

Mass Casualty Commission notes-September 7th, 2022

From Francene Cosman , aunt of Lisa McCully

Lisa was a beautiful loving and kind spiritual person. Her children adored her as did her friends. Everyone who knew her would tell you how great a parent she was and how kind to everyone she was . She was widely respected as an educator and her students loved her. Everyone of us who have lost beloved family members have a story to tell, and each life lost has meant an unfillable gap, an absence from our lives as we go forward without that person.

I will speak briefly about the aftermath of her death. I did not have a clear understanding about how to seek information from the Commission and once the hearings were imminent, I was advised that the only person who could deal directly with Patterson Law was Lisa's executor, and I still do not understand why that is. Lisa's sister Jennie was kept informed I believe, by Skipper Bent in his role as liasson with victim services. Previously when the commission was announced, I had registered my name, so that I could have standing as a participant. It was not until months later that the list of participants came out and I didn't see my name on it. I made enquiries and found that it was assumed my name would come under the McCully name. Lisa's mother Emily and her sister Jennie both sent

emails to the effect that I would be representing them at the hearings and I assumed that meant I would have direct interaction with Patterson Law. It has been hugely frustrating to find that I had no direct interaction with the lawyers who kept referencing the fact that the executor was the only person they would directly deal with. I don't want to sound all negative about Patterson Law as from the first instance they were clear with me in an email that the executor was their contact person who could give directions. I have felt like a silent witness to the entire proceedings because of this and naturally I tried to find a way to form a relationship and to get my questions posed to Sandra McCulloch. I took to making my points by email, and sent information and questions that way. I at least got an email acknowledgement that my input was received. There were times when I was not provided documents until after their release to other participants so that there was no way I could be prepared in advance for the disclosure of information released during the hearings. There were days at the hearings when I was listening and seeing information for the first time and I found that shocking to say the least. The small measure of success I had in my emails occurred when Rob Pineo asked the question whether Lisa Banfield had her temperature checked- to back up the paramedics claim that she looked like she had hypothermia after her exit from the woods and having spent the overnight hours

in freezing temperatures while scantily dressed for the conditions. The true determinant of hypothermia rests with the core body temperature. The point about temperature checking was not further examined as to whether in the emergency room was she subject to the normal triage protocol, which would include a temperature check. I also raised the issue of whether her scalp had been examined, given her statement about being dragged by the hair. I also suggested that her xrays of the spine be reviewed with a second opinion as I felt it so unlikely that a new lumbar spine injury would have allowed her to run into the woods. Thus I asked for more information but did not get an answer from Patterson Law as to the relative worth of pursuing this. I still find it unbelievable that anyone could survive a night in zero temperatures while dressed only with indoor clothing.

I want to speak briefly about **mental health impacts**.

Following Lisa's death I underwