, needing them to be safe. I am more easily impacted by fear and fearful of certain situations.”
- “I no longer trust people. I am a massage therapist, and won’t book clients if I am in the office by myself. I make sure the doors in my house and car are locked at all times. I am suspicious of my surroundings and people at all times now.”
- “Doors are always locked. I check Facebook and Twitter every day in case information is shared in these forums instead of through the news and the emergency notification system as it should be.”
- “It has been a while so some immediate behaviours and feelings have subsided but now I am very quick to make sure my house doors are locked before I go to bed. I will double and triple check. I also make sure my car doors are locked if I am sitting in my car anywhere.”
- “Yes they have, in both my personal and professional life. Our family goes over scenarios like this to think what you should and shouldn’t do.”
- “I prefer to stay close to home and traveling or going shopping takes a lot of effort now. I have to mentally push myself out of my house or local community.”
- “I pay more attention to news from other parts of Nova Scotia.”
- “I listen and follow local independent journalists who provide sources and facts, since the RCMP and media aren’t doing that. It is the only way I can feel like I have some sense of what’s going on.”
- “I don’t walk my dog until it’s light out. I don’t go to the Tim Hortons I used to go to. I realize they tore his business and residential house down but I can’t help to think that a devil person lived there.”
- “I now choose to drive in more populated well lit areas if possible when coming home from work late at night. I feel somewhat nervous of lone police vehicle check stops.”
- “I am scared to death when I see RCMP or [of] being pulled over by them, I am scared of men in uniform, I am scared to be alone at home or our cottage. I am very distracted when driving, PTSD sometimes overtakes me. I never leave my home now. I lost trust in others.”
- “I have facilitated a more thorough and relatively immediate phone and person based communication network as to avoid such dangers broadly in the future, as hope of such a problem being dealt with [with] any level of skill or immediacy by authority in the future is slim.”

#### *Reaction to Police Vehicles and Officers*

A second pronounced theme in the responses from people who said their activities and behaviours had changed since the mass casualty was the modification of their reactions to police vehicles and police officers. One person said: “Every time I see a cop I wonder who it really is.” Many respondents indicated that they had trusted police before the mass casualty, although several said they now trusted police “even less” than before.



Some people commented that they were initially very alert when they saw a police car or were afraid of being stopped by the police, but these fears and concerns had diminished over time:

- “At first, I would have been more circumspect if approached by a police car. As time passed, I dismissed these thoughts because this was a very rare event.”
- “For a long time I was very alert when I saw any police car. Not so much now.”
- “I believe I am now back to feeling comfortable in my own neighborhood but it took months not to be startled every time I saw an RCMP car.”

Many respondents reported a continuing negative reaction to police vehicles and officers. Some limited their comment to RCMP vehicles and officers. Many said they panicked whenever they saw a police car, and others said they were very nervous or afraid or apprehensive about the possibility of being pulled over. Quite a few people said they wondered how they would react if they were signalled to pull over by the police. Others stated they would not pull over or would not do so if they were alone, in an isolated area, or until they had independent confirmation that it was a real officer (by calling in and seeking verification from the police detachment).

Responses about general reactions to RCMP/police cars and officers included:

- “I FEEL PHYSICALLY SICK TO MY STOMACH WHEN I SEE POLICE CAR AND RCMP CAR TO THE POINT I HAD TO HAVE Part of my bowel removed because I was in pain all the time due to the constant flare ups of diverticulitis ... when seeing or hearing about police or RCMP. I watched and read every article on this tragedy.”
- “Day to day activities? No. But my overall feeling of safety in this small province, shattered. I was pulled over by RCMP for a traffic violation last summer, and I was terrified and distrustful of the officer the entire time. He gave me no reason to be, but the damage is done.”
- “I do not like seeing the RCMP in my rear view mirror. I don’t even like seeing them on the street. It is almost scary. I do not trust them anymore as well, because of how they have handled this.”
- “I have a panic attack if a police officer pulls us over. My daughter will not attend school if there is a code blue or if police are present even if they aren’t in uniform. She has no trust in the police system.”
- “I was never untrusting of the RCMP and was happy to pull over if the lights were out on me or to reach out to them if I needed them. I now have physical and emotional reactions every time I see an RCMP officer or vehicle often times having to pull my car over and wait for them to pass/be out of sight as I am unable to drive. I no longer trust the organization that is supposed to serve and protect my community.”
- “... I live on the other side of the country. But seeing RCMP vehicles and decommissioned vehicles send chills down my spine to this day.”
- “I have become very distrustful and uncomfortable with unmarked or ‘ghost’ police cruisers.”
- “Anxiety heightens each time I see an RCMP car, it always will.”

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- “My heart still beats faster when I see a police car. I still think ‘but what if.’ The what ifs and what would I do in certain situations to be able to protect myself and my family come into my thoughts on a regular basis.”
- “I no longer have trust that they will do the right thing in many situations. I constantly lock doors and windows, even in the daytime. If an officer were to come to my house or stop me in my car, I would be terribly nervous.”

A large number of respondents continued to be afraid and uncertain about what to do if they were pulled over by the police:

- “Not really, but I still question whether I would stop if ever required to do so in a traffic stop. For example, there was at least one copycat police replica after this. I still think about whether I would answer the door to law enforcement, or to stop my vehicle. This lack of trust is very dangerous considering I have young children and must balance this lack of distrust for their sake as well.”
- “All this is on my mind a great deal of the time. I always trusted the RCMP but they are not able to protect us and I might be scared in my daily life if stopped by them.”
- “I will refuse to pull over for MARKED police vehicles without first calling to confirm it is a real police vehicle.”
- “I struggle with anxiety. I am now nervous to pull over for a police officer if I were to get stopped, I probably wouldn’t. I wouldn’t stop until I was somewhere safe. This could easily happen again.”
- “If ever got pulled over by RCMP would be cautious and ask for id.”
- “I get nervous now when I see a RCMP vehicle. I use to tell my two young kids , that if you’re ever in trouble and see a RCMP VEHICLE ... You can run to them for help.”
- “Would be very paranoid if law enforcement pulled me over and I didn’t know why.”
- “They have not changed my behaviour – but would under certain circumstances. For example, if I were to be pulled over, I would be absolutely terrified and question if it was a real cop. The visual presentation associated with safety (for me) – police uniform and car decals has changed. To this day, I think about and feel deep emotions about the event. I think about how he portrayed himself. How the people who he pulled over would have been so confused. I think about how in the world this could have happened that this man had access to a uniform and vehicle that allowed additional murders to occur.”
- “Every time I see an RCMP car all the events come rushing back to what happened. If I get pulled over will I be safe?”
- “I will not stop for any police. They must verify through 911 that they are in fact behind me.”
- “I would say yes. Every time I see an RCMP car, I get anxiety, wondering if it’s another person impersonating an RCMP. I cringe when walking and one drives by, hoping it’s not.”
- “I am a daughter of a police officer and I don’t think I would pull over for a police vehicle without calling my dad first, a luxury many don’t have! This has caused a fear in me, those poor people had no chance! Since when do we not pull over for a police vehicle they are



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there to protect us! It has made me vulnerable and nervous to not trust the law enforcement vehicle and uniform! These are sacred items that need to be secured and protected! My children are young, how do I explain this to them I want them to trust law enforcement, I am still not sure how I will teach them about this once they become knowledgeable about these horrific crimes. This is something that will continue to affect us all for years to come. My heart hurts for those poor souls that lost their lives, children to grow up without their parents, they deserve better, Nova Scotia has to do better, make those accountable, be transparent and acknowledge mistakes in order to learn from this tragedy.”

- “I’m definitely more leery when I see RCMP vehicles and I would definitely be playing the whole thing in my head if ever pulled over by an RCMP. The feeling of ‘that would never happen around here’ is gone and so is any innocence I felt our province had.”
- “...seeing a police car now causes a small pang of fear. I go for a daily walk that includes a location that RCMP officers often use for meet-ups. They did this before the events of April 2020 and have continued to do so since. Before April 2020, I didn’t think much about it. Since April 2020 I will turn around and walk the other way if I see just one cruiser sitting there by itself. My unease is partially because of the actions of the gunman, and partially because of the actions of the RCMP since.”
- “Every time I stop to get gas at the Irving I cannot forget the pictures that were shown of the police and entire team as well as the slain perpetrator. Whenever I see a police cruiser I am adamant that if a police officer came up behind me with lights on, I will not pull over unless I am in a public location with many witnesses. It scares me to think that an individual would go to such great lengths to impersonate a police officer.”
- “I do not trust anyone now. Every time I get into my car, I worry about stop checks or being pulled over because I’ve been told I MUST stop for a police vehicle and am not allowed to drive to the nearest police station instead. I am terrified of police vehicles now and have a tonne of anxiety around driving because of this.”
- “I am terrified that someone is going to come to my house and kill my family and I and every time I see a police officer or an unmarked car I cry and shake. I used to take my daughter to see police officers when we saw them on the road. I’d introduce her to them and tell her that they were the ‘heroes.’ Now we both hate them all and don’t trust anyone who looks like a cop. I will never be able to be near any police officers ever again.”
- “I will never trust another RCMP officer again. Their silence is adding to the mistrust. I have been waiting for the RCMP to address this situation. I do not feel safe to call them. They need to address the fact that we don’t trust their uniforms or cars. How do we know they are not fake?”

*Diminished Trust in RCMP*

A large number of respondents reported experiencing diminished trust in the RCMP or “frustration and dissatisfaction with policing.” Some identified this as affecting behaviours and activities, while others did not. In other words, there was a good deal of overlap on this point between people who responded “no” to the question about ongoing effects and those who said “yes.” Responses





included a wide range of phrases to describe the degree of distrust: “opinion of RCMP had declined”; “it has impacted my respect for the RCMP and my confidence in their ability to effectively and appropriately police”; “more wary of police”; “nervous about police”; “don’t trust RCMP as much as I used to”; “no longer trust the police”; “will never trust the RCMP again”; “fear the RCMP”; “scared to death of the RCMP.” Others said:

- “I have a lack of confidence in the police force to properly protect people and have a degree of suspicion of police.”
- “I fear the police. I will not call them in an emergency.”
- “Yes distrusting the RCMP. I used to have the utmost respect for them but now 0%.”

For some respondents, the lack of faith in policing was a consequence of becoming aware of the limitations on resources: “I don’t have faith that police services have the ability to respond and handle situations like this again. Their resources are spread too far. I have nothing but respect for the officers involved and I don’t blame them.”

A few respondents said they would no longer trust police spokespersons; for example, “I’m less likely to trust any press release or communication by the RCMP.” Others focused on the loss of trust in the “RCMP as an organization.” One person said the mass casualty “reinforces my disappointment and anger with RCMP culture.”

Another respondent shared their concerns about the impact of the diminished trust in policing:

- “It brought some people closer and others felt more alone and isolated than ever. No one ever imagined that this would occur in Canada, let alone our province or on our own street. I think everyone lost their faith in an institution that has been so steadfast in our country’s history. Now I think people are more focused on the redneck mentality of protecting one’s self, because the police aren’t to be relied on.”

Responses about diminished trust in the RCMP and/or policing more generally included:

- “Events have not significantly impacted our day to day experiences other than having some less level of trust of police forces.”
- “I have a lot less respect for the RCMP, and for their accountability to the public.”
- “I do not trust law enforcement.”
- “I no longer trust the RCMP. Period. I do not trust any level of their organization; from the constable on the street to the executives in leadership positions, to the PR and recruitment campaigns.”
- “I have absolutely zero trust or confidence in the RCMP now. When I see that no one is speaking up from within, it reinforces the idea that everyone in the RCMP is at minimum severely morally compromised.”



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- “I don’t trust law enforcement in Nova Scotia ... either they have lack of training or think they are above the law. I am uncomfortable seeing a police cruiser or a member in uniform. I stay very close to home since this happened.”
- “I’ve always believed that the police/RCMP would be there to help and protect when needed. They’ve shown through their inaction and lies that this is 100% not the case. They have failed every Nova Scotian and the fact that nothing has been done to correct the situation means I will NEVER have faith in them. I now understand what BIPOC, indigenous and other minority groups have been trying to tell us for years. Law enforcement in Nova Scotia is about protecting itself, NOT every day citizens.”
- “I do not trust anything the RCMP high ranking individuals have to say. They are driving good citizens away from offering assistance and promoting the RCMP. I now see the RCMP org as looking only after themselves, at least the high ranking. I have lost respect for this organization.”
- “I have completely lost my faith that the society I live in is protected in the ways I once believed in. I am 78 years old and have lived through ups and down of this world although I have never dealt with such a situation as this before. It is very distressing to know that our police service and those that support them, (SIRT, for example) will put out information to the public that is untrue.”
- “I am a law abiding citizen with full respect for the law, an officer that upholds the law but as a citizen and the Nova Scotian I need answers from the RCMP. RCMP trust has been broken. I will continue to be respectful however trust needs to be repaired.”
- “My belief as a Canadian was that I would be protected and that we had law enforcement agencies whose job it was to do so in the worst situations. I do not believe that now. I believe there is a chance that I would need to fend for myself should anything happen. There have been too many lies in this process and it’s shameful. I always believed law enforcement were the ‘good guys’ and were the source of truth. Something is seriously wrong with what happened that night and the way that it was handled then and still today. It’s wrong that the Commission condemned Frank magazine for releasing the 911 tapes from that night. If the RCMP had told the truth, those tapes would have never had to have been released. The information on those tapes clearly showed specific and significant details they were lying about.”
- “I’m definitely more wary of police for sure. Not only because I don’t know if they really are an officer, but because they continue to cover up for each other. How do we continue to trust an institution like the RCMP with this new scandal, on top of all the issues they have with systematic racism and a culture of misogyny and bullying in their own ranks.”
- “My confidence in law enforcement especially RCMP management is irrevocably shattered. To think they intentionally misled and lied to the public repeatedly and still continue to do so is heartbreaking. RCMP management including those who conveniently retired after the shootings and before the MCC hearings, must be required to appear and be held accountable for their illegal and unethical decision-making. Canada and the world are watching.”



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- “I resigned from the RCMP shortly after the mass casualty for unrelated (but similar) circumstances. This incident highlighted what has been my experience in the RCMP – a complete disregard for the core values, particularly at the management ranks – that being a lack of honesty, integrity, professionalism, compassion, accountability and respect. As I wrote in an email to the Commissioner when I left the Force, ‘What you permit, you promote.’ This lack of accountability gets promoted up through the ranks and creates the issues we have today. I think the RCMP’s response at the highest level in response to this mass casualty has once again, shown that to be true.”
- “I have become a passionate advocate of the disestablishment of the RCMP specifically, as a corrupt and toxic organization, beyond redemption. The RCMP has demonstrated itself clearly as being as corrupt, toxic, and self-serving as the Canadian Airborne Regiment, or the Royal Ulster Constabulary (RUC); not surprising given their historical modeling after each other. This contempt for the RCMP specifically is unrelated to my renewed interest in defunding/detasking civilian police forces in Canada generally.”
- “They have shifted my political stance substantially and am far more sympathetic to police abolitionist views.”

*Diminished Trust in Institutions*

A smaller but not insignificant number of respondents reported the mass casualty had diminished their trust in political and social institutions and authorities. Many framed this as an extension of their lack of trust in the police or, more specifically, the RCMP: “I have less faith in the police and even less in government.” For some people, this diminished trust was a result of the disappointment in how long it took the government to establish the public inquiry. A few respondents said they would “no longer blindly trust authority figures.” Some of these responses included lack of trust in the Mass Casualty Commission. Criticisms of the Commission are summarized toward the end of this report (see “Comments and Critique about Mass Casualty Commission”).

- “I have lost faith with police to do the basic levels of protecting the community and enforcing the law. I have substantial doubts on the accuracy of what’s being communicated from government and the police. My trust in a large number of our social institutions has weakened. As a father, I feel it’s challenging for me to tell him that if he’s in trouble a police officer will be able to help him and to truly mean it.”
- “Don’t trust the RCMP or governing institutions to act in any interest other than their own.”
- “I trust the government and RCMP less. I simply do not believe what they say at face value, I spend more time looking for information myself. I feel like the way that this sort of event was handled, combined with the many other times the government and its agencies are caught doing something corrupt and lying just causes division and makes citizens more likely to engage in activities like the truckers’ protest.”
- “Far less trust for the RCMP and how they claim to be there for citizens. Far less trust in public figures who have been silent and have not pushed for more on behalf of the people of Nova Scotia.”



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- “Definitely changed our lives. I hurt and ache for so many friends and family that are suffering. I will never see my friend again. I have less trust for a system that since we were young, [we] were told to look up to. No faith in our justice system and the media to some extent. The world was watching and still is ... mistakes were made [and] those involved need to be accountable. Regardless of who they are they didn’t do their jobs to protect the people.”
- “...my opinion of the RCMP and the Canadian government has taken a sharp decline. Truly pathetic. One shows their character in the face of adversity, and they have truly shown their face.”
- “My solidarity with like minded people has improved. Which I think is very uplifting and I am proud to stand with the people of Nova Scotia. Government distrust is all time high.”
- “I’m not a suspicious person by nature. That I do not trust the actions of supposed trustworthy organizations to act in the public interest is not good for anyone.”
- “Justin Trudeau used this Mass Casualty event to unjustly ban my legal firearms. This is blatant ideologically motivated government overreach. I have lost faith in the rule of law and no longer trust government.”
- “I have little to zero faith and trust in our RCMP and provincial government now.”
- “I am now distrustful of policing services, legacy media and government in general. I’ve learned that my taxes and human rights do not guarantee me any protection or representation from these entities.”
- “Anxious now that the gun ban amnesty date fast approaches with nothing remotely resembling a plan. Losing hope that the RCMP will be held accountable after hearing of the numerous inconsistencies in the official story. I listen to the nighttime podcast religiously and have pre-ordered Paul Palango’s book as they are the only ones that seem to be pressing for the truth and holding those responsible accountable. Silence from the elected officials in this regard. It should go without saying that my faith in the RCMP has been shaken and I worry that the welfare of the frontline members takes a distant priority to the personal reputation of the leadership and the organization as a whole.”
- “So many unanswered questions that I believe the public has a right to know, as we continue to live in the shadow of this tragedy I understand there may be information that cannot be shared with the public right away as it may hinder the investigation; however, after nearly two years the RCMP have only provided information that causes more questions, or made statements that were clearly not true facts so it leaves me feeling like I cannot trust their word. I am sure the men and women working in the day to day operation of serving the public are doing the best they can, and I commend them. But I no longer have any faith in either the RCMP policing body, or the justice system in Canada.”
- “I no longer have faith in law enforcement, the judicial system & government officials. I cannot describe the extent of the emotional pain I carry from the disregard shown to all victims.”
- “I grew up in the states and have only lived in NS for 5 years. I had always felt much more safety and comfort in NS until that day. In all honesty I’m used to shootings like this, I grew up near Virginia Tech and ran active shooter drills from the time I was in kindergarten. The



shooting itself did not cause me to fear for my safety, the fear came from how wildly, in 2020, unprepared the province was to handle something like this.”

#### Impact on Mental Health and Well-Being

The second question about continuing impact asked whether the mass casualty affected mental health and or well-being. Approximately half the respondents who answered this question commented that the events continued to affect their mental health and/or well-being and half reported that it did not. Several respondents identified other ongoing impacts, such as a lack of trust in the RCMP, the police, and other institutions (these responses were included in the last section of this document).

Many respondents who reported that the mass casualty did not have an ongoing impact on their mental health and/or well-being added qualifications to their “no.” For example, some referred to ongoing grief or sadness for the families who were most affected and especially the children.

- “No. The only thing I feel is the grief. For the families, for what we all lost, for the unanswerable questions. It’s a grief that will last.”
- “No not generally. Though the grander narrative of problems in our communities at the moment amplify this.”
- “No, I don’t believe that my mental health and/or general well-being has been affected. At this point, I would love to feel less ‘suspicious’ and more confident that Nova Scotians will be protected safely.”
- “No. My faith and family and friendship relationships have enabled me to stay healthy.”
- “No. Increased compassion if that is a thing.”
- “No, because now!!! they use the alert system but it took 22 deaths in the process.”

Quite a few respondents told us that their own mental health or well-being was not affected but they could see the impact on others:

- “I don’t feel it has directly; but I feel my parents and my siblings and family have felt the fear and are on edge a bit more.”
- “It has not impacted my mental health. I am aware of it when I deal with people from that area of Nova Scotia.”
- “No it hasn’t but I have friends who are fixating on it and seeing only the side where everyone is powerless and our safety can’t be assured. Let’s stop the fear mongering on TV and in the papers and magazines. Let’s be kinder to the public. Is there no accountability for reporters who engage in damaging speculation?”
- “Not me personally but just a few of our new neighbours.”
- “To a certain extent and mostly in those first few weeks. After the initial shock, my well-being was affected more by the worry I had for other more severely affected family members.”
- “My wife’s depression is attributable to this event. I, on the other hand, do not seem to be suffering. We did lose some good friends and customers that day.”



- “Not my well being, that of my sister, her daughter and his close friends.”[“his” is in reference to one of the casualties]

Another large group of respondents reported they were “no longer” experiencing negative effects on their mental health or well-being, or that the impact was “not as much as before.” Some respondents were aware that although the negative impact had diminished over time, the publicity around the work of the Mass Casualty Commission had the potential to renew the impact on their mental health or well-being. Some people told us the Commission’s work was already doing this.

- “I was obsessing over details of those days for months. All I could talk about. I needed to understand his movements and his reasoning. I feel less like that now.”
- “It did at first but with time it got better.”
- “Last year I dreaded the anniversary for 2 months. I would say I was depressed at that time. I started to listen to the inquiry but just cried and cried, realized that I could not let myself go there mentally.”
- “It did effect my well-being for a while but as I said somewhere we have to take our lives back but I will say if there is someone that I feel is mental unstable then I will report it.”
- “Immediately following I had a severe bout of depression. It took some time to get past that.”
- “Initially, increased my anxiety and felt vicariously traumatized and alone, since I was so far from home. It amplified the feelings of isolation and sadness related to pandemic.”
- “It was very disturbing in the first few days after it happened. But as time has passed, now it becomes a sad and tragic event. It breaks my heart to see the family and first responders hurting so badly. It does not affected my mental health or wellbeing now.”
- “I feel that my overall mental wellbeing has not suffered (certainly not like some). I have tried to mitigate my feelings (sadness, anger, frustration) by taking care of myself – adequate sleep, exercise, eating well, being with family, taking time for hobbies, getting outside. I do year round vegetable gardening so this is a lifesaver for me. Basically I feel this lifestyle has helped me through a lot of life’s challenges including COVID. Limiting my time on social media/news has helped a great deal. So for a few months after the tragedies I needed to limit my online presence and also now since the Mass Casualty Commission started.”
- “At first yes as it was also early in the pandemic not so much now.”
- “Because I reacted so strongly, which is out of character, I had to reflect on my own mental health. I’m usually able to detach emotionally and am normally confident to support others. Was it me or was it just the magnitude of the event and the sheer number of friends and relatives who were affected. I realized that I had probably retired at the right time. I probably have some cumulative stress from my work. One relative has been quite inspirational in her resilience as has another friend. It still breaks my heart to see this previously joyous place so monotone, but as I put it behind me, I am optimistic that they will, too.”
- “I am in a better place now but I worry about my health with the Mass inquiry coming up.”



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- “No, not anymore. For a long time after the shootings I felt awkward around members of the victims’ families. I wish there was something I could have said.”
- “Not anymore, but for the first few weeks after it happened, I was pretty upset – I couldn’t imagine what the families of the victims were going through. The randomness of it was shocking. I’ve never been this close to random violence like that.”
- “In the beginning, yes. I was much more anxious being in public/driving around in public by myself for probably 6 months afterwards. I am less anxious now.”
- “At first I would definitely say it effected it. I couldn’t accept what had happened and felt so much sadness and despair for the families left behind grieving. I knew of one of the victims from high school and learning his whole family was killed in such a tragic and violent way definitely took some time to process. Sense of security was gone.”

Among the respondents who told us about the ongoing impact on their mental health and/or well-being, some did so by quantifying the impact: for example, “considerably”; “to a small degree”; and “100% Life changing. Anxiety and depression and so much more.” Others described the frequency: “I think about what happened every day”; “overwhelming sadness from time to time at the loss of lives”; “My heart is broken.” Many described the ongoing impact as fear, anxiety, “high anxiety and not able to sleep well,” “getting sad and tearful,” or feelings of helplessness, depression, and PTSD. For some, the impact extends to physical effects such as “headaches when the topic comes up.” Sustained grief for others continued to affect people’s mental health and well-being. Several respondents expressed concern about the impact on the mental health of the wider community: “I think it’s affected a lot of people’s, including my own”; “Lots of reflection. And sadness. I think it changed the entire province”; “The massacre affected everyone’s mental health. Nova Scotia is essentially a small town with a big heart.”

A few people reported experiencing positive impacts along with the negative ones. One respondent wrote: “It has made me more aware of how fragile life is and to cherish every day. It is very important to me to remember the victims and their families especially on the anniversary.” Another wrote: “I value every moment, and try to worry less about the things we all fret over and value those close to me because it’s made me hyper aware of my own mortality.” A related shared experience was:

- “I talk about them [mental health and well-being] a lot. I feel like I’m an ambassador telling people to be alert to the warning signs that we see in others. In a small town no one wants to speak ill of others because it may get back to the person that they’re gossiping about. I bet all the people that knew GW are wishing they’d said more. I’m personally stuck on that day. I couldn’t sleep and I didn’t feel safe. The people that we expect to protect us didn’t prevent any loss of life. This lunatic, travelled around shooting people as if he were in a video game. I talk ... to anyone that will listen. I don’t worry as much about trivial things and it’s made me focus on my close person relationships. I used to start weeping whenever the story came up in my daily news update but now anger sets in.”



Some respondents continue to experience effects on their mental health and well-being due both to the mass casualty and other contemporaneous incidents or situations (the pandemic restrictions, other crimes, events such as the deaths of Canadian Armed Forces members in the HMCS *Fredericton* helicopter crash, followed shortly by the crash and loss of a Snowbird). These events were seen as taking a cumulative toll on individual and collective resiliency. Other respondents wrote about how the mass casualty compounded an existing condition such as panic disorder, depression, or PTSD.

#### *Grief and Sadness*

Many respondents shared the experience of ongoing grief and sadness as a result of the mass casualty. One respondent wrote: "I think it has affected many Nova Scotians' mental health in that we now know an event like this could happen here." Another said, "For the first time in my life I have felt broken and completely lost. I have been active in therapy since March 2021. We lost so much during those 2 days." One person said this about their mental health: "It's in the toilet." Another expressed a sense of hopelessness and futility as an extension of their grief:

- "I believe these events have affected my mental health over the past two years. I have grieved the loss of those I knew who lost their lives, as well as the collective loss of all the others, and the challenge of supporting each other during the Covid pandemic. But ultimately, I grieve the loss of my innocence in believing the RCMP policing body is exempt from the power of corruption within their ranks. Whatever the outcome of the Mass Casualty Commission report, I no longer feel that the government will act on any recommendations that will effect any real change until the power of love outweighs the love of power. And sadly I doubt I will see that change in my lifetime."

Responses about the impact on mental health and/or well-being that focused on grief and sadness included:

- "The thoughts of that terrible night and morning will always be a part of my memory and threaten my thoughts."
- "My heart hurts for the families & friends of the murdered."
- "I have never felt such a profound and lasting sense of grief. The victims have stayed in my heart. I feel a great need to know more about the personality and motivation of the perpetrator in order to better understand how this horrendous thing could happen in Nova Scotia. I need to know how much intimate partner abuse was involved, how much was known by others and whether more could have been done, and whether anything will change in our mental health and policing agencies. Knowing there would be a public inquiry that might answer some of these questions gave me some hope."
- "I have failed lots of courses in school felt unmotivated and loss of feeling."
- "In some ways I feel much more unsettled mentally, I anger easily when I hear of people who will not even try to feel what it must have been like out there in the dark trying to get a handle on this as it was happening, for both sides. I do most of my quiet time walking




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after dark in a rural area, so for no reason I sometimes end up thinking about what it must have been like. Why I do this I do not know. Why do we make our own selves sad?"

- "I'd say yes they have. It's just so sad. He didn't deserve it and he was just doing his best and his family was growing and he should be here now to enjoy it. And all the other victims, they were all so innocent. It's hard to stop thinking about it, it's hard to be as light hearted as it was before all this. I was quite a skeptic before this happened but I don't believe much of anything or trust much of anything now for sure."
- "Do they [the events of April 18 and 19] affect me ... yes they change how I look at people and my mind sometimes wanders to the 'what if's' about Wortman and who else he was going to shoot if he had not been stopped. ... A person should try to understand the mental state of this man, but when 1/12 of a community has been killed by him it is hard to have any positive thoughts about him and his action. I told a friend of mine, if this guy ever were to get to the Pearlie Gates and asked to get in to Heaven ... I know my dad and his 7 brothers and 3 sisters would be standing there (all former people from the Portapique Mountain and Bass River areas) and this man will not get through to see St. Peter. Am I feeling this emotion every day and am I going to do anything radical about it ... no, but I do have emotions about this and feel that emotion every-time I pass through the community. Good people died for no reason at the hands of that man."
- "Every time the topic of the shooting comes into the news or conversation, I relive the worry, terror, sadness of that night."
- "I continue to feel deeply disturbed by what happened. I think about it often. I've cried tears and still feel a lump in my throat and my stomach sinking when I think about it. I grieve for these families that were impacted. Just the other day, my spouse and I listened to a song played on the fiddle by one of the individuals who was killed. This was not the first time we watched this video in sadness, and it will not be the last."
- "I have thought about it every single day since it happened. Without fail. I'm willing to bet that I know more than 95% of Nova Scotians think about this."
- "... my mental health has suffered tremendously. Since looking at tweets to checking on Facebook to know how many people were scrambling and not knowing what was going on was mind blowing. To think that constable Heidi died with a young family, to think someone dressed up as a law officer, people didn't have a chance."
- "I think for the most part I am doing fine. Occasionally I do have a night where it seems to all come back. The Sunday morning that murders were still going on my son came to Glenholme where I had spent the night and took me to his place in Dartmouth. I so relive that thinking he could have been killed or we could have been killed as we were on the road at the same time but didn't know it. That makes me very upset."
- "It has affected our entire family's mental health, our children waking up crying that they miss one of the victims, our young son doesn't understand why he can't see them anymore."
- "I hesitated to submit this survey. My connection with this incident is very peripheral. To say it pales in comparison with the experiences of the victims' families is a gross understatement, I completely recognize that. However, without fail, what happened on



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April 18 and 19, 2020 has been on my mind each and every day since. The site of the Shubenacadie events is along a route travelled by multiple members of my family, multiple times each and every day. If any one of us had come upon the scene that Joey Webber did, we would have stopped to help just as he did. I am uncomfortably aware of how easily I could have lost a family member that day. There is nothing that explains why I didn't and Mr. Webber's family did, other than luck. That leaves me with a sickening feeling."

- "Sadness and fear. There is not a day that has passed that I don't think about those families. I hope they get the help they deserve. Also fearful to be pulled over by a RCMP what if someone else was able to do the same thing."
- "I am still deeply affected by the loss of people I knew, the pain their families are living with and distrust with the agencies responsible for preventing the tragedy and how they responded. I can accept that they were not trained or prepared to deal with such an awful situation. I can't accept their lack of transparency in the aftermath and communication decisions while it was happening."
- "Continuing trauma from the RCMP who lied to us countless times and will not tell the truth if their life depended on it."
- "I continue to feel sorrow for the family members of the people killed. I still cannot go for walks on the roads in my rural community out of a deep trauma and concern that something similar could befall me. It bothers me that it still bothers me to that level, but it does. It made me less trusting of the people around me, the people driving down the road in my vicinity."

#### *Increased Fear and Anxiety*

As discussed above, many respondents shared the experience of increased fear and a decreased sense of safety and commented on how this affected their activities and behaviours but not their mental health. Many others described fear as having an impact on their mental health or well-being. One respondent said the mass casualty "hasn't affected my mental health but my well-being in terms of feeling safe, absolutely." For others, the consequences of feeling less safe did have an impact on mental health: "Feeling 'less safe' is anxiety producing"; "Again, fear. Fear of not being safe. Insomnia, depression." Some spoke in more specific terms about the "Concern that it might happen again," that "All sensors have been turned on high," or "I think about my own life and dying in a horrible manner like that." One repeated comment was the worry about "potential copycat experiences."

For some respondents, the fear and anxiety was reported as a constant, whereas for others there are specific triggers such as "being in the area."

- "I am more anxious because of it. I am always thinking the worst when I encounter new people. For example, I needed to throw something in the garbage at the Tim Hortons a few weeks ago, and because there were a few men in front of it, I got very panicked and just walked out with the garbage rather than get too close to them."
- "I am less trustful of strangers and officials unknown to me. I am an RN who occasionally works in my local ER. This event has caused me to recall times in the past when I would


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not have thought something like this could occur. It has made me realize that my safety could have been at risk and I look at certain situations at work (in the ER) in a different light. As time has passed I have returned to feeling safe in my own home.”

- “The events made me less trusting of random people in my community. It made me less trusting of people I am on the road with. It has made me less trusting of those appearing to be police officers. Walking in my community used to be my number one way to keep fit and positive, and I feel like I cannot do it anymore.”
- “The shooting along with the pandemic certainly increased a feeling of loss of control and helplessness. I know within my family some members developed worsening anxiety and depression due to all of these stressors.”
- “I am scared of the dangers outside and that I’m expected to just lay down and be a victim.”
- “Anxiety at seeing police cars checking for numbers on patrol car looking for anything out of the ordinary. Going to Elmsdale and Big Stop is uncomfortable.”
- “I think of those families OFTEN and as someone with anxiety, I struggle daily wondering and thinking about what my life would be without my loved ones. I get even more anxious to think about authorities not helping me, especially if my loved ones were murdered ...”
- “...it doesn’t consume me, but I would say I’m a little more anxious when I’m on the road (I spend a lot of time by myself and on the road a lot).”
- “Yes of course it has. I don’t trust my own judgment regarding people and their actions.”
- “I am more fearful, mistrusting, cynical. I have panic attacks now. I feel guilt for driving that day and working yet being unharmed physically. In the weeks immediately after, I did a lot of risky behaviors that sacrificed my health over others as I didn’t feel worthy. I feel depressed and scared. I’ve been suicidal at times. I no longer enjoy things that I used to love like driving in the Portapique, Wentworth, and Debert areas that I once considered so scenic now only remind me of horror or watching fireworks as the sounds are too much like gunshots, or even reading Harry Potter as the story reminds me too much of the orphans left behind.”
- “I do believe that I have been affected, as I do not feel as comfortable as we always loved our little community. I have also had dreams about that night. I also feel as if we don’t matter.”
- “Well I do think if of it any time I travel past the airport, I always think about those that died, I wonder if any of the shootings happened in the areas I’m travelling.”
- “I often have nightmares about the chaos people experienced. I was deeply affected and mourned for my home province for some time after.”
- “I, as well as my daughter, have suffered from PTSD as well as severe anxiety. We are both being treated medically for anxiety and panic attacks. We are now medicated, and have been for the last, nearly, two years. The sight of an RCMP cruiser still causes a physical reaction to this day.”
- “I easily become more emotional than before and have a hard time shaking it off. Bouts of tears and panic can come on suddenly and it will feel as though I cannot breathe. I find myself constantly creating scenarios in my mind and overthink how I would deal with them, what could be used around me in multiple settings as a weapon if I needed to fight, would



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I run? There is a huge lack in time response in notifying community members of such events. I am so fortunate that none of my family or close friends were casualties but how easily it could have been a number of people I love is deeply upsetting and the fact that notifying people earlier could have saved so many lives. I no longer feel safe. My view on trusting the government and police forces to provide safety to the community has drastically changed.”

- “Yes because the gun violence never stops.”
- “I think it just makes me catastrophize a bit more than I used to. Small acts of violence have the ability now to expand in to larger acts of violence that effect larger groups of people. I know it’s not entirely realistic of a viewpoint, and it could be that it was just something that’s new to me. It’s an overall feeling of dread, especially now whenever they do put alerts out. I don’t feel like this all of the time, but it does happen.”
- “Yes absolutely have trouble sleeping at friends cottage in Debert and my own house. Think an apartment is better no one can get in unless you let them and you can see them in peep hole.”
- “The life (and the lives of many of the people in my community and the rest of the province) has been altered forever not to mention my trust in the RCMP has been slashed and will never be restored. I am terrified every time I see an RCMP officer or vehicle. You are supposed to find comfort and protection in your law enforcement not fear, distrust, PTSD, trauma triggers, hopelessness, etc.”
- “Since then, a lasting unease with walking at night, being in smaller places outside the city, areas with no streetlights and few houses. ... In the year following the massacre, there were several shootings and murders within East Dartmouth, where I live. For the first time I started to feel unsafe in N.S., that the darkness of the rest of the world had finally come here.”
- “I’ve suffered severe anxiety since this incident. Although I am not a member of one of the families directly affected, nor was I a first responder, the lack of information via Twitter that day and the unorganized way information was shared led me to believe that the perpetrator could be headed to my community thereby leaving myself and my family terrified of what could happen. We have suffered a type of PTSD ever since and I cannot even imagine how the victims’ families and first responders must be feeling.”
- “Portapique massacre left me feeling unsafe in many ways: in my home, where the victims were, thinking they were safe. Worst of all, the killer was presenting as a perfect RCMP specimen, who knocked on doors & slaughtered those who answered! Now, almost 2 yrs later, I have made peace with most of the fear, except I will NEVER open the door to a police officer again without first calling 911 to determine they are legitimate officers. I believe this will always pop into our minds as the first thought in this case.”
- “Over the months since this occurred I have remained fearful of safety as well as concerns that a copy cat person may try this again. This is less and less on my mind but returns in any time I see a lone officer in a police cruiser in my community that I don’t recognize.”



*Distrust of RCMP and Its Impact on Well-Being*

A number of respondents experienced a direct connection between the diminished trust in police and their well-being. As discussed above, others saw this as an issue that affected their activities and behaviour. This section summarizes responses framed as an issue of mental health or well-being.

- “I keep asking myself am I ready can I defend myself and family from intruders etc. Will the hockey stick be enough.”
- “Yes, not feeling safe in my own home & neighbourhood plays a lot on me. It also means that if my husband is going to work for a full day, I need to get my daughter to come & be with me. I am on meds for depression which happened after this event.”
- “It makes me much more anxious around others especially those in power (officers) because you never know who really is one or not.”
- “I can’t imagine how they could not affect someone’s mental wellbeing. As I didn’t have anyone directly involved, it did not affect mine to a serious degree but it was still difficult to hear about what had happened, to feel for the families and to wonder what had gone wrong, what information we may not be privy to and could something like this happen again.”
- “After the shooting I returned to being wary of strangers, panicked over abandoned bags on the street, was constantly keeping an eye out for anything out of the ordinary, if I was being followed, if a vehicle was moving too slowly or too fast paying attention to what other people were watching, always needing to be able to see the door at restaurants because I needed to know when someone new was entering the building, watching for anyone visibly nervous. Listening for shots jumping when cars back fire or things break making safety plans in the event of an emergency, knowing where the exits are at work where would I go how would I react is there anywhere I would be trapped and how would I defend myself with what’s available/where would I hide. Yeah it had an impact on my mental health.”
- “I do not feel safe in my community and have little faith in the protection Colchester Bible Hill RCMP could provide my family if in the event of another crisis situation.”
- “It has shaken my foundation of belief that law enforcement is there to protect you. The sheer number of people murdered was horrifying and listening to their families speak was so sad. It left me feeling depressed and anxious that I can’t protect my family and neither can the police.”
- “I think that they [the mass casualty events] have, knowing that as seniors we are on our own here in Colchester County.”
- “I am fearful in my community and scared that the RCMP do not care whether we live or die.”
- “There are times when I don’t feel safe driving for work.”
- “Uneasy I have lost my sense of security within my neighborhood and my province. I make sure my door is locked all the time when I’m inside.”

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- “Less trust, more suspicion of the RCMP, the police, political figures, etc. Less trust means feeling less safe in public.”
- “I can’t rely on officers now. That trust was broken due to the fumbling events time and time again during this ‘public investigation’.”
- “It’s affected my trust in the policing system of Nova Scotia and Canada as a whole. I no longer believe that police believe or care about the safety of the public as much as protecting themselves. This understanding drives my behaviour in any event that could require contact with police officers as a whole and I no longer think of contacting them in situations where before I would have.”
- “I have a distrust for police and community helpers. I do not feel they have my safety as a priority.”
- “If frustration at seeing the RCMP’s resistance to change is harmful to my mental health, then yes my mental health has been harmed. Maybe I have even been traumatized!”
- “Do not feel safe being policed by RCMP.”

*Lack of Answers About the Mass Casualty*

Some people identified the ongoing impact on their mental health and well-being as resulting from the lack of answers about what happened during the events of April 18 and 19, 2020. These responses included:

- “My wellbeing? I have no wellbeing. Not until I know the real story of what led up to murders.”
- “My mental health, yes in a way, as for 2 years now I’m still wondering how the police failed to protect the members of the community when they needed protection most. ... I want closure and in order to get that we need to have answers. Truthful answers.”
- “I really just need details and answers to fully satisfy my mental well being.”
- “I will say in ending, 22 months later we have more questions than answers, we have more scars than the day after we found out. With the RCMP ever changing narrative ...lack of info, it is more tragic than when we started.”
- “...my doctor had to prescribe anti-anxiety/depression medication as I couldn’t stop myself from crying every single day, for the full length of each of those days. I’m still on this medication – the longer the inquiry/investigation continues, the harder it is on all of us. I can’t imagine what the families, friends and communities directly involved have had to deal with mentally.”

*Unmet Need for Mental Health Support*

Several respondents shared how their experiences related to the mass casualty were affected by an unmet need for mental health support either for themselves, others they knew, or within the wider community. One person wrote: “Myself, I wish I had of reached out sooner for support, but I felt that others were hurting worse than me and did not think I should utilize resources.”

Responses about the impact of the unmet need for mental health support included:



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- “Nobody ever asked me how I was affected except the media. Our area is without a doctor. We should have been assigned a doctor. We should have had access to ongoing consistent mental health help.”
- “I remember thinking – our community needs mental health supports and our community needs someone who reviews the literature about the long term needs from those other communities to be able to anticipate and serve our impacted community. Sadly, that has not been my experience. My 9 year old son stayed on a waitlist to see a child psychiatrist for just shy of 2 years. There was no help available for the scope of this tragedy. Sure, we have numbers to call. But to actually obtain medical assistance, we were just added onto an already long waitlist.”
- “Another friend’s PTSD was ignited. A young neighbour still cannot go to Truro to shop or work because he is re-traumatized each time he drives through Portapique. Then cottagers arrived and the constant fireworks re-traumatized the permanent residents. ... None of these people I love are the same. The feeling in the area is changed. I feel that, apart from the local municipal counsellor, officials did little or nothing. The people sent to help provide psychological first aid only. There were no consultations with experts in the field who had tended to mass shooting survivors in other areas. No experts on trauma psychology were brought in. Churches were empty when they could have provided support from out-of-province. ‘With what to do’ is a reason but it is not a valid excuse.”
- “I was devastated. Watching my mom, my dad, my brother, my grandparents, my aunties and uncles and cousins, etc ... break and fall apart was horrific. I still haven’t healed from any of it. The 3 months after the tragedy, I did turn to alcohol. My 17 year old cousin deserved to live her life. I was broken. I went to therapy a couple months later. However the funding I was getting from Nova Scotia was extremely hard to deal with. I didn’t get my money for months having my therapist wait for payments was unfair. Only having a certain amount for money for only a certain amount of sessions was unfair. I needed therapy and still do. But I cannot afford it.”
- “I am greatly concerned with the impact on mental health in our wider community. It has been my experience in the past 2 years that no investments were made in mental healthcare to assist our region. This makes it feel like our province and our country has completely forgotten about us. Waitlists are the mental healthcare we’ve received.”
- “I think there were more people who already had some sort of fragile emotional condition who were keeping the effects of this tragedy to themselves and not getting the help they needed. One person we met, who was suffering from what seemed to us as a severe case of PTSD, and who after we discovered also had some negative military experiences, we felt the need to get them help and so we took the effort to ask around about what we should do and ended up getting the police to go and talk with them to see if they needed some sort of intervention. They did so and responded back to us that they had a good talk with the person and offered some solutions to them concerning the problems they were going through. We also kept in contact with this person for a while to offer someone for them to talk with. I just wonder how many more people were suffering in private with no one to express their feelings to.”



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- “As we were all familiar with, the Nova Scotia healthcare system is under a huge amount of pressure and it is impossible to receive proper mental health care in a timely fashion, especially following a horrific event as the mass casualty that occurred in Northern Nova Scotia. One local non-profit group, the After Trauma Empowerment Network Association and Shubenacadie, Nova Scotia, is one example of a group that was created out of the need for people to access Mental Health Services in a time of crisis and major upheaval in people’s lives. The founders of the Association of the After Trauma Empowerment Network [ATEN] was formed by two psychologists / mental health professionals who devote their time and service to the community and helping others deal with overcoming the trauma of the events surrounding and are related to the mass casualty that occurred in Nova Scotia in April 2020. There are still many people in the local area that need a lot of mental health support, and they are unable to access it, as they lack the financial resources to access counseling that is offered by private providers. The wait time to see a mental health professional in a clinical setting at a local mental health and addictions Department of a hospital in Nova Scotia ranges in length from 7 months to 2 years, or this is specifically the case at the hospital here in Truro, Nova Scotia. As a result people that are needing much needed mental health help are being lost in the chaos because they are unable to afford psychological counseling because they lack the financial capacity to pay for it and the public Health Care system is feeling these people because they do not have enough resources for the current population and the wait lists are incredibly long and it just makes an unbearable situation even more chaotic.”

One of these respondents went on to provide input about the scale of unmet need:

- “That is my biggest frustration out of the government response to Portapique. There are no new mental health supports added in our schools, despite how our children throughout the community were impacted. There was no investment in mental healthcare within the medical community for Colchester County. In my experience, there has been no response from the province to provide extra assistance to Colchester County in light of this event, and the results are obvious in my community. Mental health waitlists are way too long. If the deadliest mass shooting in Canadian history is not enough to trigger an investment in mental healthcare in a region- – what has to happen before extra funding is committed to assist the youth of a community? Our schools have no additional guidance counselors or school psychologists. In fact most schools in our region share a guidance counselor with 4-5 other schools. I know from my son’s first hand experience that there are more children in our community who need mental healthcare than there are staff to treat them. This is despicable. It truly feels like Halifax has completely forgotten about us. I have advocated for 2 years to politicians and administrators for more supports for children in Colchester County and that has not yet happened. We are in for a long-term impact of this event due to the lack of treatment for effected community members. I am not the same person I was before this mass shooting. I will never be the same person I was before.”





### Other Impacts

The final survey question was an open-ended one about impact: “Is there anything you want to share about the impact of the mass casualty on you and/or your community?” There was a large range of responses to this question, many of which touched on subjects already discussed in this summary, but sometimes more succinctly:

- “Just that people are hurt. And sad.”
- “Just the knowledge of you’re never really safe anywhere.”
- “Shame in our national police force.”

One person wanted the Commission to know that people in rural communities “feel very on their own.” Another stated: “The loss of Heidi was so tragic and sort of ended up overshadowed compared to when an RCMP officer dies. She threw herself into danger, knowing her fate (she had to know). She should be memorialized. More lives would have been lost if not for her. She’s a hero, and her children have no mom.”

Quite a few of the responses addressed three common themes: that there will be no healing without answers and accountability; concerns about hatefulness and divisiveness; and the importance of understanding the scale of ongoing impact.

The responses that emphasized the importance of answers and accountability to the healing process included:

- “No, but we do need answers.”
- “It shook our confidence. Unless there is full accountability, I don’t feel that the RCMP will ever be fully trusted.”
- “Talking about it heals, information heals.”
- “People just want answers. The info that the RCMP shared during briefings was slow to come and then just stopped, which led to mistrust and conspiracy theories. Then we started to get leaked info through alternative media sources, which led to more mistrust. Nobody from Nova Scotia will ever be able to think of anything else when they hear the word Portapique.”
- “We will never get stronger and trust without some authentic real answers. This was something no one ever could have predicted or planned. It was a war zone, and the responding officers did the best they could. Commanding officers knew better, there are resources all over the country that could have been called in on this.”
- “The impact on my community is that we need all the truths no matter how difficult they may be to some. We can’t move on until we know all the truths/facts and what can be done in the future to help prevent something like this from happening again.”
- “Almost more than the events themselves, it has been the lack of transparency that has impacted me the most. The lies, absence of accountability and ongoing secrecy with apparent aim of self-protection is difficult to reconcile. I want to have confidence in our



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RCMP and other policing agencies, as well as in our government, but not to the point of setting aside my own good judgement and critical thinking.”

- “This was an individual (Gabriel) who had mental health issues, was abused as a child and needed to have mental health check in. He was abusive to his partner for over 20 years, in many different areas of her life. He groomed her, to be accepting of his behaviour, threaten her daily, kept her in a private horror, daily she would have to evaluate her every move and his every mood. Even today this gentleman is able to reach from the grave and abuse her, and her family. That evening his intent was to harm her family members physically and thankfully was unsuccessful, and sadly other innocents suffered, however the last two years and for the rest of their and many more lives. He has been successful in creating a different life of horror. He still got what he wanted, to hurt, wreak havoc, and destroy lives. Gab Wortman may not be here anymore, but he continues to win ... until truths are told and mistakes are acknowledged ... he still has all the power.”

Several respondents voiced concerns about the divisiveness and hatefulness they saw as having a negative impact on top of the already difficult situation caused by the mass casualty:

- “I read some of the hateful comments in the Facebook share your experience ad before doing this. Yes this stuff can hurt, but we’re likely not going to heal without honest discussion. I am just as upset that these people have been so hurtful as I am about what happened. Can’t really understand why I am so upset, it doesn’t involve me directly. So, in that instance it’s not the mass casualty directly that’s impacting my mental well-being. I can’t speak for my community other than there seems to be a general dislike for police, I avoid the arguments and don’t comment.”
- “I am troubled by the reductive ‘Nova Scotia Strong’ attitude that emerged following the event. Very few people in my life seemed to know what to do with this news other than what has been demonstrated by other regions afflicted with tragedy, and thus are lashing out re: the police response and otherwise casting about for blame.”
- “This was an unprecedented tragedy in the middle of an unprecedented pandemic. People gravitated to tv media and social media. I’m saddened at the disrespect people feel they have a right to express to the people who have chosen to spend their careers protecting us. Emotions run high but the general public is cruel before they understand everything. I don’t include the families of the victims in this. They have a right to be as angry and distraught as they need to be. I was horrified to lose my friend but that is not the same as losing a spouse or parent, brother/sister or child. They deserve to know what happened and to be as angry about it. I have all compassion for the families. But the rest of the public needs to look at the big picture and not blame people who will also never be the same after what they had to go into that night.”
- “Yes. People there have too much time to ruminate on these events because there is little work and little to do there, especially in a pandemic. They are consumed with anger – not at the murderer alone, but with all those who enabled him including the justice system. They feel there is no justice for them. They need some sort of sincere apology from the



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RCMP in order to put this behind them. Even if it is simply, 'We were not sufficiently prepared. We screwed up. We are sorry.' They also need meaningful employment and leisure activities to distract them. The degree of poverty in the area does not help. The social determinants of health (or lack of good health) are seriously at play here. And they need the provincial government to stop playing politics with their medical care. Bass River is the most central place for a medical clinic in West Colchester. There is a constant threat that this service will be taken away from them and given to Masstown Market for political reasons."

- "We have seen the hurt and anger throughout our community. Small towns across Canada are populated by people who are generally resilient and independent. Following the events of the shooting, fires, and chase of the gunman, people in the community came together to support the families of the victims. And we saw so much hurt, anger, and suspicion in the days, weeks, and months since the shooting with those negative feelings facing outwards, to the police and our government officials. These feelings go beyond cynicism and underscore a distrust of the people and organizations intended to provide safety and security to our communities."

Many respondents emphasized the scope of the ongoing impact and its lasting nature:

- "That it does not feel like anyone understands what we have gone through. That there is a before and after in our lives. That we were not able to grieve and heal due to the timing of the pandemic. That our community desperately needs additional mental health supports. We currently don't have our full complement of psychiatrists in the region, let alone extra supports. Giving us phone numbers for services that have years waitlists to them does not help. I personally find it hard to see the Portapique community sign every time we drive through the community, which is often. It would be nice if a new one could be installed with WE Remember THEM on it. Seeing the identical sign to the one from that day brings me back to that day."
- "This changed our community forever, a whole generation of West Colchester will never feel safe in our own homes, in what should be our safe place. We are without people who shaped our everyday lives."
- "I don't think I need to explain the impact on the community of Portapique. We will always be that place. I always had to explain where it was before. Not anymore. Now the entire world knows."
- "Just to emphasize this event has greatly impacted all communities from Portapique to Enfield and beyond, and sometimes the focus seems to be solely on Portapique which is where it started but a great many communities directly affected as well."
- "Just that the events had a farther reaching affect than just the families and friends of the victims and responders. Maybe more than some want to admit."
- "I think everyone was aware that it could have been here, in their town, most of us know at least 1 or more people that were impacted by loss that day."
- "I underestimated the effect on my staff and am more cognizant now."



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- “We will forever be affected by the grief. Very traumatizing experience that will have lasting effects on the community and people directly affected.”
- “Has left a mark on Nova Scotia that will never go away.”
- “It will be with me for the rest of my life even though I was not directly impacted. I feel like people outside of the province do not realize how much it impacted Nova Scotia residents.”
- “The grief, fear, and sadness has been felt province wide by Nova Scotians of all ages.”
- “I think that it’s important for the Commission to know that these events affected Canadians in a very traumatic way across the country, not just locally. Communities all across the country are invested in what comes of this Commission, because we want to feel safe again. We want to know if things can be changed for the better so that it is less likely that something like this will happen again.”
- “I think the events that day opened eyes showing how ‘it can – and it did happen here.’ It is important to note that abusive behaviour and unsteady mental health signs made for a scary mix – shown to be deadly. The poor children that lost their parents. They will never be the same. Their poor brains will not be able to understand what they lived through and have them ‘whole’ on the other side. I wasn’t directly affected but still it changes the way one thinks of things. It CAN happen here. We need to do better. Mental illness is here and getting worse and more people are affected. Should we be the reactive society or do we need to get more aggressive with laws so we are more proactive? Our society is going too much in the reactive direction it seems. (My opinion).”

**CONNECTION TO BROADER ISSUES**

Several respondents described their experience at the three points (initially; during the weeks and months after the events of April 18 and 19, 2020; and ongoing) in connection to broader issues. Some people responded with concern and anger about the availability of guns and ammunition, while others were angered by the government actions to further regulate access to firearms following the mass casualty. Some respondents expressed concern that the role of sexism and gender-based violence were not being appropriately understood or acknowledged, while others questioned the connection between the events and intimate partner violence. One respondent was angered at the systemic racism visible in reactions to the mass casualty, and others shared the racism experienced in the wake of the events.

Responses that connected the impact of the mass casualty to access to firearms and gun control included:

- “Yes [there was an impact] – I was an avid recreational firearms sport shooter and because of the firearms ban I am sad and angry.”
- “Yes – I used to regularly shoot my AR-15 at my range for recreation and relaxation. I miss this activity because it gave me pleasure and was a stress reducer activity.”
- “Instead of holding the RCMP to account for their incompetence before, during, and after the murders, the Trudeau government simply banned some guns and called it a job well done.”

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- “Disbelief when the liberal government jumped to blame legal gun owners. My heart hurts for the survivors and [I] am disgusted at the political opportunity seized by the ruling party.”
- “Grief, concern and anger that guns are still allowed to be stored in personal homes. I believe when not being used for legitimate hunting and shooting activities there should be regulated gun and ammunition storage facilities.”

Responses that connected the impact of the mass casualty to gender-based violence included:

- “[During the mass casualty] I experienced the realities of a) misogyny in general; b) the impact of systemic ignoring or negating of misogyny and toxic masculinity; c) the media and law enforcement’s unwillingness to label the man responsible as a misogynist, instead they called him a ‘grievance collector.’ All in all, from thousands of kilometres away, I felt vulnerable – and still do.”
- “Amazement and Anger about availability of guns/sexism.”
- “Yes mostly because of the attack on the victim (common law wife). I search Facebook and see awful things said about her. People don’t understand how awful verbal abuse and control is or how it affects you. What they threaten you with.”
- “It has added to my sense of despair and hopelessness about any real actions to end gender-based violence. Public inquiries and recommendations are great but a few more of those without any dismantling of the system that will (a) hear these outcomes then (b) carry on as if they never happened in the first place and I think the world might implode. Gas lighting at its finest and one that the Mass Casualty Commission may be playing into.”
- “I am a survivor of rape, other forms of sexual assault, gender-based violence from individual, community and system levels and live with the knowledge of the wide-spread impacts of violence on a day-to-day violence. This event was a reminder to me about how little people are actually able to accept that this violence exists. It is fucking real. The dissociation and repression of this reality, by everyone in society, is what perpetuates it.”
- “I am more aware of society’s women-hating enablers. The rise of right-wing hate is very tied to lenient treatment of misogyny.”
- “I missed work and was consumed by this when it happened. Now that these proceedings have started I feel I can’t function. I have been through similar experiences to Lisa Banfield and it hurts so much that they are trying to blame her for this. I understand they lost family members but she lived under control and abuse for 19 years (even if she says the first few were ok). She lived 19 years and had nothing in her name. After this happened she had no public support because people blame her. She had no home – no job – no vehicle – nothing. I am not in a violent situation but if my partner left me – I would have nothing because nothing is in my name. It’s a big motivator to stay in an unhealthy relationship.”
- “The shooter’s common-law partner is facing charges instead of trauma-informed support after potentially years of abuse. This event, for me, really highlighted the lengths that society will go to keep cisgendered, white men from being held accountable.”
- “I was not shocked at another case of partner violence. That happens too often in Nova Scotia, especially stories where a woman dies as the result of partner violence. My family



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and I were shocked at the level of shooting, random deaths and geographic area in which it all happened.”

- “It really brought home how little the province cares about women. I know I can’t be supported and likely won’t be believed if I try to leave an abusive relationship. I know that the police likely won’t do anything if I report a middle-aged white man.”
- “You [the Commission] only have mental health resources listed for N.S. – and I can guarantee that women across Canada who are victims of abuse are affected by this – especially since the domestic abuse victim is being attacked. Is this a public inquiry by Canada or Nova Scotia – and if it’s Canadian please provide on your website resources for each province or nationally. People across the country mourn with the [families] who lost someone – but women afraid who are living domestic abuse will see similarities even if their partner isn’t this crazy and will feel like they have no one to talk to for exact same reasons the common law wife couldn’t come forward.”
- “The impact of this event underlines the everyday fear women face just being women in the world, and as daughters and partners of (potentially) dangerous men. Many women still cannot count on being able to escape from a dangerous partner.”
- “... people trying to make the whole rampage meet an agenda of misogyny and domestic abuse ... yes DV could be a factor but show some proof ... not just hearsay to meet a story line (this is a theme with the RCMP).”

Several respondents mentioned that they had previously experienced low/no trust in police because of racist encounters (either direct or indirect). Others shared the experience of being more nervous about visiting the affected communities both before and after the mass casualty. One wrote: “Right after the killings, the mayor of Portapique came on and said you people are not welcome to his community, but I felt he should have said, please we need more minorities in our town. I myself have experienced being called ‘N’ word here in Nova Scotia several times.” Another respondent commented on the systemic racism visible in reactions to the mass casualty, while making it clear they did not minimize the loss of the lives taken during the events:

- “... I was also angered at how, an event where the majority of victims are white, receives this much attention, focus and resources. This type of mass murders is not new. The difference is that now it focuses on White people so we better invest ... Black and Indigenous people have been (mass) murdered by police, have been victims of hate crime and (gender-based) violence and have been crying for justice for centuries. I have mixed emotions with this inquiry as while there is a real effort of people involved to shed light on things, I do not trust that anything will change and again, the MCC is, for me, another reminder of systemic racism. That we are calling this the largest mass murder in Canada is also not true. Mass graves of Indigenous children prove this. We have no data on how many individual Indigenous children any one/single Priest, Nun, Official killed in the decades of Residential School existence. I could imagine that it would have been more than this perpetrator in NS killed that is the purview of the MCC. Finally, this comment of mine is not offering disrespect to the victims that were violently murdered that are part of



this investigation. What I am saying is that if we just listened to Black and Indigenous people, perhaps we would have already arrived at solutions to gender-based violence and taken actions to dismantle white supremacy and misogyny and perhaps ... this would never have happened in the first place. Therefore, how can we incorporate critical race perspective and recognize the deep roots of colonialism in this tragedy because they absolutely exist – the perpetrator was a white male.”

### IMPACT OF COVID-19

A substantial number of respondents mentioned the COVID-19 pandemic as having an impact on their experience of, and reaction to, the mass casualty at all three points covered by the survey.

In terms of the experience during the events, there was for some a sense that the limitations placed on them by public health restrictions had contributed to their safety or the safety of someone dear to them:

- “If it weren’t for Covid my children might have been at one of the houses.”
- “On those days, I was inside my home in Dartmouth. I heard of the Mass Casualty Event only when the alert went out. I am thankful that I was already confined inside due [to] it being the early stages of the pandemic but if I had been out and about, I would not have known and may have gotten hurt or worse.”

The majority of respondents who mentioned the pandemic experienced COVID-19 as compounding the negative impact of the mass casualty either in terms of their immediate response or in hindering the grieving process in the immediate aftermath. “In hindsight, I see this event as the first of so very many needless stressors and terrible events which put pressure on everyday people during the most fraught days of the pandemic.”

- “The fear of Covid and anxiety of lockdown were extremely amplified by the news that there was a gunman on the loose.”
- “Like many folks, I was quarantined at home during the 1st Covid shutdown in the province. There were lots of uncertainties at this point: my work was laying off [and] furloughing people at the same time, and with the border closed until July I was unable to see any family.”
- “At the time I was living just across the NB border in Aulac. Due to the pandemic the border was closed and there was no way to get home and check on my family. When memorials were planned I was stuck in NB. Missing this important opportunity for processing grief.”
- “Everyone was already on edge and scared due to the pandemic, but having this tragedy occur and seeing how pathetic the response was, pushed me over the edge, causing me to cry constantly and ended up being put on a high dose of anti-anxiety medication, and I wasn’t even directly involved.”
- “I was fairly far removed from the events, but I still feel a deep connection to home so it was shocking to see such a horrible event unfold there, on top of what was already an incredibly stressful time due to the pandemic.”



- “First of all it was during a pandemic and I was stressed from working as a front line health care worker and fearful of taking Covid home to my family members. Then this tragic thing happens all those innocent people killed, what those children witnessed, how those family members continue to suffer the tragic loss and how he escaped police so long. It’s so difficult still to this day to process how this could have happened.”

Several mentioned that the virtual vigil organized by Jonathan Torrens on April 24, 2020, lightened their sense of isolation and assisted them to deal with their pain and grief.

Many respondents experienced COVID-19 as an aggravating factor during the weeks and months following the mass casualty. People commented that normal grieving processes were hampered by restrictions on the ability to come together. Another common thread was that people felt they were already “reeling” from the early days of the pandemic and therefore finding it harder to cope with the mass casualty. Some felt more fearful because of being isolated as a result of public health orders in effect at that time. Others specifically mentioned the fear that there could be other violence carried out because of the pressures of being locked down.

Other respondents related their perception that it would be more difficult for those most affected because they would have fewer opportunities to seek out and receive informal help as they grieved. Many experienced an additional sense of loss because they were unable to provide support to those most affected. Some emphasized that the community still found ways to come together and provide assistance despite the challenges posed by COVID-19.

One respondent, who identified as being directly affected, shared their experience of how the pandemic restrictions complicated the process of travelling to Nova Scotia and settling issues following receipt of the notification to next of kin. COVID-19 isolation was magnified by distance: “Being so far apart from the other victim families who could provide support and from a community that is trying to heal together is hard as in another province the community support dwindled fast.”

- “It was occurring at the same time I was trying to understand the pandemic, so I can say there was a period of mourning, both the lost persons, the lost innocence of our province and the loss of some of our freedoms.”
- “To hear the survivors, the families speak of their grief. To know that with Covid-19 they were denied grieving in a ‘normal’ way. It was and is so hard to think of them.”
- “We attended the drive by funeral for Joey. He and his family lived where my Grandparents lived and that’s where they all stood out for the cars to go by. It was so sad and surreal to see them standing there waving to everyone going by. We could have stood with them and would have but Covid was so new and unknown so some of us just stayed in the procession. Then after a few months, we went to Truro and then Bridgewater to march with them to get the government to hold a public inquiry.”
- “I appreciated all the support from Nova Scotians and the rest of the country. I participated in a small outdoor memorial service in Portapique for Joanne and John organized by another friend. So strange to have to be restricted in the way we would normally mourn due to the pandemic.”





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- “Just continued to feel for those directly affected and thankful to live in a place where community remains close during the combined fallout of the details of the event and the pandemic.”
- “Very difficult. We were under lock down, I couldn’t see my family. I couldn’t concentrate for work and this affected my performance greatly. I cried every day for months, hearing and learning about the families. I was scared to leave the house, very shook up when I met a police car. I tried to read as much as possible about what had happened.”
- “The following weeks and months were impossibly hard. I had been sent to work from home because of the pandemic but I was afraid to be alone in my own home.”
- “No students or staff at school due to Covid, so peers unable to grieve together in supported way via school.”
- “We couldn’t get together to grieve.”
- “It was a Living Nightmare this was on top of being disoriented from living through a pandemic. Lost trust and faith in our City Police and RCMP.”
- “To be living in such a state with the pandemic and for this tragedy to have this to happen was completely heartbreaking is heartbreaking as a Nova Scotian It was too close to home. It caused severe heartache trauma and sadness.”
- “Because we were all navigating those early pandemic days, our usual methods of providing support were not available to us, so feeling really frustrated that as the days went along, we were almost just onto the next crisis for everyone.”
- “My wife and I felt a great deal of sadness in the initial weeks after the events. Especially that given in the pandemic context, the community wasn’t able to come together as it normally would have to grieve and remember the lives lost. The online tribute/memorial concert that was organized by folks like Jonathan Torrens was particularly powerful, and helped me feel a bit of a connection to everyone else back home at a difficult time.”
- “The following days were spent mostly talking to others in the community and sharing our stories. We discovered that several friends, neighbours and acquaintances were victims or involved in some other way. Two of the victims were killed in the woods behind my place of business on Ventura Drive in Debert. Due to COVID restrictions we were not allowed the opportunity to pay our respects or come together as a community. Sometimes it feels like nothing happened at all and the memorials on Plains Road are for strangers, not for my former neighbour Heather. I have watched and read every bit of information that came out about the shootings.”
- “I found it challenging to come to terms with what had happened, it was a constant reminder of my mother’s passing and heartbreak from the loss of so many people and the difficulties their families and the emergency responders. That coupled with the inability to be able to gather with loved ones because of the lockdown from Covid, made it more isolating.”
- “It was very emotional. Coupled with Covid, it could not have been worse.”
- “Worries about this could happen worries about RCMP not being real. And would there be more thing like this to go on with the Covid-19 lock downs.”



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- “I’ve made a conscious effort to find a way to mourn the people who were lost, which was extremely difficult given the Covid restrictions at the time which did not allow for even a hug from members outside your household. I felt isolated and scared all the time.”
- “I feel unsafe at work in a very fundamental way. This has been compounded by the pandemic and I recognize that.”
- “These events happened concurrently with COVID, which made most people afraid. The feelings of fear and unease were compounded by the fear and unease caused by lockdown, movement restrictions, limiting contacts to the absolute minimum, hospitalizations, death, etc. Fear building on fear. Two years of this has had a detrimental affect on my mental health.”
- “[responding to questions about impact of mass casualty] ...it’s hard to know what is related to the murders and what is related to the pandemic. None of us are doing great.”
- “I think it’s important to keep in mind that we were also at the beginning of a pandemic, an event that no one saw coming, or really understood. We were being told to stay locked in our houses to keep each other safe, but then this happened and no one felt safe. Your home is supposed to be safe and we weren’t able to have that. How can you heal when you feel unsafe, and like people are keeping things from you? How can you heal when you don’t understand what happened? How can you trust that you can be safe in the future again in general, or if something like this was to happen again?”
- “I think... that the Covid-19 restrictions had a big part to play in this. The fact that an emergency alert was send out the week before for Covid but not for a murderer who was on the loose who looked like RCMP. The fear that already was existing and paranoia that was building of others since everyone might be a danger as they might be carrying Covid. That we couldn’t get a hug from people outside our household when grieving deeply. That we weren’t even allowed to be walking in a public park in order to be with nature to help sort out the grief and deep feelings I was experiencing.”

### **EXPERIENCE OF FIRST RESPONDERS**

Eighty-five first responders participated in the Share Your Experience survey. This group of respondents was provided the opportunity to answer a series of focused questions about their experiences during and after the mass casualty and their access to support services. Thirty-seven first responders opted to do so. This section integrates some of the feedback provided in the main survey with the responses to the focused questions.

In responding to the main survey, many first responders, particularly police officers, shared their experiences during the events of April 18 and 19, 2020, during the weeks and months that followed, and of the continuing impact.

Several first responders shared their experience of frustration and anger at not being asked to assist, and with the lack of communication during the events of April 18 and 19, 2020. Others reported “feelings of helplessness” and wishing they had been able to help.



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- “I was continuously shocked and angered by what happened and I felt helpless to assist. I offered to help but there was little or no opportunity to do so.”
- “I was working on duty as a Police officer with a municipal agency the day everything happened. I am trained in response, and was fully equip with a C-8 Carbine Rifle, and Hard body Armour, along with all regular police gear; staged and waiting to provide assistance in any way necessary. My agency was never called upon. I sat by the highway, fully ready to provide help, and was never asked. I sat there in my patrol vehicle, with the tools to help innocent people, and was never asked to. I sat in my car while people were shot and killed. I just sat there, waiting, while people died.”
- “I was an on duty police officer in another, close by, jurisdiction at the time of the event. My experience was a feeling of helplessness and an inability to be of any assistance. As law enforcement I also felt very uninformed, as a uniformed officer not much more than 1 hour (normal driving) from the event, I was only aware of the event by texting with other officers who were in closer jurisdictions. There was a very serious breakdown of communication between agencies within the province.”
- “Hearing about the happenings from a neighboring province. Willing, ready and able to help, but not call[ed] upon.”
- “A lot of survivor’s guilt. I could have done more. I should have been able to do more, I was ready to help. I was never asked because I work for a municipal agency, and not the Federal RCMP. I could have helped someone. I could have helped stop it sooner. A lot of guilt.”
- “A feeling of failing the public. Police all wear the same colours when it comes to public opinion. Lives were lost due to failures on law enforcement’s end. It was not something that was ever thought to happen here and we were ill prepared.”

Several respondents also described the experience of being unable to voice concerns about how the mass casualty was handled with colleagues. For some first responders, the mass casualty made them question their choice of profession. For some, the continued disillusionment with the response to the mass casualty continued to have an impact during the weeks and months that followed and in the longer term.

Many first responders expressed their support of the officers involved, as well as the victims’ families. One said: “It is difficult to hear and read the proceedings. I can’t imagine what those first 4 officers went through that night in the dark. They did an amazing job considering what they knew.” Another said, “The officers could not have expected the level of hatefulness they were up against.” Many first responders continued to be critical of RCMP management for reasons set out above. Many members of the public also made the distinction between the support they expressed for the responding officers and the criticisms they had for RCMP management.

- “I feel that the first responders came into an awful situation that they could never have anticipated. They are heroes for what they did with the limited resources they were provided with ... This was something no one ever could have predicted or planned. It was a war zone, and the responding officers did the best they could.”



First responders shared examples of the longer-term impact on their activities, behaviour, mental health, and well-being:

- "...more hyper vigilant, although that stress level has come back down some since, but it is never far from your mind. Others in our policing community, not so lucky, have seen many go off on leave, some not to return, others to struggle back and forth."
- "It has changed me in the fact that I can finally see other officers in my department really realizing to never be complacent."
- "I am more alert when responding to calls. The events surrounding that incident has always played on a persons mind of the 'what if?'"
- "I performed a traffic stop in the town that I work in. Myself and the other driver were both terrified. The other driver was afraid I was impersonating a police officer, I was worried that this driver had a gun in the car. Day to day, my fear of being shot or attack[ed] is heightened."
- "I am more aware of the effect of tragic events on my 911 call-takers and dispatch staff and have provided them with more resources for them to access. We have an Employment Assistance Program, but other resources & techniques proved also to be helpful."

One respondent shared the experience that "for myself and for the serving members of the RCMP and the retired member. This event has changed our lives forever". This theme was expanded upon in two responses:

- "We now don't tell people what we did for a living or do for a living because people treat the RCMP [as] subhuman. [They're] some sort of criminal. They blame us for the mass murder. We don't feel good we always have a knot in our stomach. We're always on guard knowing that we're the targets of hatred and disrespect. Our families suffer because we suffer from depression and anger. Most of us do not attend public things and stay away from people. We're forced to do social events only with other police or military because the general public treats us like shit. Even gone for groceries in small communities where everybody knows us can be a very negative and hurtful experience. No other group of people in this event this mass murder has any of this happening to them. Civilians may feel fear and anger but they certainly are not being treated like they are the people who caused and did this. RCMP have had huge changes in their lives because of this. They did their job were proud of it they ended the event. And now have their lives turned upside down and destroyed because of public opinion and misguided hatred toward the RCMP."
- "The weeks and months after this event myself all serving RCMP and Retired RCMP are deeply hurt and how the Canadian public and the media have turned us into the villain. It's devastating. Emotionally we are drained. Depression PTSD and other metal illnesses arising. We are human beings [and] are being treated way, way less than being human, being treated as scum of the earth. That affects our families and it hurts. Serving members are being spit on and other things that were rare and are now common. The fact that people talk about how it affected them and how they feel yet they can come out and treat the RCMP members who risk their lives those two days the way that they're treating the



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RCMP right now is shameful. Canadian public and media have zero understanding of what it's like to serve this country in a role like this where you risk your life for others you don't even know. Including the military and other police agencies in Canada we account for less than 1% of the population. One percent of the population who step up and risk their life for others. If the public in the media has turned on the RCMP and flat out told us they don't give a shit. That hurts. There have been suicides in the RCMP since this event and you can tie them back to this event. How can the public even dream of expecting RCMP members to go to work every day feeling good when they know the public thinks they're assholes. You have no idea how much that hurts. That pain felt by RCMP members and retired members will shorten their lives by creating other health issues down the road. RCMP right now is being treated exactly like the Vietnam vets were and we all know what happened there. It's shameful. Canadians should be ashamed of themselves for treating the members of the RCMP as sub human beings."

Several respondents who are not first responders expressed sympathy for first responders because of the way they have been treated by the public since the mass casualty. One person said: "I am very saddened for my first responder friends. Their lives are also changed forever ... and frankly no one wants to hear it from them." Another wrote:

- "The families of the victims will mourn the events of that massacre for the rest of their lives. The RCMP members, after dealing with the immediate (and following) investigation, returned to their same jobs with the same risks as before but knowing that although their job is to 'serve and protect' to the best of their ability, there are still people out there who will be targeting THEM, over and over and over."

Survey responses also highlighted the fact that anger expressed toward the RCMP has also affected their families. Several people shared the experience of witnessing the children of RCMP taunted, bullied, and ostracized. One respondent wrote: "While I was not directly affected, the social fallout of being related to an RCMP member has been at times acutely stressful." Another said:

- "In the following weeks, there was a lot of criticism of the RCMP's handling of the situation. I know they did the best they could with what they knew at each moment of these events. The criticism was very hard to deal with. On the night of April 18, my husband and I were just getting into bed when he got called out to a situation of a shooter and multiple fires. My husband left our house that night to go to a terrible shooting scene. He did it willingly because that's what he wanted to do. He joined the RCMP to help others. The criticism was too much to listen to."

The focused survey asked first responders whether they were involved in the response to the mass casualty in April 2020. Seven respondents said yes and described their roles:

- "Front line police officer."
- "Front line crisis therapist in the most impact[ed] region."

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- “I worked at the Joint Rescue Coordination Centre (JRCC) in Halifax and was present when the second call came in from Truro Public Service Answering Point (PSAP) for air support.”
- “Was supervisor on site of the PSAP on Sunday April 19, 2020. Assisted staff in trying to piece together events (with limited information) as they unfolded.”
- “As a member of a neighboring municipal police service I came to work on Apr 19 in the event our police service was asked to assist.”
- “Working in emergency room the nights of April 18 and 19.”

A number of respondents who answered “no” amplified their response:

- “Thankfully no.”
- “No, but I wish I could be.”
- “No, but was on duty and ready to respond if called upon ... but as we all know that didn’t happen.”
- “No, I was not asked nor was our agency in any way.”
- “No direct involvement but was ready to respond if the scene of crime (soc) moved to my jurisdiction ... stress related to that was hard.”
- “Sort of, I was on standby, but never asked to help.”
- “Not directly. I was leading staff in a provincial government department, a small number of whom were directly involved in responding to provide support to families the night of the event.”
- “No. I have friends who are police who I worried about and the next day I found out colleagues were murdered. We were told to stay indoors because police didn’t know where [the perpetrator] was so I started texting my friends to stay indoors.”
- “No but many of my former colleagues were and I had the opportunity to visit all 53 detachments in the province as the president of the RCMP Vets. We talked with the members to show our support of their service and to let them know at least we are there for them if the public is not. And what we learned travelling the province was how devastating this event has been in the aftermath with the hatred toward the RCMP. Those who are on the scene did their job they know it and they felt good that they were able to stop Wortman. But that all changed one day after it.”

One respondent provided this information and perspective:

- “I chose to not put my name forward as a psychologist who would offer services after the events of April 2020 as I did not wish to be further exposed. In spite of that, over the past year I have had clients who knew some of the victims or who were family members of the first responders. The family members of the first responders have struggled with the changes that the events of April 2020 have caused to their fathers and mothers. It is difficult for these children to understand what their parents are dealing with, they want things to be the same at home. Those children seem to be the forgotten victims.”



The second question asked first responders: “What was your experience accessing support services (e.g., mental health support, counselling, grief and bereavement support, alternative therapy, etc.) and how could access to these services be improved? Please share as much or as little as you are comfortable with.”

Approximately a third of respondents did not answer this question, marked it as not applicable, or responded they had not needed support services. One said: “I had no need to access any support services but am well aware of them and how to access them in my region should I require them.” Others also wrote they were fine with the resources available, and one said they had lots of access. However, another respondent who also said they did not need services questioned their availability to others: “These services should be readily available and not result in months and months of waiting. That’s when people hurt the most.”

Two respondents said they dealt with issues on their own, and one of them said, “just dealing with my own grief myself. Going to work and hoping to do better every shift.” Three respondents reported that peer counselling was effective. One told us: “My own team was the best resource for me. We were offered other options but I didn’t feel those options would be as helpful to me as the support that was shared within my own team.” Another person said: “I spoke with colleagues, and friends about it, it hasn’t gotten to the point where it impacts my day to day life where I feel the need to seek professional help. Yet”.

Several respondents told us that access to needed supports was “difficult.” One said: “Mental health support in our province is a joke.” Other experiences and barriers were described as follows:

- “There was none available. We were desperately short on staff at JRCC. There was no option to take time off. We just had to keep on working. I called Employment Assistance Program (EAP). I was told I was not mentally ill. We were in the middle of the first wave. The whole word was having a mental breakdown. I called my family Dr. hysterically crying and she wrote me off work for 2 months. I had to burn off all my annual/ sick leave in order to take that time off. I ended go back to work for 8 month at which point I submitted my resignation.”
- “I had to fight with workers compensation to the point where I had to get an attorney involved. It took almost 7 months to have my claim approved after it was initially denied. I am followed by psychiatry for medication and now finally have a trauma therapist but it was with much fighting and retraumatisation to get through the process. I had a psychologist through Lifemark but she stopped calling me without notice.”
- “Took me a year to seek help. Immediate supports were offered to the whole community and people not directly affected. The debriefing was offered to all staff and spots were taken so I did not attend.”
- “The support services that you had set up are 100% geared for the civilians in this mass murder. There is zero afforded to the RCMP members or veterans. Thankfully we have Veterans Affairs who were able to step in and help us because the public sure as hell does not give a shit about the RCMP and their health or mental health.”



- “It is difficult to make an appointment with a psychologist in a timely fashion during crisis. As a police officer that does not have a family physician I feel that I put off taking care of mental health related issues because I’m not going to go to a local hospital emergency room concerning my mental health. I feel simply because of my profession I should have priority access to a primary care provider of which myself and my husband, also a first responder does not. Instead we’ve been on a waiting list for several years.”

One respondent advocated for “more ‘advertising’ for mental health services as many community members are unaware of the services available to them.”

The third question asked: “Have these events impacted your work as a first responder, healthcare and/or support service provider? If yes, how? Please share as much or as little as you are comfortable with.” Again, about one-third of respondents said their work had not been impacted, made no comment, or said they had left their employment or were unemployed. One said that they had not been affected “but more mental health support is required within the policing side here as it is not taken seriously and ignored.”

Of those who responded affirmatively to this question, many wrote about how their approach to their work had changed:

- “Yes. As first responders we are now even more cautious when responding to suspicious fires.”
- “Yes I think differently. I try to understand people fear of police. Pulling over cars you try ensure the people you interact with are safe that you are a ‘real’ police officer.”
- “Yes they have. Since then I’ve taken steps to greatly improve our response efforts and capabilities if ever such an event were to occur again.”
- “Yes, contemplating how this would have been handled in our jurisdiction. Training and equipment additions.”
- “... people look at police differently now the trust is gone. As an officer I feel vulnerable for the next event. What do we really know about an incident? Are things being held back from us? We need better information sharing.”
- “Yes they have. Different approaches on situations.”
- “Only in the sense of constant scenario running, What if this happens when I am working? What would I do? How would I react? etc etc. This can be perceived as a positive outcome as it opens eyes to ‘what could happen’.”
- “Yes, it has affected me in the way I conduct my policing. The events of that incident are always in my mind.”
- “It has certainly impacted my officer safety considerations – as a supervisor concerned for those that I lead.”
- “Living and working in Colchester County, I realize that it is quite likely that I will meet new clients who won’t initially request services to deal with the events of April 2020. Ultimately, I have found that most of the clients I see have a story to tell about ‘the day of the shooting.’ Most want to talk about where they were, who they knew, and how it affected them. The





majority of those clients are dealing with the events quite well. The story remains however.”

Several respondents wrote about how these events had affected their work because of the change in their relationship with the RCMP:

- “... it’s harder to trust the RCMP officers we encounter as I don’t know if they have anyone else interest in mind, outside of protecting their own.”
- “...Yes, our relationship with the RCMP at the provincial level and to some extent locally has been damaged.”
- “... Lost faith in RCMP.”
- “... my confidence in the RCMP and our working relationship has been drastically affected due to the knowledge that information sharing is not a priority.”
- “I’m more critical of how the RCMP handles things now.”

A former RCMP member provided another perspective:

- “I’m retired now but if I was still working it sure as hell would affect my work. My hyper diligence is through the roof right now as I’m sure it is for serving members because of the negativity toward the RCMP from this event. It would be very, very hard to go to work every day knowing that the Canadian public in the media have treated us the way they have since this event ended. Yet we still go to work and we still serve the communities and try to suck up those hurtful feelings inside. Someday this type of event will happen again and Guess What the RCMP will still go out and risk their lives to save other people they don’t know. That either takes a really special kind of stupid or a special kind of person to do that. For me it would be the second, a special kind a person willing to risk my life for people who don’t give a shit about me.”

Another group of respondents described broader impacts of the mass casualty: “The events just cemented how catastrophic emergency events can be, and how widespread & devastating the effect is. Every day is different.” Some respondents talked about it leading to improvements in self-care or care of colleagues:

- “I learned I need to do a better and more consistent job of my own self-care in order to keep doing the work I do at a quality standard. We all have a limit to what we can handle, including those of us on the front line, so we need to work even harder than most to ensure our own well-being first. If we don’t do that, we will be of no good to anyone.”
- “I really try to take more time checking in with people to see how they are really doing with our job.”

Others described mental health effects including “being currently off work due to ongoing PTSD symptoms” and “increased anxiety, need to take time off each year around the anniversary, and had to switch job locations.”



- “Absolutely. ... more aware ... and with that comes more stress.”
- “I got PTSD. Don’t be offering me counselling when the police can’t stop a white guy with a gun or guns.”
- “I am fearful that this can happen again. I would likely not go into VON nursing for this reason.”

Some of these responses overlapped with the next questions: “Have these events affected your mental health and/or wellbeing? If yes, how? Please share as much or as little as you are comfortable with.” About a third of respondents said they were not experiencing any impact. Several qualified their responses with additional information:

- “I don’t believe that the events have affected my emotional or physical well-being beyond the sadness that we all feel as a result of the horrific events of that weekend. On the other hand, I am grateful that I can feel sadness and empathy, it reminds me that I am alive and human.”
- “Not so much ... I feel a heightened sense of alertness which isn’t necessarily a bad thing.”
- “No they have not, these events have taught me to prepare for myself and the ones around me.”
- “No, although I do find I am becoming desensitized to events and happenings, and I’m sure that’s not healthy.”

One respondent told us their mental health and well-being had been affected in a positive way in that “I never miss the opportunity to say I love you to my friends and family.”

In addition to the responses set out above, several additional respondents reported experiencing PTSD, and one added “panic attacks.” Other responses mentioned the experience of “many triggers” and discussed how the event “brings back horrific memories and thoughts from incidents in the past.” Still others referenced becoming “emotional when I think about it” and shared, “I don’t trust people and feel like I am on edge.”

- “Yes, although for a long time I don’t think I realized how much. I was sleepless & revisited the events in my mind when I should’ve been sleeping. I’ve learned to cope much better after discovering a weighted blanket.”
- “Yes. For a while I was quite depressed. I couldn’t put it out of my mind.”
- “Yes, I have a lot of guilt from these events, I could have helped, I know I could have done something, but I was never asked to.”
- “When friends are shot and killed, that you knew both personally and professionally, yes it has affected things. This was the largest mass casualty events in the whole country ... which happened in little ol’ Nova Scotia ... it will never happen here ...”
- “Losing a fellow officer is not what affects my mental health. This is the job we do. However losing a friend someone I thought of as a sister, being shot in her own home because no alert was sent out is very hard to deal with.”



Some first responders identified the after-action events as having the greatest impact on their mental health and well-being, and as causing “anger and frustration.” One respondent said: “The lack of integrity and accountability at the higher ranks. This brings up a lot of emotions for myself and many others, who had experienced something similar with the Force.” Others said:

- “I have become very distrustful of the police, especially with the RCMP. I do not have faith in their ability to protect the public or enforce the law. I also have ZERO faith in them to ‘do the right thing’ after the fact, or admit any mistakes they may make.”
- “I think while the event was traumatic, the obvious lack of information, foot dragging and apparent cover up has worsened it exponentially. I had to March to get supposedly independent commission. Think about that!!”

Another respondent experienced being most affected by the way RCMP were treated following the mass casualty:

- “Yes big time because as a retired member I’ve been at events not as big as this but with similarities and I know what the members on scene went through. That was the easy part. The aftermath the day after where the media in the public turned on the RCMP and treated the RCMP members as the villains and the cause of this whole thing was devastating. I had PTSD from my service and since this event happened I’ve been in to see my psychologist every two weeks had to be placed on medication and still struggle with depression and anger. All stemming from how the public is treating the RCMP because they have no idea what we do how we do it or why we do it. The same people have Never Risked lives to save anyone. And it pisses me off that they’re so freely willing to shit all over the RCMP for doing just that Daily walk a mile in our shoes and then maybe just maybe you can have a comment.”

## COMMUNITY SUPPORT INITIATIVES

The Share Your Experience survey also asked: “Are there any examples of your community coming together or community support efforts after the mass casualty that you would like to share?” About a third of those who answered this question told us there were none, they were unsure, or they couldn’t remember. Some linked their negative response to the fact they lived outside of Nova Scotia: “The shooting itself did not affect those outside of Nova Scotia in a way that would have caused community efforts to spring up. The rest of the country just experienced different ripple effects.” Some Nova Scotians also experienced no community support. One said: “Where I live it seems to be almost forgotten. I might be one of the only people I know closely following the event and its associated fallout. I do have a couple friends from the Dartmouth area and it was pretty surreal catching up with them.” Another respondent mentioned an early experience of solidarity:

- “No but I remember the evening that people were lighting candles or lanterns to be in solidarity for those lost. I put a lit lantern on my doorstep. The sky was a bright red/pink



almost as if it were on fire. I remember sitting the lantern down and crying. I remember thinking the sky was those lost shining bright.”

Others attributed the absence of the community coming together to pandemic health restrictions.

Several respondents objected to the Commission posing this question:

- “No, I don’t see how this pertains to anything. Community members coming together to protect and comfort each other when their government and policing fail them, is beautiful but also terribly sad.”
- “I do not understand why this question is relevant to the work of the Mass Casualty Commission. I hope your aim is not to gather and tell ‘feel good stories.’ Please, please, please focus on getting answers for the public as to why and how these events happened. We do not need more diversions.”
- “No, and I resent the idea that any member of public safety or inquiry member truly needs or in the slightest requires the public’s examples for this question. The community support efforts are evident, either look at them and adapt or be blatant in your lack of initiative. You don’t get ‘your’ community to tell you how to help fix them after you bereaved them.”
- “Families had no support but from each other and members of the community all over the world. I don’t think there was ever an apology from the agencies that allowed these events to escalate.”
- “Community shouldn’t have been the ones who needed to come together, the government and police should’ve done their jobs.”
- “No, the community will not come together until you get to the bottom of the issues and that will start when you stop this foolishness and start doing the jobs you are being paid to do.”

One respondent expressed their appreciation of community-based support efforts and their disappointment in the lack of provincial and national efforts:

- “I am disappointed in the lack of acknowledgement or support from Halifax or Ottawa that our community is still dealing with this traumatic event. We have had a memorial across the country for 30 years for the victims of Canada’s previous deadliest mass shooting. No one outside of Colchester County held memorials to remember those who were killed in the mass shooting in 2020. We’re just expected to continue on as if life is normal. But it is not in our community. It would have been helpful to have community sessions with people from other mass shooting events who could understand and help us heal. It would be good to have additional resources for our county to recover. But that has not been my experience. We are just expected to move on, as if living in a community with the deadliest mass shooting in Canadian history during a lockdown in a pandemic is a perfectly normal event from which we should recover on our own.”

Others also remarked on the lack collective efforts and supports:



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- “I am really surprised at the lack of community support efforts after the mass casualty. I am always concerned about the mental health state of people in my community and those who lost family members. This is a massive collective trauma that has not, in my opinion, been adequately addressed. The silence after this event is palpable.”
- “There are none. No one talked about it. I wish they would, especially now.”
- “No, I think this has become a divisive issue like most news stories.”

One respondent emphasized that as a member of the RCMP they had experienced the opposite of community support:

- “No none at all. In fact the exact opposite the community rose up to attack me and my coworkers and former coworkers the RCMP. I feel completely shut out and shamed by community efforts. Ostracized label to bad guy because of the very mass murder. Yet we were the ones who went into harm’s way to save people, investigated a crime, and killed Wortman and ended the event before it got worse in the city. What did the community do for us shit all over us and blame us for the entire event. So no community of support efforts. No not at all from the RCMP perspective.”

A larger group of respondents told us there were “many individual and collective efforts to support the community and those truly affected.” Some of these were formal and others were informal. One person noted how in their experience the response “highlighted the resiliency and strength of Nova Scotians.” Several respondents told us that “many people in all communities even not Nova Scotia came together.” Examples of the community coming together shared through this survey can be grouped into four categories: advocacy to establish the public inquiry and other types of advocacy; general comments about support; province-wide initiatives; and specific, often local or focused instances.

Many people who responded to this question mentioned “coming together to demand an inquiry” and shared they had joined the march organized by the families. One person advised that the online communities established by this group continue to operate as a source of information. Another found it “sickening” that the families had to “beg for a public inquiry.” Respondents described how this initiative brought the community together:

- “The mobilization to reject the closed restorative justice process and to adopt an open and accountable public commission process. It was truly offensive what the families were put through to get this but communities rallied behind them and got them (started) on the path to justice for their loved ones and themselves. Open letters, protests, etc. worked!”
- “The demonstration to force the Commission was inspiring but also frustrating that it had to happen.”
- “The ‘protest’ for the family members demanding answers and an inquiry was helpful for the families, bringing them together.”
- “Yes, our community came together to demand this public inquiry because the RCMP outright lied to us. They said they didn’t know he had a cop car until the next morning and this was categorically proven to be an outright lie.”



- “The fight of the victims in Nova Scotia for an open and transparent process of the inquiry has been inspiring and I hope they succeed.”
- “The public support for a full inquiry was overwhelming and without that, the federal and provincial governments would not have caved.”

Several respondents noted the community had also come together in “the defund the police protests” and “online communities of Nova Scotians are coming together to request the government of Nova Scotia replace the RCMP as our public safety solution.” Others made similar comments about coming together to sue the government over gun control legislation enacted shortly after the mass casualty. Another advocacy-based community response was the establishment of the ad hoc group Feminists Fighting Femicide, a participant in the Commission’s processes.

Many respondents wrote about the general ways the community had come together and what that meant to them. A central theme was the importance of finding ways to support the families both in practical terms and in solidarity: “I think the only comfort a lot of the affected family members have is the coming together of the people of our province and country.”

Many acknowledged the limitations on community support efforts due to the pandemic. For example, people had to get together “in one-on-one or small groups to honour the memory of our friend, her family, and those who lost loved ones and community members.”

Quite a few people emphasized the importance of coming together to talk about the mass casualty. Several people mentioned discussions with friends and co-workers. One respondent told us, “The massacre and the effect on the people we know is still a topic of discussion.” Another said, “As a Nova Scotian, I contributed to positive dialogue in the early days post incident.” Other respondents wrote:

- “I know of no community support efforts other than people talking to each other about these horrific events. But, talking to each other is ‘coming together.’ We build community and support by talking about the events of April 18-April 19. We support each other by hearing officials speak truth about what happened and presenting facts. Nova Scotians are at a place now where this must happen. All Nova Scotians know, without doubt, that the RCMP could have done many things differently. To gain trust and clarity these discussions must happen.”
- “I have talked to many people about the events that took place and for those who had not much to say, I educated them and explained what took place. Having conversations and talking about this has been important. I attended events walks in support of the families.”
- “Pain for our province. All eyes were on us. The world was dealing with a Pandemic and we were dealing with the aftermath of a Mass Shooting. Everyone in the province was talking. Every supper table and news channel was deep in the ‘how’ and ‘why’. The pain was everywhere and we started to all come together more as fellow Nova Scotians. Kindness spread. Love spread through the pain.”



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Others shared general comments about their experience of the community coming together after the mass casualty:

- “In the first few weeks of the pandemic in Nova Scotia, there was a mistrust between people. Whether at the grocery store or out for a walk in the neighbourhood, there was a sense that we needed to avoid people, and even avoid eye contact. After the events, people started making eye contact again, being more compassionate again (while still keeping a safe distance).”
- “The Wentworth community came together very well after the tragedy. We are only seasonal residents but feel very attached to the community. Wentworth is very caring and tough.”
- “The residents on Hunter Road are all very close and we spent a lot of time together helping each other and trying to heal. We could continue to celebrate the lives of our friends here on Hunter Road and we have become closer to Sean’s daughters and to Alanna’s parents.”
- “Nothing that I have been personally involved in, but I have seen a larger support for each other as Nova Scotians than before.”
- “Everyone is watching out for each other more than in the past.”
- “There have been too many to count. That’s one thing about living in a rural community. We’ve got each other’s back. Such a wonderful outpouring of support within the community and beyond.”
- “Nova Scotia Strong signs. Love, not hate. Strangers consoling one another.”
- “I admire the support the families and friends of the victims have supported each other, although I’m not sure about the support for first responders unless it was initiated by their own organizations.”
- “People taking the time to be there for each other and hear each other’s pain. Groups being started to mourn together. The memorial concert/CBC event.”
- “After this tragedy the people of Nova Scotia were unbelievable in their love and support and I’m forever grateful for that.”

Many respondents mentioned they found the Nova Scotia Strong campaign inspirational, and some expressed their appreciation for the premier’s call for people to hang the provincial tartan on their decks. Others were critical of Nova Scotia Strong. For example, one respondent expressed the view that it “did a good job of distracting everyone from the real problem.” Others commented:

- “Nova Scotia Strong is a ridiculous slogan. We are not strong. We are crushed. Maybe Nova Scotia together might have been okay.”
- “Everyone in the country stood with us on the day yelling Nova Scotia Strong and We support you. A week later they disappeared and we have been on our own.”
- “Not a thing. Efforts like the ‘Nova Scotia Strong’ messaging efforts lends credence [to] 1) an ethos of safetyism and frailty, and 2) sentimentality, both of which are unproductive in the face of a strangely random mass murder committed by Gabriel Wortman.”



Many respondents found the symbolic expressions of support to be a meaningful way to support families and a way for the community to come together and begin to heal. Symbols mentioned include: Nova Scotia Strong decals, tartan, broken hearts, lights, candles, and lanterns lit on door steps on specific occasions. One person said: “hearts and light in my window for a year.” Other responses included:

- “The lighting of candles the night after it happened allowed us as a province to grieve together. The whole thing was made so much harder by the public health restrictions that were in place. It lead to feelings of uselessness and to see everyone come together in that way was something to witness.”
- “I loved driving by and seeing all the candles in the windows and blue lights and soo many cars with Nova Scotia strong decals!!!! Nova Scotia came together and showed our support for the families. What did the RCMP do???”
- “There were so many examples of support. The flags, the banners, the hearts that were put on people’s homes gave us faith that we would endure the pain and remain strong as a province. Those little things seemed to heal more than any other. We became one for a period of time and it was heartwarming.”
- “I’ve never been this proud to be Nova Scotian as I am now. The instant love and support us Scotians gave after this horrific attack gives me hope. Makes me believe we will be okay. The families affected by this tragedy have the love of every single Nova Scotian, they have the entire strength and support of Nova Scotia. Love is stronger than hate. Nova Scotia is truly inspiring!”
- “We are Nova Scotians, we are a strong hard people as with all things bad we rise and support others. I couldn’t be more proud to be a Nova Scotian, with all the help and support of the families, and others affected. I am ashamed at the individuals judging and assumption making without full knowledge, it does make most look and act very uneducated.”
- “There were NS Strong signs all over the community. With the crash of the helicopter and then the snowbird crash I felt like our lives were being turned upside down but community came together!!”
- “The hearts, the Nova Scotia flags, and NS tartan scarves, face masks, something blue tied to trees and front doors were all small ways that our little town showed our love and concern for the victims’ friends and families.”
- “Our local neighbourhood all put out our Nova Scotia flags and we all had conversations with one another. This happening during the pandemic, it meant a large number of us were home on a regular basis and it seemed to cement that, if something happened, we would need to be there for each other, as we could not rely on others to come to our aid. I appreciate that these events have brought our neighbourhood closer together.”
- “I found everyone had symbols of support that we all bought and displayed so that the proceeds could go to the families ... I myself bought hoodies and stickers and license plates and gave to various things ... I am sure like me anything people could contribute to show the [families] that we were thinking about them.”





The majority of respondents shared specific examples of the community coming together. Some wrote from the perspective of working toward assisting those most affected and others wrote as recipients of these efforts. The initiatives mentioned are summarized here: personal expressions of support and social media, memorials, practical assistance, community development, and expressions of support for the RCMP.

One group of examples were personal expressions of “support, thoughts, prayers, and virtual hugs” and condolences. Social media has been an important vehicle for sharing this support, especially given the pandemic restrictions. For example, one respondent said:

- “Now that I live in Portapique, I belong to an online community FB page. We all look out for one another and help each other when we can. It is a very special place to live. I don’t want our community to always be remembered for the horrible acts of one person when there is so much beauty and tranquility there. Some of the most genuine, caring people live there and I’m so happy to be a part of that.”

Several people commented that “social media can be a positive space.” Several family members and friends who live outside of Nova Scotia wrote about how important these forums for support and information were to them.

A second group of initiatives are public memorials for those whose lives were taken during the mass casualty. Examples mentioned in the responses included: the RCMP parade through Mount Uniacke, in Hants County; the memorial drive down Plains Road a week after the shooting; memorial ceremonies in specific communities and for individual victims; the Victoria Park memorial and marathon/5K runs; public tributes of flowers and signs; and online vigils, tributes, and musical tributes. Several respondents expressed mixed emotions at some of the memorials at particular sites.

- “The fiddle tribute!!! It was so powerful and emotional!”
- “The online Zoom kitchen parties were definitely a safe space and helped me feel that I wasn’t quite so alone in how I was feeling. The sense of community was wonderful during a time where our communities were being ripped apart.”
- “The pandemic made it impossible for the way we usually grieve to happen, people could not come together, hugs each other or just be present with each other. The online vigil was extremely helpful to me.”
- “Painted rocks/memorial in Victoria Park was nice to see acknowledging each victim. Sean McLeod’s daughter graduated from CEC [Cobequid Educational Centre] that June, as did my daughter. CEC had an outdoor graduation at Riverbreeze Farm because of COVID. They did a slideshow and tribute to Emily Tuck and Sean & Alanna.”
- “There was certainly a lot of flowers, etc left by people from all over. It was touching, but also a constant reminder of the senseless tragedy and due to Covid-19 it felt like there was little we could do, couldn’t come together. The homes in our neighborhood put up small memorials, 22 crosses, 22 tartan bows tied to a tree ... those were moving and hard to see.”



A few respondents questioned whether the roadside memorials continued to be helpful:

- “I know some people in my community struggle with the roadside memorials still. It’s hard to move forward with such a jarring reminder.”
- “I am uncomfortable with the memorials on Plains Road. These spots do not bring happy memories for me or my husband. It was well over a year before I could drive by them without thinking about the events, or crying. I understand that these spots bring closure for some family members, but for me it is an everyday reminder of the worst two days I have ever experienced. I don’t like how they are lit up at night as it is a reminder that our community was torn apart by a madman and we will never be able to escape those memories. I believe now they are building a park in that spot. I feel a bit better about this (as opposed to flags and tents and signs) but I believe that the money that is raised to build it could be put towards something more productive – like a scholarship, etc.”

Another group of examples of the community coming together were fundraising campaigns and other practical ways to assist those most affected, particularly the families of those whose lives were taken during the mass casualty. These included direct donations of food and money, as well as larger fundraising campaigns for specific families. In the words of one respondent: “After the mass casualty so many people from all walks of life came together to fundraise and show support for the victims, survivors, and their families.” Other specific examples included people who helped out with childcare and the crafting of quilts for the survivors.

- “All the support from locals raising money for these families. No amount of money is going to bring back their families or take away that pain and memories, but I’m sure it has helped them with medical bills, and time off work while they heal.”
- “I took several friends’ children for the month afterwards because they didn’t want them seeing the police so close to home all the time.”
- “Fund raising for the surviving family members especially the children. And for funeral expenses. Money can’t replace a loved one but it can relieve the stress of large unexpected expenses.”
- “We raised (NS Women’s Hockey League and Colchester Women’s Recreational Hockey League); chipping in as a team to help players that were affected directly. We had a moment of silence and wore Nova Strong stickers on our hockey helmets.”
- “It was heartwarming to see the GoFundMe pages that were set up to help the families of the victims. I am close friends with some of these families so all of this has hit close to home for me.”
- “My community raised funds to help the families most affected. Fundraisers were selling out, people were donating their winnings back to the families, the Debert Tim Hortons raised the most money of any Tim Hortons during their donut fundraiser. I am very proud of the communities affected.”

Others talked about how the community came together to show kindness and provide assistance to those more affected who were suffering from grief, bereavement, and trauma. This included



interpersonal as well as professional efforts. Many private-practice psychologists and counsellors offered pro bono services to people affected by the massacre. This was organized by the professional provincial associations.

- “I would like to acknowledge the work that the After Trauma Empowerment Network in Shubenacadie, Nova Scotia, has done in helping others deal with the trauma and the various other types of trauma that has been brought to light as a result of the mass casualty shooting that happened in the area in the spring of 2020. Vida Woodworth and Margaret Mauger are the two women that developed this wonderful organization and work with trauma survivors and people that were affected by the mass shooting rampage and do not charge for their services. This just shows how people are committed to helping their local community members and people in the areas that were affected by the shooting by setting up this non-profit organization and volunteering to work with their clients so that they can go on to lead a somewhat normal life after dealing with such a terrible and horrific experience as such as losing a friend or family member to a violent act such as murder.”
- “As an educator, my thoughts immediately went out to the Chignecto-Central Regional Centre for Education (CCRCE), individual schools, educators, staff, families, communities etc. in dealing with this tragedy. But first and foremost and for me most importantly, I have kept children in my thoughts understanding how ‘life-changing’ trauma like this can be. There were children killed, children who witnessed horrific violence and were in hiding for several hours trying to get help, children who lost parents, siblings, friends, class/school mates, their teacher, and family members, children who heard about this incident and try to understand, etc.”

Examples of the community coming together extend to planning and fundraising for community development projects such as the memorial benches in Wentworth Park and the Wentworth Community Centre and the community build-up in Portapique: “I love that it is not a memorial, it is something new that is leveraging the community spirit to create a new legacy.” A member of the Debert Elementary School SAC [School Advisory Council] wrote to say: “we have successfully raised money to build a new playground for the students in Lisa McCully’s memory. Our community (of Debert) is currently coordinating numerous fundraisers for a memorial park in memory of Kristen and Heather: ‘Hearts Haven Memorial Park’ at the scene of their murders.”

As noted earlier in this report, members of the RCMP and other first responders have experienced exclusion from some community support efforts. Some survey respondents provided more positive examples of the RCMP and community coming together:

- “The community of East Hants rallied around the RCMP by placing flowers at the Enfield Detachment and lining highway # 2 from the intersection with highway # 14 to Lantz when the motorcade bringing Const. Chad Morrison home from Halifax passed by. While showing support for the RCMP it was also a time that the community could come together outside, while practicing social distancing, and be there for each other in solidarity of the tragic event that affected us all was built.”



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- “On April 24, 2020 the RCMP across Canada, were planning a minute of silence at 2:00pm. I told my staff that Dave and I were going to go to the fence at my school, Debert Elementary, for a moment of silence if they wanted to join us. There was a makeshift memorial on the fence there for my coworker Lisa McCully. The people of NS were advised to not gather in larger groups or be near each other but I knew my coworkers wanted to do something to honour Lisa. Along the way, we stopped at the makeshift memorials for Kristen Beaton and Heather O’Brien to pay our respects. My husband was in his red surge. He felt very sad and upset that he couldn’t have done more to help these people. When we got to my school, we were surprised at how many people came there to have a moment of silence with us. Many of my coworkers were there as well as families from the school. It was very comforting to be together, at a distance, and to mourn together for a few minutes.”
- “Lots of outpouring of support for the family of the RCMP officer in Cole Harbour.”
- “Being permitted to place flowers in commemoration at the RCMP in Enfield was helpful. I brought my daughter and we placed our flowers and read other peoples messages. It was lovely to see how much everyone appreciated the officers.”
- “Our neighborhood filled with first responders reached out to show care and concern. An anonymous sign thanking them for keeping us safe was erected. It still stands today. It reads ‘thank you for keeping us safe.’”

Some respondents shared their experience of various community efforts and the impact they had on them:

- “I really loved seeing all the hearts people put out on their driveways or in windows as it made me feel I wasn’t alone. I hugely admire the protests the victims families did in order to get this public inquiry (though it should never have been such a struggle for them, I’m so proud of them for sticking it through). I’m thankful to my local vet for caring for the victims’ dog’s gunshot wounds and doing it free of charge and saving the pets life in order to return it to the children left behind. I was very touched by the walk in Victoria Park honoring the dead on the first anniversary, it gave me a lot of healing. I can’t wait to see how the new park in Debert turns out as it is in the beginning stages of being planned and made, I hope it can bring the same amount of peace.”
- “Driving to work and seeing signs and hearts all along my route and talking to co-workers who understand.”
- “The only events that helped our community heal came from the community itself. The two events that assisted the most with the grieving process was the televised event the week after the shooting and the community memorial on the 1 year anniversary of the shooting. ... I find comfort in the signs individual citizens displayed with 23 hearts or the names of the victims or Nova Scotia Strong signs, Colchester County flags etc. I am glad they still are present. I still need them to remind me that I am not alone in how I have been impacted by the mass shooting. I am proud of a book that was published by Gina Goulet’s friend Karen Dean. It told the stories of 23 women in Nova Scotia to document what 2020 was



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like to live through. I was one of the contributing authors. It was a fundraiser and that also assisted with healing. All of these events were conducted by community members.”

- “I took part in the memorial drive down Plains Rd a week after the shooting was very healing and it was how you could look at a stranger and without saying a word to each [other] you knew how we all felt. The 1 year anniversary display at Victoria Park was an amazing way for all to come together to reflect and continue to heal.”
- “Some communities had a memorial ceremony. My family put together a rally for truth. A lot of people were there for us whether it was sending a message or sending flowers, making hoodies, decals. There were a lot of sweet things done. There was also a car show in memory of Aaron Tuck, Jolene Oliver and Emily Tuck in Nova Scotia which I was grateful enough to attend.”
- “Victoria Park had a memorial walk set up, although I couldn’t bring myself to attend as I would be emotional and didn’t want to express myself that way in front of the community. I am happy to hear of the Hearts Haven memorial park coming together in Debert.”
- “People there mainly gather in small groups. Some people took solace in contributing to the memorials; others were traumatized by them. I am part of a group who comes together for music jams. Two women talked about music being ‘good for the soul.’ I know that I watched them release some of their tensions there. The new community centre in Portapique has brought some hope. I suspect Faith Baptist Church in Great Village may have been supportive for some as it has a large following. The retiring doctor was a huge support. Lowland Gardens actually contributes to joy.”
- “People and myself decorated their homes with hearts or symbols in weeks following. Husband’s work organized a convoy of work vehicles to pass by coworker and his young son’s home as show of support. We attended virtual vigil [put] on by Q Provost as well as the more formal memorial televised and streamed on line. Joined Colchester County supporting each other Facebook group. Took photos of spectacular sunsets that were surrounding this community in the days following. Daughter took an outstanding photo of her NS flag in front of sunset. This photo was posted online and received hundreds of Likes, shares, and positive comments from kind people. Watched the Halifax pilot flight path, in shape of heart over West Colchester. Little stuff like that ...”
- “The gatherings of people & support given to family helped me somewhat. Everyone looking out for each other & being there to support helps.”

One respondent commented on how there was an initial “coming together moment,” but that people’s needs had shifted. Others raised a similar theme of coming together followed by division:

- “I think in the days following, when we hung NS tartan in our windows and doors. That felt like a coming together moment. And the televised memorial. But since then, I think we need answers. We need to know that things within the system will improve. Learn from what happened, and the actions that were taken by law enforcement.”
- “I truly think Nova Scotians have the best interests of their fellow Nova Scotians at heart. We are a tight knit province – when someone is in pain, we rally together. You only need



to look at how many 'Nova Scotia Strong' vehicle decals are on vehicles in a parking lot to see the support. But this mass casualty and the response (or lack thereof) in terms of accountability and information from the RCMP has eroded that. The now conflicting information, lack of information and participation has eroded that. While there are many organizations bridging services for those in Portapique and others who are informally supporting each other through this tragedy, this event went from bridging us together [to] really dividing us. And that didn't have to happen."

- "Mostly flags in my area ... at first people supported the RCMP but as time went on that kind of diminished I think due to the lack of communication from them ... 6 -8 months for an update...."
- "There was a sense of closeness for a while but dissipated partly due to Covid, antivax..."

#### COMMENTS AND CRITIQUE ABOUT MASS CASUALTY COMMISSION

A large number of respondents to the Share Your Experience survey were critical of the Mass Casualty Commission. Some of these criticisms were expressed as an extension of the loss of trust in institutions and authorities noted above as a central feature of the impact of the events of April 18 and 19, 2020, and their aftermath. Many of the negative comments focused on the Commission's approach to carrying out its mandate. The Share Your Experience initiative launched on February 8, 2022, and the opening day of the Commission's public proceedings was February 22, 2022. A significant amount of media coverage had publicized the Commission's approach as well as the negative reaction of many Participants<sup>1</sup> to this approach, particularly the most affected individuals and families. One respondent reacted negatively to the fact the survey was the "first thing happening." A smaller number of respondents expressed their appreciation of the Commission's efforts. Others shared how the attention brought to the events of April 18 and 19, 2020, by the Commission was affecting them negatively. One comment reflected a commonly held perspective:

- "The whole issue of not wanting to have a public inquiry in the first place is very upsetting. If this had of been anywhere else but the Maritimes, this would of happened a lot sooner and without issue. I feel that it was thought that the people of NS would just let it go and get on with their lives. Nova Scotians and the whole country want answers and they want this done the correct way."

Several respondents told us that although the Commission is needed, the timing of it, and particularly the delays, has disrupted healing in the communities. For some, the release of information led to triggering experiences, nightmares, and anxiety.

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<sup>1</sup> Participants are individuals, families and organizations who have an opportunity to participate in the Mass Casualty Commission's processes.



Many people expressed their views about “the correct way” for the Commission to carry out its work. In particular, many people wanted to ensure that specific individuals gave testimony and that opportunities for cross-examination would be provided. Lack of cross-examination was seen as “adding to the mistrust,” and some respondents equated it with “cover up.” Others wrote that they want to have all information and evidence made public: “we need the truth no matter how grizzly it is we need it.” People wanted to see “total transparency” and the “full story.” Several respondents expressed their disagreement with how the Commission was treating the families. Many said they were “standing with the families.” One person wrote: “Family members have been struggling to make it through and this is all they have to look forward to.” Other comments included:

- “People are afraid to speak out and don’t want to get involved because of the lack of transparency. What a precedent the RCMP and Casualty Commission will be setting by now permitting RCMP and Others not to testify. You may as well get rid of the justice commission because now everyone can pull this ‘card’ and avoid testifying. How traumatized do you think the victims’ families feel? They are fighting a losing battle because they want to know where and how the ball was dropped. You can make all the recommendations you want. People want to know if someone at the ‘top’ at the RCMP is incapable of making critical and timely decisions and can’t answer from the media, then who can they depend on to keep their province safe?”
- “The Commission needs to be more transparent in what they are doing. The RCMP needs to testify – there will never be support for the results on this Commission in the community if this does not happen[.] There needs to be real action as a result of the findings of the Commission.”
- “We want to know the whole truth. I feel like there are details being hidden from us. I want the whole procedure of how the RCMP responded and examined for why it went awry that night – so that I can feel safer – that the flaw has been fixed. For all, especially rural Nova Scotia – and especially for the loved ones of the victims.”
- “Conduct the inquiry in public, with cross examination by interested parties. There is no excuse for the secretive, star-chamber process the committee is following. Stop parroting psychobabble about ‘trauma-informed’ processes and do the nuts and bolts of assembling the facts in public hearings. ‘Trauma-informed’ and secret proceedings are simply devices to avoid accountability for the RCMP and other government officials.”
- “I firmly believe that the families as well as the public absolutely, unequivocally need the truth. I understand the Commission’s mandate is to use a trauma informed approach, however, the truth must come out. The families, the first responders, the affected communities as well as those of us from outside these communities who have nonetheless been affected, have already suffered trauma. Nothing will change that. I feel it is of great importance to have Lisa Banfield speak publicly as to what her experience was with the perpetrator both prior to, and during the unfolding of events. It is also imperative to speak to all the first responders in order to clarify the timeline, what they were told and not told about the ongoing situation. The families especially deserve nothing but the truth.”



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- “If the 22 RCMP officers and Lisa Banfield are not forced to testify, I will never feel safe in my home ever again, and my trust in the actions of the RCMP will be deeply severed forever.”
- “The families deserve at least to hear the testimony of the members involved. This is what bothers me the most and if left unsaid for these families, how does that help them heal and what was learned?”
- “... Should the Commission decide to not compel the officers to testify and respond to questions of victims, victims’ families and other intervenors, I believe the commission will have failed in its duty to completely explore any failures of that weekend. Families will be denied their need to understand what occurred and to obtain closure for their questions. Even if some of those questions are answered in documents or seem redundant, those people need this. Finally, failure to compel officers to testify will create a precedent that will diminish the trust Canadians can have in this process for future inquiries. For some citizens you face an uphill battle to overcome the early impression the province and the RCMP wanted a whitewash. Not compelling all relevant witnesses will leave this as the lasting impression.”

Many respondents provided more general criticisms of the Commission’s approach and proceedings. The Commission’s trauma-informed approach was the subject of much ire: “This whole ‘trauma informed approach’ is bull crap.” Another respondent urged the Commission to “stop the fluff” and “the extraneous ‘woke’ and indigenous virtue signaling”: “this isn’t the time and place for foolish panels. I spent 6 years in post-secondary education, I don’t want to be lectured by you people and I want some answers to the meat and potatoes of how this all went pear shaped and so do the families.”

- “I am angry! ANGRY! The commission proceedings INFURIATE me!!!!”
- “As I write this, I am crying, devastated. I am so angry and helpless. And I am one of the lucky ones who only lost friends of friends, I didn’t lose any family. I can only imagine how enraging, upsetting, traumatizing it must be to be a family member. Not being included until a week or so before the Mass Casualty Commission started ... lack of information, lack of actual investigation and pertinent witnesses ... shame. I am so angry. It’s like it’s happening again right now, like the last almost 2 years haven’t even happened.”
- “Instead, no accountability, an inquiry had to be demanded by people who were SUFFERING, and suffer still, and continue to suffer and be retraumatized by a side show of lies that is this Mass Casualty Commission.”
- “Do all of us a favor - save some tax money and give every family \$10 million. This laughable ‘Mass Casualty Commission’ will do NOTHING to prevent a future incident by another maniac. Do you seriously believe this Mass Casualty Commission can prevent a future attack? Get real!!”
- “My disgust with the actions of the police grew exponentially with their obvious stonewalling and disinformation. I also am experiencing the same feeling with this ‘Commission,’ it appears to be just as much a farce as the police response. The level of





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'wokeness' is jarring, and I identify as a white male, university educated, and very left in my political thinking. I don't want to be constantly reminded of trauma, of natives, of rural lifestyles, etc especially by the so called 'academics,' I know all about that stuff and don't need to be lectured and constantly reminded about it in this setting. Use the time available to get the heart of the matter, a nut with guns got loose and started killing people, it happens more than we think and in almost every country. The questions are, why were the Police so ineffective and why did people die that didn't have to die? That is what needs a deep dive and this is what the families and citizens want to know and expect. Stop all the academic bovine scatology and telling us about all the credentials of the panelists that are promulgating their woke agendas that have a minimal or tangential effect on the issue at hand. Whoever sets this Commission up has failed. This is even worse than I thought it was going to be."

Several respondents criticized the Commission's work as an extension of what they saw as the police failures in response to the mass casualty, and some urged the Commission to "Get to the bottom of it. Stop covering for the RCMP." Quite a few concluded they had already lost trust in the Commission.

- "In the weeks that followed I lost all trust in the police & RCMP. I no longer think the police will keep any of us safe when an emergency strikes. It seems more important to cover their tracks so nothing appears to be their fault, then keep us safe. Lack of communication from government [and] law enforcement. My experience in the weeks that followed was watching a cover up by the police unfold. No one believes this inquiry is independent. It's just more of a cover up."
- "Don't trust anything the RCMP or what this Commission is bringing forward."
- "These events have ruined my life. The executions of my family was the most horrific thing that will ever happen to my daughter and me. Or, at least we thought so. The subsequent cover up by the Mass Casualty Commission, RCMP and all levels of governments has made it so much worse. Not to mention what being left out of all support has done to me mentally. There is no happiness or joy in my life any more and I no longer trust any member of the government including the RCMP. When I see a police officer, I lock my doors and refuse to interact with them. I used to tell my daughter that the police were the [heroes] and to look for one any time she needed help. Not anymore. Neither of us has any respect for them at all and cannot stand the sight of them. I have total faith that the job of the commission is to ensure that what actually happened is never to be found out."
- "This Mass Casualty Commission is a farce and not doing the job they were hired to do ... they are just continuing the big cover up and re-traumatizing the victims' families and protecting the RCMP. I think they should be fired and replaced by people who will do the right thing and listen to what the families want. It is too frustrating to watch."
- "Stop trying to cover up the events. Being betrayed by social institutions is deeply damaging to Nova Scotians and other Canadians."



- “Everyone in the province is extremely affected by this and the majority of citizens think this inquiry will be a white wash with no one held accountable.”

A smaller number of respondents expressed their gratitude that an inquiry was taking place and shared their hopes and expectations about the Commission's work. Some shared that they were following the Commission's work with interest and that reading the information was giving them “a sort of closure.” One said: “I am glad that the documents are public and I can read them and try to understand what happened.” Another person related they found “interest, intelligent thought and purpose in watching and participating in the public inquiry daily.” A couple of respondents thanked the Commission for the Share Your Experience survey: “I really appreciate you asking for public input – it's such an important part of the process as this has affected so many!” Other expressions of appreciation included:

- “I don't think it is a conspiracy or a coverup and I appreciate all the work that the Mass Casualty Commission is doing to uncover what happened and where things could have been executed differently. I don't agree with the speculation and hate that is circulating on social media and I think it is important to wait until the Mass Casualty Commission has completed their work before passing judgement. While this was truly a heartbreaking event, I think there are lessons to be learned from it and I think the Mass Casualty Commission will notify us of any recommendations when they have completed their work.”
- “I appreciate the work and especially the language being used by the Commission. I feel that knowing exactly what happened that day, as terrible as it is, will help prevent it from happening again.”

Some respondents shared their views about how the Commission should carry out its work in more neutral terms and expressed their general expectations about the outcome once the inquiry is completed. A consistent theme was the “need to know what went wrong” and “justice and answers for those who are left to deal with the loss.”

- “The families, the surviving victims and those they love need to feel that you are not just trying to pacify them for political reasons. They need to feel respected and supported. These people are the salt of the earth. They don't need to be studied. They need to be heard!”
- “I just want the families to have peace. And to know that we have the full story of what happened and how things will be changed.”
- “Please make an effort to address the systems of oppression that contribute to people's attitudes towards minorities. Yes, the incident itself was an uncommon thing, but it's the wider societal structures that need adjusting. We need to be harsher with people who express sexist behaviours and/or attitudes.”
- “The Commission should examine whether COVID 19 and alcohol had something to do with the mass killings.”



- “This Commission was absolutely essential for the province. I hope that it will give all of us the answers that we need. I hope it will lead to improvements in the practices and services that seem to have allowed such a huge tragedy to happen here.”
- “I feel a lot of anger that I hope will dissipate if there is actual truth from the inquiry.”
- “As a citizen of Nova Scotia and Canada, I hope the Commission will strive to bring forth the truth provide clear action to avoid similar situations in the future with the understanding that a crime cannot be predicted; however the response should be automatic, educated, rational, appropriate. I do not feel this was the case for this particular situation. Commission I asked that you respect all citizens of our country and ensure the truth is found.”

#### THE WAY FORWARD AND SUGGESTIONS FOR CHANGE

Many respondents took the opportunity provided by the Share Your Experience initiative to share their views on the way forward from the mass casualty, and to identify priority issues and offer specific suggestions for change. Although the survey was designed primarily to gather information about people’s experiences with and the impact of the events of April 18 and 19, 2020, and their aftermath, this additional input is welcome. The Commission has encouraged members of the public to also engage with the future-focused aspects of its mandate and will integrate the views expressed and information provided in survey responses into its consideration of potential recommendations for change. The Commission continues to welcome this kind of input via email and through its online public submissions process.

Some of the survey responses and emails received as part of this initiative provided the Commission with general advice about the way forward. A common theme was that the first step in achieving needed reforms is “to talk about it.” Many people indicated that the mass casualty had resulted in broken trust and that this trust needs to be repaired. Some people focused these comments on the RCMP, but others extended the idea more generally to governments and other institutions responsible for public safety. Suggested steps to begin rebuilding trust including the apologies and for the RCMP “to come clean and learn from their mistakes – and by doing so – will feel a little safer from this happening again.”

- “I am so frustrated with the lack of transparency and admissions of fault. No one is perfect, we all make mistakes, it is my hope that this Inquiry will bring forward the mistakes, apologies, and commitments for improvements. It bothers me on a daily basis.”
- “I am still numb. I want RCMP and government to admit that mistakes were made, nothing can change what has happened but to admit your faults and be transparent will show me and people in general that this was and is taken serious ... admit the mistakes and commit to improving, please say you are sorry.”

Several respondents told us that change would “not happen through pointing fingers” but through “honestly discussing the flaws and being open about and correcting them.” Finger-pointing and turf battles between police forces were seen as unhelpful. One respondent put it this way: “Don’t punish those who made difficult decisions to the best of their ability – use this to incite change



and have a real protocol in order to prepare for future catastrophes.” Respondents want to know the Commission has done a thorough job, “that the ‘system’ has been evaluated for ‘gaps’ during the event and protocols are in place to address them. E.g. alerts to first responders, and the public.”

- “Unless the outcome of this Commission provides productive quality improvement opportunities for a variety of areas, and there is no finger pointing, blaming and shaming it will be a huge detriment to our community and those who [were] directly impacted (families and services). And I am sure a huge amount of money that may be used better elsewhere.”
- “Learning from the mistake by making those decisions process lighter and quicker to react. And having people who care about their position and have the understanding of their position of decision.”

Several respondents emphasized that the Commission’s mandate extended “to areas of national concern”: “The whole country should be concerned about what happened, what lessons can be learned and how to prevent it or deal with it better if it happens again.” There was some concern that this would not be the case, given the passage of time:

- “I have also felt a bit of anxiety that the longer the Commission process drags on, the further this terrible tragedy will be from the public eye, especially given everything else going on domestically and internationally. This was the largest mass killing in Canadian history, yet I fear that most Canadians don’t think too much about it anymore.”

Respondents identified a range of specific issues that should be addressed by the Commission in its report and recommendations. These are summarized here in four categories: public communications during an emergency; a range of policing issues; gun control; and better strategies and resources for addressing mental health issues.

One respondent commented: “Everyone knows that communication is key,” and added that people want to know “who will be held accountable for the lack of communication to people in the affected communities.” They concluded: “There was too much secrecy from the onset from the initial events in Portapique to the chase ending in Enfield.” The issue of emergency alerting was emphasized in the responses summarized earlier in the report. Some remarked on “the inconsistencies related to using a public emergency broadcast for large tragedies” and suggested, “There needs to be procedures for if something like this is to happen, and drills to keep people knowing what is expected.” While the focus of comments received was on emergency communications, a few respondents identified the related issue of communication with those most affected during the period after the mass casualty.

Several respondents identified the issue of the replica police cruiser used by the perpetrator. One asked: “So I’m a bit confused as to how many other ways does one recognize a cruiser? Are there special markings to look for?” Another said: “Why does federal government sell police cruisers to the public? Unacceptable.”



- “We deserve to feel safe! We need to put things in place to prevent such tragic events from ever happening!!! No one should have a replicated police car or uniform of any kind!! Those who have knowledge of someone with one should also be held accountable! Still at this point I would be so nervous to be pulled over by a RCMP officer due to this event! Nova Scotia needs to prevent this from ever happening again!!! I would like to teach my young children to trust law enforcement! Please make this possible.”

One of the policing issues that was a focus in survey responses was the inadequate police presence in rural Nova Scotia. One person said: “we feel very on our own in rural communities.” Respondents identified specific police training issues; in particular, the Firearms Training System and its utility in assisting officers to develop skills to employ in high-risk situations and the potential for police forces to learn from armed-force scenarios for engagement with the enemy. One respondent raised the issue of using military air supports in this kind of emergency. Other comments included:

- “In the weeks and months following, we experienced a range of emotions from fear to anger and sadness. It was truly a grieving process. Increased presence of RCMP in the area did not serve to reassure us and we seemed to often be looking over our shoulders when we saw an RCMP vehicle. Now that time has passed, we are back to infrequent sightings of the RCMP, indicating, once again, a reduced police presence in our area. It feels strange that we went from being frustrated to have so little police presence, to being suspicious, and now back to wondering where they’ve gone.”
- “Our concern lies in the future of safeguarding rural Nova Scotia where we chose to move to in 2018. There is an RCMP office in our area but we are of the understanding it is not an active office and if we have any needs we have to contact Bible Hill RCMP. We don’t feel our community is policed and if a tragedy such as April 18-19 occurred again the results could potentially be the same.”

Several respondents identified more extensive policing issues to be considered by the Commission. Some had concluded the police were “unprepared and overwhelmed” and that “communication was lacking and mistakes were made.” One person wanted answers as to “Why were they so short staffed and poorly trained to begin with?” A first responder questioned the divide between federal and municipal police agencies: “We are all doing the same thing. We are all trying to help people. Why does sharing information, and asking for help, come with so much red tape, and so many hoops to jump through?”

Others identified the need for systemic change:

- “I feel our force needs a true overhaul and massive training so we can feel better protected. Also tips and suspicious activities should be taken seriously and not dismissed because someone is a dentist. I would question how this would have played out had he been a person of colour. Would he ever have gotten away with keeping a cache of guns when reported? Doubtful.”



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- “The Domestic Violence Intervention act was put in place in our province for a reason and events leading up to Portapique clearly shows the policies were not adhered to. There is ongoing concerns that information is not being shared as it should between RCMP and municipal agencies.”
- “Lots of changes to be made – replace those in command with experienced people based on qualifications, not on who they know. Provide the necessary equipment and training for staff along with regular upgrades. Change the protocol for unfamiliar events. Change the protocol for the alert system. Provide more support and better systems to ensure certain charges and reports are kept accessible instead of being purged. And make these systems available to federal, provincial, municipal police. There should be one system for all so that one log in is all it takes. So if they’d put in his name, his past would have been right there, along with his addresses, vehicles, firearms, etc.”
- “Those poor buggers [responding officers] are left on their own and unfortunately are bearing the brunt of the blame. Shame on those in charge – they need to go.”
- “Time to establish provincial policing and get rid of the RCMP. Let them stick to tourism!”
- I feel as if the RCMP and Provincial government have failed to do their job in warning and protecting us as the public. I just believe the RCMP as a whole would be better off dismantled and something more trustworthy and adept was in its place. Why do they get massive amounts of tax payers dollars to fail us on so many levels?”
- “The police should be defunded and their budgets allocated to health care and other social services so they are no longer an active threat to the community.”

Respondents to the survey advanced two competing views on the issue of gun control. For example, one respondent said: “I do not feel as safe as I use to and feel that we need more gun laws in Canada.” Another said: “Justin Trudeau banned my legal AR-15 and indirectly blamed me being party to such Mass Casualty events. I was insulted and became heavily politicized to fight for justice.” One person who identified as a victim of intimate partner violence wrote: “I ask of you please commissioners please make a difference in gun control. A gun is a gun, I understand but in my opinion, unless you are a service member, or armed forces member there is no room for a weapon above that, which is needed for hunting if that is the reason to have a gun in the first place.”

Many respondents identified the need to address trauma and mental health issues as an important strategy for going forward from the mass casualty. Several people told us that mental health has been neglected in Nova Scotia for years. The Commission was asked to consider whether better mental health resources could have spotted and stopped the perpetrator. One asked: “Could intervention early in the gunman’s life have provided effective treatment and a different outcome?” Others proposed that members of communities also have a role to play and there is a “need to be more observant of people’s behaviours.”

- “We do not feel safe in our community. There are too many people in this community with guns and other weapons, who are showing red flags of being unstable and nothing is being done. There have been several discoveries of stockpiles of weapons and even

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grenades near our home. The community feels unsafe. Portapique taught us that horrors worse than we ever imagined can happen at any moment to any of us.”

- “I am more cautious of people. I have always said ‘we are all one step away from so many different situations and life altering moments’ and now I feel that more than ever. It takes a village to raise a child and it takes a village to support everyone. We all seem to live in a world where we feel we can do it all on our own. We need to drop that mind frame and help those that struggle, call out behaviors that are worrisome.”

Other respondents expressed their concern for “people who right now have no support for mental health issues and the long waiting lists for services.” Some proposed that a full response to the mass casualty required additional specialized mental health responses.

- “We need to hear from someone in government, whose role is to learn from other regions who have suffered mass shooting events about how to heal and what to expect. We need a guide and an assurance that the needs of this community will be provided in the years to come. The uncertainty and the mountain to climb to fight for what we need is exhausting and demoralizing. The massive holes in our mental healthcare system mean that more people than ever are falling through the cracks. That makes us feel even more unsafe.”
- “Finding a better way to reach out especially to the younger generations. Sit, have conversations and listen to them. Trauma can scar a person for life. But if we get to them younger and teach them pride and raise them about what is or is not ok. Maybe we can make that trauma not affect them as much when they become adults. We may not be able to help them all but nourishment and support from others may give some of these people a way to build strength to adjust easier in the future.”

## **Stakeholder Consultations: Report**



## Stakeholder Consultations: Report

As a part of Phase 3, the Commission engaged in stakeholder consultations with community organizations that did not have formal Participant status. The purpose of these sessions was to bring together community organizations to discuss the issues the Commission analyzed and pose questions to help them think about potential recommendations. Many of these organizations could be affected by the Commission's recommendations, and could play a direct or indirect role in implementation and follow-up to the Commission's report.

The Commission's stakeholder consultations were cross-sectional meetings that provided an opportunity for interesting dialogue and out-of-the-box thinking on issues related to our mandate due to the varying viewpoints and interests of participating stakeholder organizations. They covered the following topics:

- Gender-based and intimate partner violence
- Early childhood and youth education on community safety
- Support services in rural communities
- Community safety in rural communities

### METHODOLOGY

#### Stakeholder identification

Though the Commission had engaged a wide variety of community organizations already, the stakeholder consultations provided an opportunity to deepen that engagement and engage new organizations as well. We identified stakeholders by researching organizations that had a direct interest in the proposed sessions or experience and knowledge in areas that related to the Commission's mandate. Groups that the Commission had already identified and engaged with in community meetings were included as well.

Since it was important to the Commission to ensure that our recommendations did not inadvertently have a disproportionate or unintended impact on disadvantaged or marginalized groups in society, our consultations were designed to meaningfully include organizations representing differentially-impacted groups, including Indigenous people, African Nova-Scotians, children and more.

Our stakeholder consultations ultimately provided the opportunity for representatives from 14 different organizations to share their views and provide input to inform our recommendations:

- Along the Shore Community Health Board
- Antigonish Women's Resource Centre
- Atlantic Policy Congress of First Nations Chiefs
- Boys and Girls Club of Truro and Colchester
- Bridges Institute
- Engage Nova Scotia
- Inspiring Communities
- IWK Health Centre



- Rural Communities Foundation of Nova Scotia
- SchoolsPlus
- Truro Housing Outreach Society
- VON Colchester-East Hants
- YMCA
- YWCA

Hurricane Fiona hit Nova Scotia in late September 2022. Some participants who were registered to attend sessions could not as they were without power and phone/internet service.

### Early engagement

Our initial outreach and preparation included consultation on the timing of the sessions. A short survey was sent to all identified community organizations (57 organizations total) on August 26, 2022 to help the Commission determine what topics were of interest to community organizations, the best dates and times for these sessions, and the number of sessions a particular topic may need based on the number of people interested. The survey was originally scheduled to close on September 2, 2022, but a decision was made to keep the survey open for an additional week as we were still receiving responses. The survey closed on September 9, 2022 and 40 responses were received in total.

The Commission received a lot of interest from stakeholders in participating in the sessions and we did our best to accommodate as many people as possible by selecting dates and times that worked for the majority of respondents. Following the survey, we reached out to participants to confirm their attendance and provide additional information in advance so that they were comfortable and prepared coming into the sessions.

### Sessions

All of the stakeholder consultation sessions were held virtually to accommodate groups in different areas of the province. Eight stakeholder consultations were held on the following dates:

- September 15, 2022 on gender-based and intimate partner violence
- September 16, 2022 on early childhood/youth education on community safety
- September 20, 2022 on community safety in rural communities
- September 22, 2022 on early childhood/youth education on community safety
- September 22, 2022 on support services in rural communities
- September 27, 2022 on support services in rural communities
- September 27, 2022 on gender-based and intimate partner violence
- September 29, 2022 on community safety in rural communities

The sessions were facilitated and designed for up to 10 participants (not including facilitators). The sessions lasted approximately 90 minutes and were transcribed, now forming part of the public record. Commissioners did not attend the sessions.



The Commission's facilitation questions were shared with participants in advance of the sessions and were centred on the following prompts:

Gender-based and intimate partner violence

- How can men and boys be encouraged to cultivate healthy relationships and to avoid using violence?
- What resources and supports do women and children need to be safe and protected from violence?
- What resources, supports and consequences do abusers need to break their cycle of violence?
- What is particularly needed in rural areas?
- How can we consider the needs of vulnerable or marginalized individuals and communities?
- What will make the biggest impact?

Early childhood/youth education on community safety

- What does community safety look like to children and youth?
- Why is it important to engage children and youth about community safety? Is prevention/early intervention is important?
- What are age-appropriate ways to discuss community safety for children and youth?
- Who should engage children and youth about community safety? What is the role of public education in teaching children and youth about community safety?
- When should children and youth be engaged about community safety?
- What factors might make your organization's clients vulnerable to unsafe situations?
- What do you, as a service provider, most need to better support clients whose safety might be at risk? What will make the biggest impact?

Support services in rural communities

- Do you think there are adequate support services currently available to the communities most affected by the mass casualty?
- What kinds of support do individuals, families, first responders, service providers and communities affected by a mass casualty need?
- Who should be designing and delivering these supports?
- What role can individuals/volunteers play?
- What are the tasks that police services are well-equipped to do? Are there some tasks they are presently doing that could be better done by other services or agencies?
- How can we consider the needs of vulnerable or marginalized individuals and communities in improving support services?
- What will make the biggest impact?

Community safety in rural communities

- What does community safety look like in rural communities?



- What resources or strategies will help rural communities be safe, welcoming and inclusive places for everyone?
- What do police services need to do or understand better to contribute to community safety in rural areas?
- Are you involved in or aware of initiatives designed to improve community safety since the mass casualty?
- How can we consider the needs of vulnerable or marginalized individuals and communities in improving community safety?
- What will make the biggest impact?

Most organizations participated in the virtual sessions; however, one opted to share feedback via email.

## FEEDBACK

This report contains and reflects the views expressed by session participants and is a report prepared for the Mass Casualty Commission. Nothing in this report is a finding made by the Commission, and nor does it reflect the views of the Commission. The following major themes emerged from the sessions, organized by topic:

### Gender-based and intimate partner violence

Starting at a very early age, young boys and girls need to be taught what a healthy relationship looks like, what violence looks like and what respect looks like.

There needs to be more opportunities for boys and men to connect and speak with one another in a safe, facilitated and confidential environment (this could happen in the school system and should begin at a young age). It is important to educate boys and men on the effects of trauma and how to address and heal from those effects, in particular in situations where men have been victimized before becoming violent.

For women fleeing from violence, resources must be known and easy to access. Following up with women in violent situations is extremely important. There are shelters and transition houses available, but follow-up after these resources are utilized needs to be more prominent. A strong sense of community/connection to community is an important factor for women's mental health.

If someone does not or will not take accountability for his or her issues, rehabilitation will not work. Resources can be available, but people need to be willing to receive the help.

In rural communities, there is a notion that things need to be kept hidden when it comes to abuse (or seeking help) because victims do not want everyone knowing their business. People need to know about the resources and where the resources are available, but often it is important for resources to be private as well. Destigmatizing mental health and making it a part of school education would be beneficial.

From a law enforcement perspective, more training is required for first responders on how to deal with gender-based and intimate partner violence. Mental health support workers should attend crisis calls and there should be female liaison officers available to speak to 24 hours a day.



#### Support services in rural communities

Sustainable and barrier-free support services in the province are not adequate, and rural communities in Nova Scotia are seriously underserved.

A central organization or point of contact should exist for implementing support services during emergencies (coordination is key to ensure no duplication or gaps in services). Of the same mind, building a central registry of people who have skills to offer would be useful (a group of volunteers who know how to or are willing to do a useful thing in crisis situations).

Access to trauma therapy services is critical. There is a lack of core funding for long-term programs; while communities can work to resolve some of their own issues, programs have very limited capacity and are not funded for long enough to be effective.

In rural communities, having support travel to the community rather than having people travel in to town/the city could also be effective for people being more likely to reach out. It is very important to provide safe spaces for people to come together in rural communities.

There is a need for more stable funding in marginalized communities, allowing the community to lead programs on their own terms.

Similar to the feedback received when discussing gender-based and intimate partner violence, participants agreed that first responders need more training on how to deal with mental health crises and domestic violence. There needs to be more outreach on the part of police services. Officers need to integrate into communities more effectively and start rebuilding trust.

#### Early childhood/youth education on community safety

Community spirit is missing in many communities today and introducing children to community at an early age can make them feel safer.

For kids to feel safe in communities, they need normalcy, structure and routine (which has not existed in the last three years due to the pandemic). Community safety for children and youth is dependent on early intervention and building stronger and more unified networks and communities.

It is important for kids to recognize and understand their identity, culture and beliefs. Values and beliefs help construct a more wholesome person, and if you start this at an early age, children can help navigate life with better perspective. Multigenerational connections can be important.

It is important for individuals to have the capacity, skills and knowledge to build stronger networks of support. Stronger individual networks will create stronger communities – this will in turn create communities with people who care about, and take action on, community safety. There is an importance to building societies where more opportunities are created for people to be connected with each other and supporting each other.

Similar to the feedback received when discussing support services in rural communities, it was discussed that a central organization or point of contact should exist for implementing support to



kids (too much is done in silos). Children sometimes need more formal support, and because support services are not adequate, kids are falling through the cracks.

Navigating kids and families to community services is key and could be done through schools, but more resources are required in schools for this to take place effectively. Safety should be part of school curriculum.

Frontline staff who are supposed to be helping kids and providing safe spaces are struggling too – they need more support as well.

The Commission's recommendations need to lead to long-term change (no short-term Band-Aid solutions). More short-term solutions are not helpful, especially for children who thrive off consistency and routine.

#### Community safety in rural communities

Community safety includes access to mental health supports, affordable supportive housing, food security, harm reduction, outreach support and space for people to be who they want to be within the community. Strategic community safety plans should be built in collaboration with communities, considering each location's unique qualities.

One session for this topic had a particular focus on what community means in Indigenous culture and how learning from this culture can help communities instill values that can enhance safety in a growing and changing society. As a part of a rural community, knowing your neighbours is a big factor in feeling safe. In Indigenous communities, people live there most of their lives or move away and come back. As such, it is not as transient as the "outside world", so people often know their neighbours and community members.

To build and sustain community safety, people need to interconnect. In today's modern world, people do not see the need to connect as much; however, it is important to build stronger connections with and build knowledge about people in your area.

As was heard in other sessions, participants expressed that police officers need to integrate into communities more effectively and start rebuilding trust. Police need to better understand the nature of rural communities and the people who live there. It was also reiterated that police need more training on how to deal with mental health crises. In Indigenous communities, the police have to be part of the community, which means participating in everything. Whether police are in uniform or not, the community knows who they are and this helps build trust

# Community Conversations: Report

## **Community Conversations: Report**

In Phase 3, Commission team members hosted conversations in a number of the communities most affected by the mass casualty to learn how the mass casualty affected community members' feelings of safety day-to-day. The goal was to find participants who understand the inner workings of the communities so that the Commission could better understand the priorities and concerns of those living there. The Commission hoped to determine what community members do when something goes wrong/they need support (what keeps the communities functioning), and to identify who are the people and where are the places that help keep communities safe.

One of the Commission's priorities has been to understand the experiences of everyone directly and indirectly affected by the mass casualty. These conversations gave the communities most affected by the mass casualty an opportunity to contribute to the recommendations that will affect their communities in the future. All of the information and input collected through the sessions was considered in preparing recommendations.

The communities included in this initiative were Great Village, Onslow, Debert, Millbrook and Truro. A community conversation also took place with the Victorian Order of Nurses (VON). Initially, a community conversation was also planned for Wentworth; however, the individuals identified for this session ultimately chose not to participate.

### **METHODOLOGY**

#### **Stakeholder identification**

To determine who would be a part of these community conversations, the Commission consulted with community leaders in those communities most affected by the mass casualty to identify other individuals who enhance community safety within those communities. The Commission then reached out to identified community members via email or phone call to determine their interest in participating in a session and see if they had others they would recommend inviting. In total, 31 community members participated in the community conversations.

#### **Sessions**

Six community conversations were held on the following dates:

- September 22, 2022 in Great Village
- September 27, 2022 in Onslow
- October 3, 2022 in Debert
- October 5, 2022 in Truro
- October 5, 2022 in VON
- November 3, 2022 in Millbrook

Participants were invited to arrive a little before the session's planned start time to chat informally. Light refreshments and food were offered to ensure people felt comfortable. The sessions were facilitated and took the form of talking circles that lasted approximately 90 minutes. Commissioners did not attend the sessions.





The Commission's facilitation questions were shared with participants in advance of the sessions and were centred on the following prompts:

- How has the mass casualty and the experiences of the past two years changed your sense of community safety?
- How does this community take care of one another?
- What do you think this community needs in order to foster a greater and more inclusive sense of community safety over time?
- What will make the biggest impact?

Mental health support was available on-site (but out of the main room) for community members to use at their discretion.

Hurricane Fiona hit Nova Scotia in late September 2022. This likely had an impact on the community conversations as many people were without power and phone/internet service and could not be reached for an extended period of time.

## **FEEDBACK**

This report contains and reflects the views expressed by conversation participants and is a report prepared for the Mass Casualty Commission. Nothing in this report is a finding made by the Commission, and nor does it reflect the views of the Commission. The following major themes emerged from the conversations:

Most conversation participants said they do not feel safe in their community. This sense of unsafety is particularly present when new people arrive in the community (distrust of outsiders). Anxiety has increased among both adults and children.

There is a lack of trust in the RCMP and police in the community. In order to improve this, police need:

- to integrate into communities more effectively and start rebuilding trust;
- to better understand the nature of rural communities and the people who live there – including gaining a better understanding of different cultures;
- more effective communications with the public;
- more of a presence in schools; and,
- more training on how to deal with mental health crises.

More services need to be offered in rural Nova Scotia – currently services and programs are mostly available in the city and those that are in rural communities have long wait times. Support services offered immediately following the mass casualty were helpful, but they were in place for too short a period. It is important to educate people about mental health so they are more willing to reach out and access services. Education can empower communities. The community needs



external support, but it is important to have educational programs to help people empower themselves and support each other.

There are few activities available for children; something must be done to reconnect them. Parents need to talk to their children about community safety. SchoolsPlus is regarded as an important program for students – when it is available, it is helpful.

Community cohesion and collaboration is needed to foster a greater sense of community safety over time. Conversation participants said community wellbeing consists of holding each other up, showing up and helping others in need. People should learn to be a little more kind to each other and its incumbent upon community leaders to start setting different tones. Neighbours should connect one-on-one and face-to-face.

In rural communities, there is a notion that mental health needs should be kept hidden due to fear of judgement. Destigmatizing mental health is important – communities need safe spaces where people can be vulnerable, connect with others and feel a sense of belonging and safety in the community.

Rural community members often rely on neighbours and close-by family to help in times of need. During emergencies such as hurricanes, these groups of support often mobilize together to help each other (comfort centres set up during storms are an example). Communications is also key, particularly in emergency situations – emergency alerting needs to be improved. Community bulletin boards are excellent tools for keeping communities connected, as well as spaces that offer computers and internet access (as some people do not have internet access at their homes). Poor cellphone service is a major issue in rural Nova Scotia.

Communities need to reconnect following the mass casualty and create spaces to do this. More programs and events are needed to bring people together in rural communities. In order to do this, you need resources, community support and financial means. Today there are so many rules and regulations (red-tape) in place to host events in the community (such as food and alcohol regulations) that communities only come together when they need to come together rather than for the sake of remaining connected. Funding is a huge reason for this and sometimes lack of a central space, like a library or a community or fire hall. It is hoped that the Portapique build-up project will create this important space in that community.

Appropriate long-term supports and funding to sustain supports were noted as essential. Frustration was expressed that several existing roles (for example, school liaison officer at the local elementary school and support workers for students) have not been consistently filled since the mass casualty. Gaps in providing services to affected communities after the mass casualty were also noted.

Few people in rural Nova Scotia use Twitter; most receive their information about emergencies and community safety in other ways, such as direct communication with neighbours and the radio. In line with this, people of the Millbrook First Nation use social media less. Many in the community did not know about Twitter at the time of the mass casualty. There also is danger in misinformation on social media. Social media is a negative communications tool for rural communities and feeds a growing suspicion in authority.

**“We Matter and Our Voices Must Be Heard”**

***“We Matter and Our Voices Must be Heard”***

This report aims to build our shared understanding of the violence that marginalized survivors experienced from the perpetrator of Nova Scotia’s April 18 and 19 mass casualty events. Through these pages, we bring together insights from survivors’ experiences, along with their recommendations for building safer communities in Nova Scotia.

Kristina Fifield, Avalon Sexual Assault Centre  
Kat Owens and Kienna Shkopich-Hunter, Women’s Legal Education and Action Fund (LEAF)

### **Content Warning**

*This report will discuss information regarding violence from the perpetrator of the April 18 and 19th, 2020 mass casualty events on marginalized women in Nova Scotia. Please take good care in reading this report and refer to the details at the end of this report, if you have been impacted by or are currently experiencing gender-based violence and need support and services.*

### **About the Report**

This report will not provide details on specific trauma events, but rather provide the themes of gender-based violence perpetrated on marginalized individuals. This report will then turn to explore the reasons for and barriers to survivors reporting violence, gaps in services and the barriers to connecting with current services that exist for survivors of gender-based violence. This report will conclude with recommendations that are necessary for moving forward in addressing violence. These recommendations were created by marginalized survivors who attended our engagement meetings.

All information in this report has been shared with consent from survivors. Information and quotes have been anonymized to protect survivors' confidentiality and their safety. All quotes that appear in the report were taken from survivors and facilitators.

### **A Message to the Families Impacted by the April 18th and 19th N.S. Mass Casualty Events**

Avalon Centre acknowledges that this report on gender-based violence may be difficult to hear for the families and loved ones most affected by the mass casualty events in our province. Avalon believes that these conversations are necessary for creating safer communities for all individuals in our province moving forward. Our thoughts and prayers continue to be with you all.

### **Message to Lisa Banfield and Family**

Avalon Centre acknowledges that this report may provide information that was not known to Lisa Banfield and her family that may be difficult to hear. Avalon believes that the voices of marginalized individuals who also experienced violence from the perpetrator are crucial in the Commission's work. Our thoughts and prayers continue to be with you all.

### **Message to Survivors**

Avalon Centre acknowledges that we were not able to reach all survivors and victims in our work. We also acknowledge there may be other survivors who are not ready to share but who have been impacted by the perpetrator's long history of violence. Please know that Avalon is here for you, when and if you need support and services. We are committed to working with individuals to ensure that no one is left alone in dealing with the trauma-related impacts of sexual violence. We believe you.

To all other survivors of sexual violence, we are also here for you. Please see the information regarding our services at the end of this report.

## **Our Coalition**

### *Avalon Sexual Assault Centre*

Avalon Centre aspires to a world in which individuals are empowered and mobilized to share responsibility in creating communities free from sexualized violence and abuse. Avalon Centre provides a leadership role in raising awareness, supporting those who have experienced sexualized violence, and influencing social and systemic change.

Using an anti-oppressive, intersectional feminist lens to analyze and respond to sexualized violence/abuse and other forms of violence and oppression, Avalon Centre offers a continuum of specialized services, with an emphasis on support, counselling, education, immediate medical care, forensic evaluation, navigation, leadership, and advocacy. Our services are available to those affected by all forms of sexualized violence/abuse, their families, the general public, and other support/service providers.

### *Wellness Within: An Organization for Health and Justice*

Wellness Within (WW) is a registered non-profit organization that advocates for prison abolition and provides support to women, gender diverse, and trans individuals who have experienced criminalization and are pregnant or parenting young children in Nova Scotia. The group began working together in 2012 and we served our first incarcerated client in 2014. WW's 90+ members include formerly incarcerated people, doulas, healthcare providers, lawyers, students, researchers, and mentors. WW volunteers have security clearance to provide support at the Nova Institution for Women Federal Prison, the Central Nova Scotia Correctional Facility Provincial jail, the Nova Scotia Youth Facility, and the community. WW works in partnership with community and advocacy organizations across Nova Scotia. WW's mandate includes doula service, public and health professional education about the health impacts of incarceration, community-based research about health and incarceration, and political advocacy.

### *Women's Legal Education and Action Fund (LEAF)*

The Women's Legal Education and Action Fund (LEAF) is a national not-for-profit that works to advance the equality rights of women, girls, trans, and non-binary people in Canada through litigation, law reform, and public legal education. Since 1985, LEAF has intervened in more than 100 cases that have helped shape the Canadian Charter of Rights and Freedoms. To find out more, visit [www.leaf.ca](http://www.leaf.ca).

### **Our Hopes**

Avalon Centre, along with our fellow participant coalition members LEAF and Wellness Within, believes that the voices of survivors are crucial in the work of the Mass Casualty Commission. The voices of marginalized members of the community who were impacted by the perpetrator of the mass casualty events were voices that needed to be reflected in the work of the commission. By providing safe spaces for survivors from marginalized communities, we hope that this work will help inform the commission in writing its final report and recommendations.

Our coalition believes that the recommendations that come in the final report from the Mass Casualty Commission will provide opportunities for community-based organizations to have a future of adequate core funding. We hope that this information will also help the province implement reform to police, including de-tasking policing services with a focus on non-carceral approaches and interventions that are necessary in addressing gender-based violence and creating safer communities in our province.

### **Sharing Gratitude**

My name is Kristina Fifield, and I am a Trauma Therapist at Avalon Sexual Assault Centre and the co-author of this report with Kat Owens, Project Director at LEAF, and Kienna Shkopich-Hunter, Articling Student at LEAF. Sarah Macgillivray, Legal Advocacy Coordinator for Avalon, and I have been leading the work of Avalon's participation in the Mass Casualty Commission's Public Inquiry. I want to thank the Commission for accepting and approving Avalon's proposal. I have much gratitude for the Commission staff who helped coordinate the planning of these meetings. I would also like to acknowledge how all commission staff showed up at the community meetings with survivors. You have demonstrated trust in Avalon's knowledge and expertise as a community organization in leading this work.

Thank you for collaborating in creating safe spaces for survivors to have their voices heard. It is crucial these voices play a vital role in informing the path forward.

A very special thank you to my colleague Shi Gordon, Avalon's Community Navigator. Her established trust with marginalized survivors was the only way this work and engagement with survivors was possible. Shi's presence and work on the ground in communities have created new pathways for marginalized individuals to engage with services at Avalon Centre. Her work is crucial to providing services to racialized and marginalized communities. Shi, I want to personally thank you for how you show up in your work at Avalon and for the communities you serve. I have so much gratitude for you allowing me to be a part of your work. You are a leader in demonstrating how to better serve our marginalized communities. Avalon is so lucky to have you.

### **Context: Experiences of and Responses to Gender-based Violence for Marginalized Community Members**

Multiple and intersecting forms of oppression affect the prevalence of gender-based violence as well as an individual’s unique experience of gender-based violence. For members of marginalized communities, including African Nova Scotian and Indigenous communities, there are many reasons why it can be unsafe to come forward and engage with formal institutions and services. As a result, it is critical that we create safe spaces for survivors to come forward. These spaces must be survivor-led, happen in community, and involve community members and community-based organizations.

#### *Gender-based violence against members of African Nova Scotian and Indigenous communities*

African Nova Scotian and Indigenous women, girls, and non-binary people face high rates of gender-based violence because of factors including but not limited to colonialism, racism, sexism, homophobia, and transphobia. Intersecting systems of oppression flowing from disability, economic marginalization, criminalization, and rural location can further increase a person’s risk of facing gender-based violence. They also affect each individual’s experience of and response to gender-based violence. In addition, power, privilege, and silencing create conditions where gender-based violence can occur unchecked.

#### *Gender-based violence against members of African Nova Scotian communities*

African Nova Scotians face systemic racism flowing from the history of enslavement, as well as past and ongoing racial segregation and oppression. This systemic racism can be seen in many different examples, including the Nova Scotia Home for Coloured Children, gentrification and the displacement of African Nova Scotians, and mass policing and incarceration of African Nova Scotians. Systemic racism can lead to higher poverty rates, lower educational outcomes, increased criminalization, the removal of children into care, and a lack of housing – all of which make a person more vulnerable to experiencing violence.<sup>1</sup>

There is a lack of disaggregated data available regarding gender-based violence experienced by African Nova Scotian women, girls, and non-binary people. Canada-wide data, however, reflects that Black women in Canada face high levels of gender-based violence. According to self-reported data from 2018, 42% of Black women in Canada had experienced intimate partner violence since the age of 15.<sup>2</sup> Approximately 41% had experienced physical or sexual assaults during their lifetime.<sup>3</sup>

#### *Gender-based violence against members of Indigenous communities*

Indigenous women, girls, and 2SLGBTQIA+ people in Canada face staggering rates of violence stemming from past and ongoing colonialism, racism, marginalization, and neglect. Approximately 63% of Indigenous women in Canada and 64% of Indigenous women in the Atlantic provinces report having

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<sup>1</sup> See the discussion in *African Nova Scotian Perspectives on Sexual Violence* (Province of Nova Scotia: Nova Scotia, 2020) at 14-16, 24, online (pdf): *Supporting Survivors of Sexual Violence* < <https://nscs.learnridge.com/wp-content/uploads/2018/12/ANS-Perspectives-on-Sexual-Violence.pdf>>.

<sup>2</sup> Adam Cotter, “Intimate partner violence: Experiences of visible minority women in Canada, 2018” (2021) Juristat at 5, online (pdf): *Statistics Canada* <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2021001/article/00008-eng.pdf?st=icAf76bM>>.

<sup>3</sup> *Ibid* at 8.



experienced physical or sexual assault during their lifetimes.<sup>4</sup> While Indigenous women make up only 5% of women in Canada, between 2014 and 2019 they accounted for 21% of women killed by an intimate partner.<sup>5</sup> Almost 17% of Indigenous women self-reported having experienced a form of intimate partner violence, compared to 12% of non-Indigenous women.<sup>6</sup>

Indigenous women, girls, and 2SLGBTQQIA+ people also face high levels of sexual violence. Approximately 43% of Indigenous women self-reported that they had been sexually assaulted at least once since the age of 15, compared to approximately 30% of non-Indigenous women.<sup>7</sup> About 65% of Indigenous people who are lesbian, gay, bisexual, or a sexual orientation that is not heterosexual (LGB+) reported having experienced a sexual assault since the age of 15, compared to 37% of non-Indigenous LGB+ people.<sup>8</sup>

#### *Impact of additional intersecting systems of oppression*

Members of African Nova Scotian and Indigenous communities may face additional intersecting systems of oppression, which in turn affect their risk of facing gender-based violence and how they experience and respond to it. This is the case for people with disabilities, those who face economic marginalization, those who live in rural areas, and those who experience criminalization.

African Nova Scotian and Indigenous women with disabilities are likely to face significantly higher rates of violence than women who do not have disabilities. Data from 2014 show that women with disabilities were twice as likely to be a victim of violent crime, and twice as likely to have been sexually assaulted in the 12 months preceding the survey.<sup>9</sup> Approximately 23% of women with a disability had experienced intimate partner abuse in the five years preceding the survey, twice the rate of women without a disability.<sup>10</sup> Women with disabilities who are lesbian, gay, or bisexual report experiencing violence at a rate twice as much as that of heterosexual women with disabilities.<sup>11</sup>

<sup>4</sup> Loanna Heidinger, “Violent victimization and perceptions of safety: Experiences of First Nations, Métis and Inuit women in Canada” (2022), Juristat at 3, 25, online (pdf): *Statistics Canada* <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2022001/article/00004-eng.pdf?st=z8cwS9as>>.

<sup>5</sup> Government of Canada, “What is gender-based violence?” (7 February 2022), online: *Women Gender Equality Canada* <<https://women-gender-equality.canada.ca/en/gender-based-violence-knowledge-centre/about-gender-based-violence.html#chronology>>.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.* They are also more likely to have experienced physical violence, with 73% having experienced a physical assault since the age of 15.

<sup>9</sup> Adam Cotter, “Violent victimization of women with disabilities, 2014” (2018) Juristat at 3, online (pdf): *Statistics Canada* <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2018001/article/54910-eng.pdf?st=oDz3JQoa>>.

<sup>10</sup> *Ibid.* For this survey, intimate partner violence included “emotional, financial, physical or sexual violence or abuse committed by a current or former partner”.

<sup>11</sup> D Lalonde and L Baker, “Women with Disabilities and d/Deaf women, housing, and violence” (2019) 27 Learning Network at 3, online (pdf): *Learning Network* <[https://www.vawlearningnetwork.ca/our-work/issuebased\\_newsletters/issue-27/Newsletter\\_Issue\\_27-Final-Online\\_1.pdf](https://www.vawlearningnetwork.ca/our-work/issuebased_newsletters/issue-27/Newsletter_Issue_27-Final-Online_1.pdf)>.

Economic marginalization plays a role in the likelihood a person has experienced violence. For example, approximately 57% of women with a 2018 household income of less than \$20,000 had experienced intimate partner violence during their lifetimes.<sup>12</sup>

Low-income status can also contribute to situations of vulnerability and power imbalance, which can increase the risk of violence or make it more difficult for a person to leave a violent relationship. For example, escaping a violent or unsafe situation may mean losing one's housing. A recent study found that 47% of surveyed women and gender-diverse people experiencing homelessness and housing precarity in Canada had lost their most recent housing following the end of a relationship.<sup>13</sup> Housing insecurity, in turn, can increase the risk of experiencing violence for women who find themselves isolated and without supports.<sup>14</sup>

African Nova Scotian and Indigenous women and girls living in rural areas are also likely to experience higher rates of gender-based violence. In Canadian provinces, women and girls in rural areas face twice the rate of family violence compared to those living in urban areas, and 1.4 times the rate of non-family violence.<sup>15</sup> They also experience intimate partner violence at a rate 1.8 times that of women and girls living in urban areas.<sup>16</sup>

African Nova Scotians and Indigenous women, girls, and non-binary people who are criminalized face increased risk of experiencing gender-based violence. Recent research involving Black women who had been criminalized in Toronto found that 93% of participants had experienced physical abuse from their partners.<sup>17</sup> The criminalization of sex work in Canada perpetuates stigma against sex workers, undermines their rights to legal protections from violence, and encourages labour conditions that increase the risk of violence.<sup>18</sup>

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<sup>12</sup> Adam Cotter, "Intimate partner violence in Canada, 2018: An overview" (2021) Juristat at 9, online (pdf): *Statistics Canada* <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2021001/article/00003-eng.pdf?st=1PbwT9TE>>.

<sup>13</sup> Kaitlin Schwan et al, *The Pan-Canadian Women's Housing & Homelessness Survey* (Toronto: Canadian Observatory on Homelessness, 2021) at 36, online (pdf): *Women's National Housing & Homelessness Network* <<https://womenshomelessness.ca/wp-content/uploads/EN-Pan-Canadian-Womens-Housing-Homelessness-Survey-FINAL-28-Sept-2021.pdf>>.

<sup>14</sup> D Lalonde and L Baker, "Women with Disabilities and d/Deaf women, housing, and violence" (2019) 27 *Learning Network* at 1, online (pdf): *Learning Network* <[https://www.vawlearningnetwork.ca/our-work/issuebased-newsletters/issue-27/Newsletter\\_Issue\\_27-Final-Online\\_1.pdf](https://www.vawlearningnetwork.ca/our-work/issuebased-newsletters/issue-27/Newsletter_Issue_27-Final-Online_1.pdf)>.

<sup>15</sup> Shana Conroy, "Family violence in Canada: A statistical profile, 2019" (2021) Juristat at 7, online (pdf): *Statistics Canada* <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2021001/article/00001-eng.pdf?st=zfO71wf8>>. The report defines family violence as "violence committed by spouses (legally married, separated, divorced and common-law), parents (biological, step, adoptive and foster), children (biological, step, adopted and foster), siblings (biological, step, half, adopted and foster) and extended family members (e.g., grandparents, uncles, aunts, cousins and in-laws)": Conroy, at 4.

<sup>16</sup> *Ibid* at 31.

<sup>17</sup> Patrina Duhaney, "Criminalized Black Women's Experiences of Intimate Partner Violence in Canada" (2022) 28:11 *Violence Against Women* 2765 at 2771-2772 (14 out of 15 study participants).

<sup>18</sup> Elena Argento et al, *Harms of End-Demand Criminalization: Impact of Canada's PCEPA Laws on Sex Workers' Safety, Health & Human Rights* (Vancouver: Centre for Gender and Sexual Health Equity, 2019) at 9, online (pdf): *Centre for Gender & Sexual Health Equity* <[https://www.cgshe.ca/app/uploads/2019/12/Harms\\_2019.12.16.v1.pdf](https://www.cgshe.ca/app/uploads/2019/12/Harms_2019.12.16.v1.pdf)>.

*The role of power, privilege, and silencing*

Power, privilege, and silencing play a significant role in experiences of and responses to gender-based violence, creating conditions where gender-based violence can occur unchecked.

Power and privilege enable individuals to perpetrate violence, often over lengthy periods of time and with minimal to no accountability. Privilege flows from many different systems, including white supremacy and patriarchy. Individuals who are able-bodied, heterosexual, educated, and have high incomes and/or wealth benefit from privilege. Privilege can also stem from positions of authority, including within the workplace.

There are numerous examples of individuals in positions of power who have committed acts of gender-based violence, often over extended time periods and against multiple different people. Harvey Weinstein, for example, was accused of widespread sexual misconduct spanning decades and convicted in 2020 of sexual offences against two women.<sup>19</sup> More than 260 women and girls have come forward to say they were assaulted by former Michigan State and USA Gymnastics doctor Larry Nassar, who was convicted of numerous sexual offences.<sup>20</sup>

Examples can also be seen in Nova Scotia. For example, a former prison guard pleaded guilty to charges of sexual assault and breach of trust for offences committed against three women who were inmates at the Nova Institution for Women in Truro.<sup>21</sup> A former massage therapist pleaded guilty to sexually assaulting four female clients during therapy appointments between 2013 and 2019.<sup>22</sup>

Non-disclosure agreements (NDAs) can exacerbate the effects of power and privilege by silencing survivors of gender-based violence. Hockey Canada, for example, is reported to have paid out over \$7.6 million in settlements following claims of sexual assault, with some of those settlements containing NDAs preventing claimants from speaking about their experiences.<sup>23</sup> NDAs prevent survivors from speaking to their own family and friends about their experience, and from warning other people about potential harm. They can create barriers for those looking to speak about gender-based violence or other abuse in the workplace. They can also allow perpetrators of gender-based violence to continue in

<sup>19</sup> Jessica Wong, “Harvey Weinstein back in court for sentencing over rape, sexual assault” (11 March 2020), online: *CBC News* <<https://www.cbc.ca/news/entertainment/weinstein-trial-sentencing-1.5486607>>. See also Jodi Kantor and Megan Twohey, “Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades” (5 October 2017), online: *The New York Times* <<https://www.nytimes.com/2017/10/05/us/harvey-weinstein-harassment-allegations.html>>.

<sup>20</sup> David Eggert, “Larry Nassar sentenced for 3rd, final time in sex abuse case” (5 February 2018), online: *CBC News* <<https://www.cbc.ca/sports/olympics/summer/gymnastics/larry-nassar-final-sentencing-1.4519967>>.

<sup>21</sup> Jane Sponagle, “Former prison guard sentenced for sexually assaulting inmates in Truro” (23 August 2022), online: *CBC News* <<https://www.cbc.ca/news/canada/nova-scotia/former-correctional-officer-sentenced-three-years-sexual-assault-1.6559727>>.

<sup>22</sup> Alex Cooke, “Former N.S. massage therapist gets 6 years in prison for sexually assaulting 4 clients” (25 July 2022), online: *Global News* <<https://globalnews.ca/news/9013646/former-n-s-massage-therapist-gets-6-years-in-prison-for-sexually-assaulting-4-clients/>>.

<sup>23</sup> Tom Yun, “Advocates say use of NDAs should be banned in sexual misconduct settlements” (18 August 2022), online: *CTV News* <<https://www.ctvnews.ca/canada/advocates-say-use-of-ndas-should-be-banned-in-sexual-misconduct-settlements-1.6032371>>.

their current role within an organization, or to move to a new organization unaware of past abusive or violent behaviour.<sup>24</sup>

*Why it is unsafe to come forward*

Members of marginalized communities, including African Nova Scotian and Indigenous communities, lack safe spaces where they can come forward and talk about their experiences of gender-based violence. For many reasons, it can be unsafe for them to engage with formal institutions and services. These reasons differ depending on the community or communities involved, as well as the type of formal institution or service. While many of the examples cited below refer to engagement with law enforcement, members of marginalized communities also face potential harm when interacting with a wide variety of formal institutions and services, including courts, inquests, commissions of inquiry, and gender-based violence services.

*Institutional betrayal and secondary victimization*

Broadly speaking, the risk of institutional betrayal is a significant factor making it unsafe for members of marginalized communities to engage with formal institutions. Institutional betrayal involves acts of wrongdoing carried out by an institution against an individual or group of individuals who trust or rely on the institution.<sup>25</sup> The result is that, when a survivor trusts an institution and turns to it for help or protection, the institution does not provide that assistance or support.<sup>26</sup> Acts of institutional betrayal may represent isolated failings or reflect broader systemic issues.<sup>27</sup>

Institutional betrayal may involve deliberate acts by an institution.<sup>28</sup> For example, formal institutions have perpetuated, and continue to perpetuate, acts of violence and oppression against marginalized communities. African Nova Scotians have faced violence, racism, and significant over-policing.<sup>29</sup> Canadian police services, such as the Royal Canadian Mounted Police (RCMP), have historically participated in the marginalization and brutalization of Indigenous people. Police services continue to inflict violence on Indigenous people and communities.<sup>30</sup> Law enforcement officers have also physically and sexually assaulted sex workers.<sup>31</sup>

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<sup>24</sup> “Can’t Buy My Silence” (2022), online: *Can’t Buy My Silence* <<https://www.cantbuymysilence.com/>>.

<sup>25</sup> Carly P Smith, Jennifer M Gomez, and Jennifer J Freyd, “The Psychology of Judicial Betrayal” (2014) 19 *Roger Williams University Law Review* 451 at 459.

<sup>26</sup> Alec M Smidt and Jennifer J Freyd, “Government-mandated institutional betrayal” (2018) 19:5 *Journal of Trauma & Dissociation* 491 at 491-492. See also Emily Suski, “Institutional Betrayals as Sex Discrimination” (2022) 107:4 *Iowa Law Review* 1685 at 1688-1689.

<sup>27</sup> Carly P Smith, Jennifer M Gomez, and Jennifer J Freyd, “The Psychology of Judicial Betrayal” (2014) 19 *Roger Williams University Law Review* 451 at 459.

<sup>28</sup> *Ibid.*

<sup>29</sup> Jessica Bundy, “‘We’ll Deal with it Later’: African Nova Scotian Women’s Perceptions and Experiences of the Police” (2019) 44:4 *Canadian Journal of Sociology* 319 at 322-323.

<sup>30</sup> Beatrice Britneff, “Disturbing police violence against Indigenous people will be investigated: Trudeau” (5 June 2021), online: *Global News* <<https://globalnews.ca/news/7030052/miller-outraged-police-violence-indigenous-people/>>.

<sup>31</sup> Sandra Ka Hon Chu, Jenn Clamen, and Tara Santini, *The Perils of “Protection”: Sex Workers’ Experiences of Law Enforcement in Ontario* (Toronto: Canadian HIV/AIDS Legal Network, 2019) at 41, online (pdf): *Action Canada for Health and Sexual Rights* <[https://www.actioncanadashr.org/sites/default/files/2019-04/2807\\_HIVLegalNetwork\\_SexWorkerDocumentation\\_Report\\_English\\_Final.pdf](https://www.actioncanadashr.org/sites/default/files/2019-04/2807_HIVLegalNetwork_SexWorkerDocumentation_Report_English_Final.pdf)>.

Those who try to engage with institutions often face victim blaming. Indigenous women have shared that their past attempts to report violence to the police have been met with skepticism and racism from police officers. For example, many women reported “experiences of being seen as a criminal, being blamed, being seen as not a victim, causing it on themselves.”<sup>32</sup> Sex workers have reported experiencing victim-blaming when reporting violence to law enforcement.<sup>33</sup>

Credibility discounting also causes significant harm to members of marginalized communities. This term refers to the actions, judgements and more that are utilized to minimize the credibility of another person. They are often weaponized to silence people who are marginalized, and who lack power in certain situations.<sup>34</sup> Credibility discounting silences these people when they speak up or take actions to defend their rights. The people who most often experience credibility discounting are women, racialized people, Indigenous people, and 2SLGBTQIA+ people. Credibility discounting is gendered, intersectional and can take many forms.<sup>35</sup>

Individuals in a position of power might use credibility discounting to minimize or erase the experience of a victim who comes forward with an allegation of gender-based violence.<sup>36</sup> Credibility discounting can involve any challenge to a victim’s character, motivations, memory of an event and more. It can look like dismissing a victim’s experience as a “he said, she said” situation with little chance of success.<sup>37</sup>

Institutional betrayal may also involve failures to act.<sup>38</sup> Police have been unwilling to investigate violence against Indigenous women, girls and 2SLGBTQIA+ people. This unwillingness has created distrust in the police and “sent the message that the police are indifferent to such violence.”<sup>39</sup> Sex workers often experience a lack of urgency and caring in police responses following reports of violence that they or other sex workers have faced.<sup>40</sup>

Institutions may fail to understand the lived experiences of marginalized communities, and the impact of forms of oppression including colonialism, racism, ableism, and sexism. As a result, these institutions cannot offer culturally safe responses. For example, police have historically been uneducated on their

<sup>32</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place, Final Report Volume 1a” (2019) at 629, online (pdf): *MMIWG Inquiry* <[https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf)>.

<sup>33</sup> Sandra Ka Hon Chu, Jenn Clamen, and Tara Santini, *The Perils of “Protection”: Sex Workers’ Experiences of Law Enforcement in Ontario* (Toronto: Canadian HIV/AIDS Legal Network, 2019) at 51-53, online (pdf): *Action Canada for Health and Sexual Rights* <[https://www.actioncanadashr.org/sites/default/files/2019-04/2807\\_HIVLegalNetwork\\_SexWorkerDocumentation\\_Report\\_English\\_Final.pdf](https://www.actioncanadashr.org/sites/default/files/2019-04/2807_HIVLegalNetwork_SexWorkerDocumentation_Report_English_Final.pdf)>.

<sup>34</sup> Deborah Tuerkheimer, *Credible: Why we Doubt Accusers and Protect Abusers* (New York: Harper Collins, 2021) at 9.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid* at 10.

<sup>37</sup> *Ibid.*

<sup>38</sup> Carly P Smith, Jennifer M Gomez, and Jennifer J Freyd, “The Psychology of Judicial Betrayal” (2014) 19 *Roger Williams University Law Review* 451 at 459.

<sup>39</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place, Final Report Volume 1a” (2019) at 630, online (pdf): *MMIWG Inquiry* <[https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf)>.

<sup>40</sup> Sandra Ka Hon Chu, Jenn Clamen, and Tara Santini, *The Perils of “Protection”: Sex Workers’ Experiences of Law Enforcement in Ontario* (Toronto: Canadian HIV/AIDS Legal Network, 2019) at 51-53, online (pdf): *Action Canada for Health and Sexual Rights* <[https://www.actioncanadashr.org/sites/default/files/2019-04/2807\\_HIVLegalNetwork\\_SexWorkerDocumentation\\_Report\\_English\\_Final.pdf](https://www.actioncanadashr.org/sites/default/files/2019-04/2807_HIVLegalNetwork_SexWorkerDocumentation_Report_English_Final.pdf)>.

institution’s complex relationship with Indigenous peoples. Many police officers do not acknowledge intergenerational trauma. Knowing that police officers lack this understanding, Indigenous survivors often feel reluctant to trust police and/or report the crimes and violence they experience, for fear that the officers taking their statement will not understand the context in which the event occurred as well as the survivor’s unique experience.<sup>41</sup>

Many institutions have failed to take significant steps to remove barriers to access, including for people with disabilities. Women with disabilities, for example, can face barriers accessing legal systems and institutions after experiencing gender-based violence. Complicated systems can be difficult for women with intellectual disabilities to navigate.<sup>42</sup> Accessing services can be challenging as well, as many women with disabilities face barriers to leaving their homes, a lack of accessible transit, and ineffective internet and cell phone connections.<sup>43</sup>

The costs of institutional betrayal can be incredibly high for survivors. Secondary victimization, also known as secondary wounding, occurs when an individual or institution responds to a survivor of gender-based violence “with disbelief, denial, minimization, stigmatization, or refusal of help”.<sup>44</sup> These types of responses compound and exacerbate the initial trauma.<sup>45</sup> They can worsen post-traumatic stress symptoms, and cause survivors to feel increased anger, guilt, and helplessness.<sup>46</sup> To avoid secondary victimization, survivors may feel it is safer not to engage with institutions.

In addition, how an institution interacts with members of marginalized communities has impacts beyond the specific individual engaging with the institution. In rural Nova Scotia, for example, African Nova Scotian women have expressed negative perceptions of police grounded in the negative experiences of the African Nova Scotian men and boys in their lives. They did not feel the police protected them, and did not trust police.<sup>47</sup> Many Indigenous people in Canada recall watching the negative interactions their parents and grandparents have had with police in the past when attempting to report a crime. This in

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<sup>41</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place, Final Report Volume 1a” (2019) at 631, online (pdf): *MMIWG Inquiry* <[https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf)>.

<sup>42</sup> *Not Without Us: What We Heard, A Report about Changing the Response for Women with Disabilities Experiencing Domestic Violence* (Nova Scotia: Easter Seals, 2020) at 14, online (pdf): *Easter Seals Nova Scotia* <<https://www.easterseals.ns.ca/wp-content/uploads/2020/11/Not-Without-Us-Final-Report.pdf>>.

<sup>43</sup> *Ibid* at 14, 17-18.

<sup>44</sup> Louise McOrmond-Plummer, “Preventing Secondary Wounding by Misconception: What Professionals Really Need to Know About Intimate Partner Sexual Violence” in Louise McOrmond-Plummer, Patricia Eastaale AM, and Jennifer Y. Levy-Peck, eds, *Intimate Partner Sexual Violence: A Multidisciplinary Guide to Improving Services and Support for Survivors of Rape and Abuse* (London: Jessica Kingsley Publishers, 2014) 30 at 30. See also Aphrodite Matsakis, “Key Information about Secondary Wounding” (no date), online (pdf): *Aphrodite Matsakis* <<http://huvu.matsakis.com/articles/Key%20Info%20about%20Secondary%20Wounding.pdf>>.

<sup>45</sup> Louise McOrmond-Plummer, “Preventing Secondary Wounding by Misconception: What Professionals Really Need to Know About Intimate Partner Sexual Violence” in Louise McOrmond-Plummer, Patricia Eastaale AM, and Jennifer Y. Levy-Peck, eds, *Intimate Partner Sexual Violence: A Multidisciplinary Guide to Improving Services and Support for Survivors of Rape and Abuse* (London: Jessica Kingsley Publishers, 2014) 30 at 30.

<sup>46</sup> Anna Gekoski, Joanna R Adler, and Jacqueline M Gray, “Interviewing women bereaved by homicide: Reports of secondary victimization by the criminal justice system” (2013) *International Review of Victimology* 1 at 2.

<sup>47</sup> Jessica Bundy, “‘We’ll Deal with it Later’: African Nova Scotian Women’s Perceptions and Experiences of the Police” (2019) 44:4 *Canadian Journal of Sociology* 319 at 332.

turn affects the trust they have that the police will take their report of experiencing violence seriously in the future.<sup>48</sup>

*The normalization of gender-based violence*

The normalization of gender-based violence takes place in all communities, across institutions, and within services. It involves cultural beliefs and values that treat gender-based violence as a normal or unremarkable part of relationships. This normalization both increases the rates of gender-based violence and decreases the ability to recognize and respond to that violence.<sup>49</sup> When violence is normalized, those who experience or witness it may not question it or may remain silent about it.<sup>50</sup>

In some cases, this normalization of violence is exacerbated by harmful stereotypes. For example, the stereotype of the “strong Black woman” can act as a barrier to reaching out for help. This stereotype minimizes and undermines experiences of trauma experienced by Black women, and pushes them to sacrifice their own needs for those of others.<sup>51</sup> African Nova Scotians who have experienced violence may fear reinforcing negative stereotypes about their community, particularly if the harm has been caused by a member of the African Nova Scotian community. They may fear that their community will shun them if they engage with formal authorities.<sup>52</sup>

It is critical to note, however, that the normalization of violence does not mean that men within these communities are inherently violent, or that women, trans, and non-binary members are passive victims. Rather, structural forms of oppression including colonialism and racism lead to violence being normalized. In the case of Indigenous women, “[h]iding’ family violence may be a response to the very public violence of racism and ongoing colonialism, and its profound effects on individuals, families and communities.”<sup>53</sup> In African Nova Scotian communities, the “code of silence” surrounding violence is a

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<sup>48</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place, Final Report Volume 1a” (2019) at 629, online (pdf): [MMIWG Inquiry <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf>](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf).

<sup>49</sup> Maddalena Rodelli et al, “Conceptual Development and Content Validation of a Multicultural Instrument to Assess the Normalization of Gender-Based Violence Against Women” (2021) 26 *Sexuality & Culture* 26 at 27.

<sup>50</sup> Cindy Holmes and Sarah Hunt, *Indigenous Communities and Family Violence: Changing the conversation* (Prince George, British Columbia: National Collaborating Centre for Aboriginal Health, 2017) at 29, online (pdf): [National Collaborating Centre for Aboriginal Health <https://www.nccih.ca/docs/emerging/RPT-FamilyViolence-Holmes-Hunt-EN.pdf>](https://www.nccih.ca/docs/emerging/RPT-FamilyViolence-Holmes-Hunt-EN.pdf).

<sup>51</sup> Ingrid Waldron, Eileigh Storey-MacDougall, and Lori E. Weeks, “Hear My Cry: Breaking the Code of Silence around Intimate Partner Violence among Black Women in and beyond Midlife” (2021) 42.1 *Atlantis: Critical Studies in Gender, Culture & Social Justice* 18 at 21.

<sup>52</sup> See the discussion in *African Nova Scotian Perspectives on Sexual Violence* (Province of Nova Scotia: Nova Scotia, 2020) at 21, 29, online (pdf): [Supporting Survivors of Sexual Violence <https://nscs.learnridge.com/wp-content/uploads/2018/12/ANS-Perspectives-on-Sexual-Violence.pdf>](https://nscs.learnridge.com/wp-content/uploads/2018/12/ANS-Perspectives-on-Sexual-Violence.pdf).

<sup>53</sup> Cindy Holmes and Sarah Hunt, *Indigenous Communities and Family Violence: Changing the conversation* (Prince George, British Columbia: National Collaborating Centre for Aboriginal Health, 2017) at 29, online (pdf): [National Collaborating Centre for Aboriginal Health <https://www.nccih.ca/docs/emerging/RPT-FamilyViolence-Holmes-Hunt-EN.pdf>](https://www.nccih.ca/docs/emerging/RPT-FamilyViolence-Holmes-Hunt-EN.pdf).

legacy of historic and ongoing racism, the failure of legal systems to protect African Nova Scotian communities, and police violence.<sup>54</sup>

*Risks of criminalization and other forms of state harm*

For many members of marginalized communities, engaging with formal institutions presents serious risks related to criminalization, immigration detention, deportation, and involvement with the child welfare system.

Indigenous and African Nova Scotian survivors may be reluctant to report violence for fear that they may be criminally charged or arrested. Police may assume that they were involved in criminal activity. There is also a fear of excessive use of police force during an arrest.<sup>55</sup> Indigenous women have faced arrest when they reported domestic violence. They might be concerned that they themselves will be charged with domestic violence for defending themselves.<sup>56</sup>

Fear of arrest is very relevant to women engaged in sex work.<sup>57</sup> Indigenous women involved in sex work, for example, might be concerned that they will not be taken seriously, that they themselves will be charged and/or arrested, and that they will be subject to racist abuse in the process.<sup>58</sup> While racialized sex workers face different experiences of over-policing and under-protection depending on different intersecting forms of oppression, they commonly experienced law enforcement as “a source of repression rather than protection.”<sup>59</sup>

For members of im/migrant communities, the threat of immigration detention or deportation is a significant risk when engaging with formal institutions. Im/migrant sex workers may not report violence

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<sup>54</sup> See the discussion in *African Nova Scotian Perspectives on Sexual Violence* (Province of Nova Scotia: Nova Scotia, 2020) at 21, online (pdf): *Supporting Survivors of Sexual Violence* <<https://nscs.learnridge.com/wp-content/uploads/2018/12/ANS-Perspectives-on-Sexual-Violence.pdf>>.

<sup>55</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place, Final Report Volume 1a” (2019) at 632, online (pdf): *MMIWG Inquiry* <[https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf)>.

<sup>56</sup> *Ibid* at 634.

<sup>57</sup> Elena Argento et al, *Harms of End-Demand Criminalization: Impact of Canada’s PCEPA Laws on Sex Workers’ Safety, Health & Human Rights* (Vancouver: Centre for Gender and Sexual Health Equity, 2019) at 10, online (pdf): *Centre for Gender & Sexual Health Equity* <[https://www.cgshe.ca/app/uploads/2019/12/Harms\\_2019.12.16.v1.pdf](https://www.cgshe.ca/app/uploads/2019/12/Harms_2019.12.16.v1.pdf)>; Sandra Ka Hon Chu, Jenn Clamen, and Tara Santini, *The Perils of “Protection”: Sex Workers’ Experiences of Law Enforcement in Ontario* (Toronto: Canadian HIV/AIDS Legal Network, 2019) at 47-48, online (pdf): *Action Canada for Health and Sexual Rights* <[https://www.actioncanadashr.org/sites/default/files/2019-04/2807\\_HIVLegalNetwork\\_SexWorkerDocumentation\\_Report\\_English\\_Final.pdf](https://www.actioncanadashr.org/sites/default/files/2019-04/2807_HIVLegalNetwork_SexWorkerDocumentation_Report_English_Final.pdf)>.

<sup>58</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place, Final Report Volume 1a” (2019) at 633, online (pdf): *MMIWG Inquiry* <[https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf)>.

<sup>59</sup> Sandra Ka Hon Chu, Jenn Clamen, and Tara Santini, *The Perils of “Protection”: Sex Workers’ Experiences of Law Enforcement in Ontario* (Toronto: Canadian HIV/AIDS Legal Network, 2019) at 28, online (pdf): *Action Canada for Health and Sexual Rights* <[https://www.actioncanadashr.org/sites/default/files/2019-04/2807\\_HIVLegalNetwork\\_SexWorkerDocumentation\\_Report\\_English\\_Final.pdf](https://www.actioncanadashr.org/sites/default/files/2019-04/2807_HIVLegalNetwork_SexWorkerDocumentation_Report_English_Final.pdf)>.



to police to avoid that risk.<sup>60</sup> Im/migrant women with disabilities may also fear losing their immigration status if they disclose their experience of violence and that they have a disability.<sup>61</sup>

Indigenous and African Nova Scotian women can be hesitant to report crimes to police because they might be worried that police will involve child protection services and they will lose their children. Indigenous women have shared that police asked them irrelevant questions about their children while they attempted to report violence they experienced.<sup>62</sup>

#### *The need for safe spaces*

It is critical that members of marginalized communities, including African Nova Scotian and Indigenous communities, have safe and accessible avenues for reporting their experiences of gender-based violence. Given the harms associated with formal institutions, engagement processes must be survivor-led, take place in community, and involve community organizations that reflect the populations they serve.

In creating spaces for survivors to feel safe coming forward, representation matters. To build trust and create safety, survivors need to see themselves reflected in the institutions and services available to them.

This is particularly true given the amount of violence that has been perpetrated by white people and historically white institutions against African Nova Scotian and Indigenous communities. In part because of the way the colonial state has treated Indigenous nations, their communities tend to be wary of trusting outside sources with information.<sup>63</sup> In addition, more remote communities might be close knit and more dependent on family networks. Community members might be reluctant to share information about their experiences or the incidents in their community with strangers.<sup>64</sup>

African Nova Scotians do not have sufficient representation in different public institutions, making it harder to trust and engage with those institutions.<sup>65</sup> They may be reluctant to share their experiences

<sup>60</sup> *Ibid* at 47-48; Elena Argento et al, *Harms of End-Demand Criminalization: Impact of Canada's PCEPA Laws on Sex Workers' Safety, Health & Human Rights* (Vancouver: Centre for Gender and Sexual Health Equity, 2019) at 10, online (pdf): *Centre for Gender & Sexual Health Equity* <[https://www.cgshe.ca/app/uploads/2019/12/Harms\\_2019.12.16.v1.pdf](https://www.cgshe.ca/app/uploads/2019/12/Harms_2019.12.16.v1.pdf)>.

<sup>61</sup> D Lalonde and L Baker, "Women with Disabilities and d/Deaf women, housing, and violence" (2019) 27 *Learning Network* at 4, online (pdf): *Learning Network* <[https://www.vawlearningnetwork.ca/our-work/issuebased-newsletters/issue-27/Newsletter\\_Issue\\_27-Final-Online\\_1.pdf](https://www.vawlearningnetwork.ca/our-work/issuebased-newsletters/issue-27/Newsletter_Issue_27-Final-Online_1.pdf)>.

<sup>62</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, "Reclaiming Power and Place, Final Report Volume 1a" (2019) at 632, online (pdf): *MMIWG Inquiry* <[https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1a-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf)>.

<sup>63</sup> Department of Justice Canada, "State of the Criminal Justice System: Focus on Women" (2020) at 28, online (pdf): *Department of Justice Canada* <[https://www.justice.gc.ca/eng/cj-jp/state-etat/2021rpt-rap2021/pdf/SOCJS\\_2020\\_en.pdf](https://www.justice.gc.ca/eng/cj-jp/state-etat/2021rpt-rap2021/pdf/SOCJS_2020_en.pdf)>.

<sup>64</sup> *Ibid*.

<sup>65</sup> See the discussion in *African Nova Scotian Perspectives on Sexual Violence* (Province of Nova Scotia: Nova Scotia, 2020) at 20, online (pdf): *Supporting Survivors of Sexual Violence* <<https://nscs.learnridge.com/wp-content/uploads/2018/12/ANS-Perspectives-on-Sexual-Violence.pdf>>.

with service providers because of ongoing discrimination and a lack of trust in formal institutions.<sup>66</sup> Available services or institutions, including those outside of legal systems, can often intervene in ways that cause further harm to the community.<sup>67</sup> As a result, African Nova Scotian women facing gender-based violence often instead look to support systems including church, family, and friends.<sup>68</sup> Creating spaces that involve these existing support systems helps to build trust and engagement.

It is also critical that these spaces be visible in community so that community members know that services are available, and regularly see people with whom they can connect. Services need to be available through individuals in community, who have already built relationships and trust. This allows for the creation of safe pathways for people who would otherwise not engage, and is fundamentally important to ensuring connection to services and supports. It helps to show survivors that they “fit” in available spaces, and to ensure culturally responsive messaging.

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<sup>66</sup> Ingrid Waldron, Eileigh Storey-MacDougall, and Lori E. Weeks, “Hear My Cry: Breaking the Code of Silence around Intimate Partner Violence among Black Women in and beyond Midlife” (2021) 42.1 *Atlantis: Critical Studies in Gender, Culture & Social Justice* 18 at 24.

<sup>67</sup> *Ibid* at 25.

<sup>68</sup> *Ibid* at 24.

### **Avalon's Proposal to the Commission**

Avalon was in a unique position as both a participant in the public inquiry and a community-based organization providing direct services to those experiencing sexual violence at the intersections of other forms of oppression and marginalization. Avalon, with the support of our coalition partners LEAF and Wellness Within, felt it was necessary to create safe spaces for survivors, to ensure that their voices were not missed in this crucial work that is happening in Nova Scotia.

Avalon Sexual Assault Centre takes an anti-oppressive, intersectional feminist lens to work in ways that are relational, trauma-specific, client-centered, community-based, and culturally responsive. These values, which are integral to creating safe spaces for survivors of sexual violence, guided our engagement work with survivors impacted by the perpetrator of the mass casualty events. Our values steered our team's direction to carefully put together the following proposal addressed to the Mass Casualty Commission.

### **Avalon's Proposal**

- Regarding the plan for engagement: safety, confidentiality, and being culturally responsive are the top priorities for the work. The overall focus should be framed around meeting the needs of participants and providing safe spaces for survivors of sexual violence.
- Community-based organization(s) to be provided a budget to create culturally responsive safe space.
- Facilitators should be hired by the commission and facilitators be provided emotional pay
- Food should always be provided (ordering food from within the community).
- All participants should have immediate access to support from a therapist and support workers. On-going counselling support will be offered to all survivors by Avalon Sexual Assault Centre
- Gatherings must be held in the community.
- How information is gathered and provided to the Commission will be left to the discretion of the facilitators and the individuals who attend the engagement sessions. Confidentiality and participant safety are top priorities, and this will be confirmed after further work is done with the facilitators and survivors attending.
- More Community facilitators/supports should be present in the room than individuals from the Commission when information is being shared.
- Participants will be given an opportunity to provide feedback for recommendations to the Commission.
- The goal is to provide the information for the purpose of making recommendations (Phase 3). Avalon prefers that the Commission have more flexibility in how it receives the information.
- The following facilitators are proposed for engagement: Debra Paris Perry and Shi Gordon – Avalon Sexual Assault Centre.

### **Engagement Meeting Details**

#### **August 2nd – Cole Harbour**

Facilitators: Shi Gordon and Debra Paris

Counselling/Advocacy Supports: Kristina Fifield (Avalon), Sarah Macgillivray (Avalon)

Commission Staff: Selena Henderson and Liz Montgomery

**August 9th – Halifax North End**

Facilitators: Shi Gordon and Debra Paris

Counselling/Advocacy Supports: Kristina Fifield (Avalon), Sarah Macgillivray (Avalon), Leticha Lucas (Avalon) and Shanice Thompson (Elizabeth Fry Society of Mainland Nova Scotia)

Commission Staff: Amy Harlow and Sarah Simpson

**August 23<sup>rd</sup> – Dartmouth North**

Facilitators: Shi Gordon and Debra Paris

Counselling Supports: Kristina Fifield (Avalon), Sarah Macgillivray (Avalon) and Mukisa Kakembo (Elizabeth Fry Society of Mainland Nova Scotia)

Commission Staff: Krista Smith, Amy Harlow, and Selena Henderson

**September 7<sup>th</sup> – Dartmouth North**

Facilitators: Shi Gordon and Debra Paris

Counselling/Advocacy Supports: Kristina Fifield (Avalon)

Commission Staff: Selena Henderson and Krista Smith

**Meetings with Survivors**

Spaces for engagement meetings were determined in consultation with facilitators and those survivors who planned on attending. These meetings took place in community spaces that were determined safe based on feedback from facilitators and participants. Food for each meeting was purchased from local food establishments within marginalized communities.

All meetings included flexible options for engagement. Facilitators took suggestions regarding what future meetings should include. Circle sharing, small break out sessions and individual conversations with counsellors were used throughout all four meetings.

Individuals were provided information about their options regarding sharing evidence with Commission staff, including on matters such as confidentiality and anonymity.

**Themes Identified Regarding Experiences with the Perpetrator**

The perpetrator of the mass casualty events was a well-known household name among many African Nova Scotia Communities. The perpetrator's power and privilege in his role as a white dentist allowed a continuum of violence to occur where he preyed upon and perpetrated violence toward vulnerable and marginalized individuals for many years. This was reported by many individuals who had experiences with him.

A participant from our meeting shared:

"He was known for decades to exploit racialized women"

Meeting participants shared that, when interacting with the perpetrator, he presented to them as having a lot of confidence. He often bragged about providing dental services at a reduced cost. When individuals could not pay the full cost of the dental services provided to them, the perpetrator was

known to sexually exploit those who sought his services. He had a reputation of being known to exchange dental work for sex.

The perpetrator was also known to make sexually suggestive comments to marginalized clients who visited his clinic. He was also known to some individuals to have crossed professional boundaries, violated his Code of Ethics, and abused his position of power over vulnerable and marginalized individuals within the communities that we engaged.

The Department of Community Services (DCS) provided provincial funds to the perpetrator to deliver services to marginalized members of the community who were receiving Employment Support, Income Assistance, and those in the Disability Support Program. Individuals shared that for this reason, they felt this would be a safe person with whom to engage. Individuals shared that they assumed that thorough vetting and screening of the perpetrator would have been completed by DCS.

We learned that the perpetrator encouraged some marginalized and racialized individuals to consider getting their teeth pulled, so he could give them “a mouth full of beautiful teeth”. The perpetrator was also known to encourage individuals who were on Income Assistance Recipients to refer their friends and family to his clinics, and he would provide them with cash compensation as a “referral incentive”.

According to those we met with, the perpetrator bragged about providing denture work at low rates. The perpetrator directly used DCS subsidies to initiate engagement with marginalized individuals from the African Nova Scotian community and built trust with some community members by presenting an image of doing good for the community by reducing his rates to better meet their needs. Through this, the perpetrator was able to build trust with some members of the community. As we know, this trust was built on coercive control and manipulation. Some members of the community experienced sexual exploitation and violence by the perpetrator, while others saw how he was preying on marginalized and vulnerable women and separated themselves from him due to fear that he would end up harming them.

Our findings reveal that the perpetrator used his Halifax dental office to sexually exploit marginalized individuals, including those who self-identified as sex workers. He exploited African Nova Scotian women, where he invited them over to the Halifax clinic location and was known to provide cash compensations for referrals and exchange dental work for sex.

### **Themes Gathered from Survivors**

#### *Normalization of Violence*

As we have learned through our work with survivors, the normalization of violence is internalized from a young age in African Nova Scotian, Black, and Indigenous communities. Through socialization, young children learn that violence and abuse are a family issue – a private matter – that needs to stay contained within the four walls of the home.

We also know that sexual exploitation and sexual abuse are perpetrated on young Black girls and women. Sexual violence towards young girls and young boys is normalized and common in small communities. Too often, sexual abuse is not viewed as violence, but rather as a right to which men are entitled.

Our conversations with survivors revealed that violence is so minimized and normalized within their communities, that it makes it hard to trust that someone will take victims seriously when reporting as a racialized victim. There is a fear of being rejected by family and the community if reporting to the police or talking about the violence outside the home. It is difficult in small communities to talk about violence, because of fear of being rejected and suffering the consequences of speaking up where the community and individuals retaliate.

Survivors who attended our meetings also noted that incest is happening within marginalized and rural communities—this, they noted, is something that nobody is talking about, acknowledging, or addressing, which causes further isolation. As one participant stated, “I have tried to talk about incest as a Black woman, there is a code of silence in my Black community.” Through this work, we have also learned that violence is further normalized by witnessing from a young age how formal institutions perpetuate acts of violence, lethal and excessive force, and oppression against marginalized communities and members. Many young African Nova Scotians face violence, racism, and significant over-policing where police have historically and currently participated in the marginalization and brutalization of Indigenous and Black people. The normalization of violence, and witnessing and experiencing violence from police, makes it impossible to trust that by reaching out to the police that victims will be safe.

Participants from our meetings describe this phenomenon below:

“Violence that happens in the home, must stay in the home”

“I internalized; I am disposable”

“I had no right over my body growing up”

“I knew nothing but abuse as a young adult”

“My duty as a woman was to take the beating”

“There is a Code of Silence in Black communities”

*Why it is not safe to report*

Many powerful people are deeply invested in maintaining the patriarchal status quo. Many power dynamics also exist in and between different racialized communities and between and among families. Hierarchies, inequalities, and privileges construct our social norms through behaviors and attitudes. This allows individuals to use violence. Marginalized survivors reported that they feel they will not be believed as racialized women. If a racialized victim has a previous history with the police, has been incarcerated, has a known mental health diagnosis, is involved in sex work, is unemployed, or is on income assistance, they know their credibility will be discounted. The reality is that they know that they will not be believed if they do consider reporting. They often have previously experienced not being believed by formal officials, nor by their family and friends in many cases. Therefore, marginalized survivors anticipate unequal treatment, so they have learned to avoid these harms and traumas of re-victimization by staying silent. Victim blaming, re-victimization, secondary wounding, and institutional betrayal impacts were all themes that survivors identified witnessing or personally experiencing throughout their life.

As described to us in our meetings with marginalized survivors:

“I do not fit the stereotypical image of a victim”

“The perpetrator was a professional who did not fit the image of an abuser”

“There is a stigma that all Black people are bad, so why would anyone believe I am a victim?”

“I was left feeling criminalized and that it was my fault, but I was the victim”

“The colour of my skin is seen as a weapon; I am not viewed as a victim”

“There is a lack of understanding by police, and professionals about how dark skin bruises”

#### *Education and prevention*

We have found that there is limited education and prevention work in schools tailored to address violence taking place in Black and Indigenous communities. There continues to be little mention of sexual exploitation and trafficking of young people. Too often teachers avoid dealing with violence in their classrooms and are not adequately equipped to handle the complexities of violence happening in marginalized homes and communities that also shows up at school. Due in large part to a lack of resources, our education system in Nova Scotia often fails to meet the unique needs of children whose families have been impacted by generational trauma and those currently experiencing violence in the home in a way that is culturally responsive and survivor-centered.

#### *Reporting Violence*

We know that the police often fail to substantiate and/or investigate sexual assault claims and intimate partner violence when Indigenous, African Nova Scotian, Black, and people of color report to the police. We also know that marginalized women tend to underreport sexual assault to police for fear of discrimination, as well as fear that police will use lethal force against their partner or the perpetrator of the violence. The historic and current actions of the police, where violence and racism has been used against marginalized people, creates a situation where marginalized women potentially risk their own safety by initiating contact with the police when they are a victim of violence.

#### *No Third-Party Reporting Options*

For some marginalized survivors, their experience is that that there are no safe spaces to report. In many situations, survivors reported that it was not safe to report to the police, and there is no anonymous, third-party reporting system, or third-party investigations systems outside of the police or workplace managers when violence happens to employees. Too often the police and organizations are investigating themselves when it comes to sexual violence and harassment, and this process is biased and does not protect survivors. Marginalized survivors often experience further re-victimization, secondary wounding, and institutional betrayal. As we heard in our meetings with survivors:

“It is safer to deal with the violence myself than to report to the police”

"There are limited resources when reporting if the perpetrator decides to retaliate and the police do not take my report seriously"

*Lack of Diversity and Support for Black, Indigenous and People of Colour (BIPOC) Staff*

In Nova Scotia, there is a lack of African Nova Scotian and BIPOC professionals across all sectors, and a lack of or non-existent diversity in leadership. As we learned in our meetings, this makes it hard to feel safe in reporting or seeking services that are culturally responsive and safe. Too often communities see one African Nova Scotian worker, who is responsible for the entire community's needs. Individuals in rural and marginalized communities do not want to burden that individual. These individuals are often from the community and still living in the community, making it impossible to keep up with the many needs of the community while experiencing vicarious trauma from the work themselves. Too often BIPOC professionals do not receive adequate support from the organization where they are employed. When these individuals cannot keep up with the increasing needs due to limited resources and supports, these individuals are left feeling they are failing their community. As one participant stated:

"Organizations tokenize their Black staff, and set them up to fail in their roles by not providing adequate support"

*Lack of Leadership Opportunities and Job Opportunities*

Through our engagement, we have learned that many employers in Nova Scotia do not provide pathways for diverse employees to have opportunities to be mentored into leadership positions. They fail to provide adequate professional development for leadership opportunities for BIPOC individuals. Lived experience should be a qualification and expertise in job recruitment. Too often the job posting requirements eliminate diverse applicants from applying for jobs. One barrier for marginalized survivors is that they avoid reaching out to gendered-based violence and mental health supports because they believe they do not belong. There is also fear and, in some situations, where marginalized survivors do not feel safe to talk about violence with white staff members. As we heard in our meetings:

"Too often employers tick a check-box when hiring a diverse applicant"

*Lack of Acknowledgment of Inter-generational Trauma*

Many individuals we spoke with noted that professionals, including the police, fail to acknowledge the impacts of inter-generational trauma. In addition, many fail to understand the reasons why certain trauma responses occur when white professionals are working with Black and Indigenous communities. In general, we learned that there is a lack of acknowledgement by professionals and community organizations regarding the unique needs of African Nova Scotian and Indigenous people. Many sectors, including non-profit and community organizations, have built their services and programming from a white, western perspective that further marginalizes BIPOC individuals and those at the intersections of other forms of oppression. This is the same perspective that informs provincial and national funding bodies, which prevents the re-imagining of services that are necessary for our province to truly meet the unique needs of marginalized and rural communities. Nova Scotia, like other provinces, has failed to provide alternative services and programs that fall outside the traditional Eurocentric worldview. This theme is perhaps best captured through the following quotes from our meetings with survivors:



“I was told I do not fit a current service mandate because my experiences are too complex and difficult”

“The shelter was not a safe environment for me because of the color of my skin”

“There are too many barriers in place to access IPV shelters”

“I finally reached out for help, and I was told that their services were closed for new intakes”

“The services focus too much on the one-on-one work, and there are few opportunities for meeting other survivors in safe spaces”

“As a Black woman, I need to take extra steps to keep myself safe when reaching out to community organizations and receiving health care”

#### *Criminal Justice System*

As we have learned, the criminal justice system often leaves victims of sexual assault with little power and control over their cases. In our meetings, participants disclosed a high level of re-traumatization from having to tell their story repeatedly to different actors in the system. In addition, perpetrators weaponize the legal system and there is no recognition or understanding by police or the courts in understanding coercive control. There are also very low prosecution rates for marginalized victims who experience sexual violence so too often survivors see no point in reporting.

#### *Victim Services*

Our findings reveal that Victim Services are lacking in accessibility, and too often have barriers in place for survivors of domestic violence and sexual violence. Victim services supports are also attached to RCMP, HRP and police, which is a barrier for many marginalized victims who have experienced or witnessed violence from the police.

#### *Lack of Culturally Safe Space for Survivors to Talk*

African Nova Scotian and Indigenous women have shared that there are little to no safe spaces to speak about violence as marginalized women or 2SLGBTQIA+ individuals. There is limited survivor-led group programming in marginalized and rural communities. The code of silence in African Nova Scotia and Indigenous communities means there are limited spaces where survivors can collectively gather to share their experiences with one another. A need has been identified for spaces where the community can come together to talk about addressing violence and creating safer communities by supporting both victims and individuals who perpetrate violence.

#### *Lack of Transparency Regarding Code of Ethics, Complaint Process, Practices, and Policies*

It has been identified that, to feel a level of safety, marginalized women and 2SLGBTQIA+ individuals require that all professionals and services be transparent with their Code of Ethics, Complaint Processes, and their policies. Survivors have identified the need for these items to be posted both online and in the locations where services are provided to the public. The Code of Conduct and Ethics, Complaint Process, and policies are important to survivors of violence because they provide transparent processes and accountability measures, should individuals experience violence. Violence directed towards marginalized

survivors by professionals and individuals in a position of power happens far too often, which makes it difficult for some individuals to trust professionals and individuals in positions of power. As one participant described it:

"When I go into a doctor's office, I see a code of conduct that I must adhere to remain in the space, but I do not see any Code of Conduct that professionals need to adhere to. If I experience violence, sexual harassment, or unprofessional conduct from the professional I am seeing, am I protected? How do I place a complaint?"

#### *Workplace Violence*

As we have learned, it is very difficult for BIPOC individuals to report violence in the workplace when it is perpetuated by co-workers, supervisors and managers. Reporting as a marginalized staff person, who relies on their job for basic needs, will potentially jeopardize their employment. Workplaces too often fail to adequately address violence when it is reported. Managers and supervisors resist investigating and dealing with violence, especially if that violence was perpetrated by a person in a position of power. Too often men and individuals with privilege and power will not experience any consequences of being a perpetrator of sexual violence. Marginalized women know that they will not likely be believed, especially if the sexual violence is perpetrated by a white individual in a position of power.

Complaint processes and reporting violence in workplaces for both unionized and non-unionized employees have been identified by survivors as being rarely visible in the workplace location and very rarely if ever discussed. As we heard in our meetings with survivors:

"Workplaces are protecting managers and employees in positions of power, and covering up violence"

"I was told to sign an NDA and was paid to remain silent about the sexual abuse"

#### *Fear of Child Protection Services*

In our meetings with survivors, we learned that many African Nova Scotian and Indigenous women and gender diverse individuals choose not to involve the police and/or report instances of violence due to the pervasive fear of losing their children to child protection or losing their public housing. The reality is that Child Protection Workers, like police officers, are state employees, and both systems have a long history of violence and abuses of power in working with marginalized individuals. As one participant stated:

"There are too many of our Black and Indigenous youth in care and there is a high probability that our children will experience abuse while in care."

#### *Dual Relationships and Small Communities*

Too often marginalized and rural communities deal with dual relationships or situations where multiple roles and relationships exist between professionals and a client or community member. These dual relationships can create barriers and often serve to further isolate survivors from services, including reaching out to the police. In our discussions with survivors, we heard that even African Nova Scotian police officers too often become a part of the "policing culture." Racialized victims of violence continue

to not trust the police, even when Black or Indigenous officers who are known to communities are the ones responding. As described by one participant:

“Black officers mimic what they have been taught, and often become apart of the police culture.”

#### *Lack of Culturally Responsive Services and Coordinated Care Planning*

Through our work, we have learned that gender-based violence organizations rarely have visibility around their services in African Nova Scotian communities. There is also a lack of collaboration and coordinated care planning between gender-based violence organizations and other services and systems that many victims receive services from. Too often, marginalized survivors experience the re-traumatization of needing to retell their experiences of violence to multiple service providers.

Gender-based violence organizations who provide services to women and 2SLGBTQIA+ individuals are often lacking in cultural responsiveness and inclusivity. Like other institutions, so many of Nova Scotia’s community-based organizations operate through a white, western, Eurocentric framework based on a one-size-fits-all approach to support. This can be a barrier for marginalized individuals who need services. Some organizations do not have a model of care supporting low-barrier service delivery, nor do they have equitable policies and practices geared toward increasing accessibility and cultural relevancy among marginalized communities. In effect, many of our policies and practices can end up replicating colonial dynamics. Our discussions revealed that, for marginalized survivors, the absence of policies and practices centered on anti-racism, anti-oppression, and decolonization is considered a barrier to seeking and/or receiving adequate support. As one participant disclosed:

“The rules and practices at the women’s shelter were oppressive and a tool to control me.”

#### **Recommendations from Survivors**

The following recommendations emerged through our work with survivors:

- Nova Scotia must pass legislation to stop the use of non-disclosure agreements (NDAs) in abuse and harassment settlements, where victims are paid to be silenced about the violence they have experienced.
- The Province should be responsible for introducing mandatory gender-based violence and bystander intervention training curriculum in the school system commencing in kindergarten and continuing until grade 12. The core curriculum should include education on sexual exploitation and trafficking.
- All provincial and federally-funded services be required to have transparency and visibility regarding their Code of Conduct and Complaint Process available online, and posted in the locations where direct services are provided to the public. Professionals registered to a professional body should additionally be required to post their Code of Ethics and Standards of Practice with their registration number visible to all service users. All service providers should be required to discuss their Code of Ethics, Code of Conduct, and complaint process with all individuals who access their services, so that an individual is informed of their rights.

- Private practice practitioners and professionals registered to a regulatory body are required to have their Code of Ethics, and Standards of Practice with their registration number available and visible to all individuals using their services. All private practice professionals should be required to discuss their Code of Ethics, Code of Conduct, and complaint process with all individuals who access their services, so that all individuals are informed of their rights.
- The province of Nova Scotia must implement a third-party reporting program for victims of sexual assault, in consultation with community-based organizations and with a commitment to being accessible, trauma-informed, and culturally responsive.
- The province of Nova Scotia must address funding gaps and service gaps for survivors of gender-based violence and increase funding to services for men and 2SLGBTQIA communities.
- The province of Nova Scotia must provide core funding for services for individuals who perpetrate violence.
- The province must provide core funding to community-based organizations for Designated African Nova Scotian and Indigenous Gender-Based Violence Navigator and Legal Advocate positions, to work out of community-based centers and services. These positions would deliver proactive information about Child Protective Services, Victim Services, and community services available, and support for navigating the justice system.
- The province requires all employers in the province to be provided training on gender-based violence and how to deal with violence in the workplaces to address the culture of a *code of silence toward violence*.
- The province should provide core funding to 24/7 operated services for sex workers and individuals who experience sexual violence, including sexual exploitation and trafficking. These services must be culturally responsive where individuals would have access to Black and Indigenous workers.
- The province should provide core funding to survivor-led organizations to run a 24/7 sexual assault line and to provide support to victims at the hospital who have experienced a recent sexual assault and needing to see the Sexual Assault Nurse Examiner (SANE) Program. Their position would help provide after-care support and help bridge victims to appropriate services and programs.
- Both Federal and Provincial funders must increase the screening of professionals and organizations they are funding to service marginalized persons (ex: The Department of Community Services provided provincial funds to the perpetrator to deliver services to clients receiving Employment Support and Income Assistance and those in the Disability Support Program). A vulnerable sector check as well as a review of disciplinary complaints/findings from the licencing body should be conducted before governments agree to fund a professional in a position of trust to provide services to marginalized individuals.
- The federal and provincial governments must also be aware of recognizing the "red flag" of professionals providing services at a reduced cost to marginalized groups.

- A Nova Scotia Community Network Model should be adapted where a Community-Based Organization or the Transition House Association of Nova Scotia (THANS) coordinates, delivers, and has oversight of services at transition houses in the province. This would help create standards and equitable services across the province for those individuals experiencing intimate partner violence.
- Paid positions and opportunities should be funded and implemented for survivors' voices to serve on advisory committees and communities of practices committees.
- Core funding should be increased to transition houses with a focus on expanding services in the areas of outreach, navigators, and educators with wrap-around supports that will make services more visible in communities.
- Transition Houses or community-based organizations should be funded to have trauma therapy positions for interpersonal violence (IPV). Ideally, each transition house in the province would be adequately funded to house trauma therapists to work with individuals who have experienced relational trauma because of intimate partner violence.
- Victim Services should be untasked from the police (HRP and RCMP) and these services should be funded and provided within community.
- Victim Services' mandate should be expanded to all victims of violence by providing accessible and low-barrier services. Services provided by victim services need to be accessible and visible in rural communities and requires a Visibility Strategy.
- Service mandates in organizations must be changed to ensure that people have access to services for IPV and GBV without needing to report to the police or be connected and mandated to services by the courts or Child Protection.
- The HRP and RCMP should develop and implement new policies to address the police *code of silence*. Education needs to focus on educating and empowering officers to challenge the illegal or unprofessional activities of their colleagues. All RCMP and HRP employees, supervisors and manager should receive continual training with respect for both existing and emerging departmental regulations.

In the words of survivors themselves:

“We need white informed advocates who amplify our voices”

“We need to be *believed* as Black and Indigenous women”

“I need you to acknowledge that violence, racism and brutality has and continues to impact our people”

“Our voices matter”

### **Message to Commissioners Leanne Fitch, Kim Stanton and Michael MacDonald**

I want to thank you for providing space for survivors' voices to be included in the commission's work. Your team has played a crucial role in ensuring that the final report brings together recommendations that address the systemic issues regarding gender-based violence and its impacts on every person who lives in our province. I believe that shifting cultural norms is required to address gender-based violence. Gender-based violence is rooted in harmful gender norms and attitudes of unspoken social rules that are maintained and reinforced through the ongoing legacies of patriarchy, colonialism, and other systems of power and privilege. The recommendations should find practical ways to challenge the status quo and outline clear pathways for the implementation of requirements in creating a province that is safer for everyone. As we have demonstrated, the lived experiences of survivors, victims and perpetrators of violence are fundamentally vital to the commission's work.

We all need to start by believing survivors and creating pathways to further amplify their voices and experiences in this work. We must create safe spaces to talk about violence, regardless of how difficult these conversations are, or how they are resisted by those in positions of power. It is crucial that these recommendations – many of which have been previously stated in countless public inquiries, inquests, and reviews – be actioned and implemented in a timely fashion as we move toward ending gender-based violence. As we have learned through the stories we have shared, violence cannot continue to be minimized and normalized, especially within our most marginalized communities. For change to occur, we must remove the hierarchies that exist within our society, and work alongside one another to eliminate gender-based violence in all of its forms. It is crucial that we continue to centre the voices and experiences of marginalized and racialized communities in the work ahead.

To Commissioners Leanne, Kim and Michael, my hope is that you listen to the voices who have informed this report and continue to create space to hear the voices of survivors impacted by violence. Please carry these stories with you in your writing of the final report and continue to show up as informed advocates as you move beyond the commission's work. Everyone deserves to live a life free of violence and abuse.

*Kristina*

*"Better Together, by working alongside one another"*

### **Gratitude to Survivors**

Your voices continue to inspire me and keep me grounded to my values and ethics in my work. I am here to work alongside all survivors to further amplify your voices. Thank you for welcoming me and sharing your wisdom and expertise. I will carry all these learnings and your voices into all aspects of my work. You are all so brave and I acknowledge Avalon like other institutions and community organizations have failed to create safe spaces that are culturally responsive. *You matter, your voices matter, and I am committed to learn, unlearn, and relearn. I have so much gratitude for our time together.*

Kristina Fifield, Trauma Therapist at Avalon Sexual Assault Centre

### **Message from Facilitators and Support Staff**

"The biggest take away in doing this for me was the need for safe spaces in the African Nova Scotian community. It took us long to establish a drop in at the centre and it's been made clear that when we go

into the community, we reach people that would never walk into our office”

Shi Gordon, Community Navigator at Avalon Sexual Assault Centre

“It was both insightful and distressing to hear how one man had negatively impacted so many people. From the stories that were told, he openly took advantage of desperate people. When asked why people don’t come forward, the simple answer was, no one would believe them. The positive about the survivor circle was that Black women were able to tell their stories freely in a space where they were believed. Mukisa Kakembo, Coordinator -Creating Communities of Care

**Special Acknowledgments**

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Thank-you to Shi Gordon, Kat Owens, Erin Breen and Sarah Rodimon and all survivors who reviewed and provided suggestions and edits to this report.

**Avalon’s Contact Information**

Please call us at 902-422-4240. Please call us to make an appointment or to explore other resources and services.

After an immediate sexual assault (within 7 days) please contact the Avalon SANE Response Line 902-425-0122 or proceed to the emergency departments of the IWK, Cobequid, QEII or Dartmouth General Hospital.

In the event of an emergency or mental health crisis please contact 911, the Mental Health Mobile Crisis Unit 902-429-8167 or toll-free 1-888-429-8167 or proceed to the emergency department of your local hospital.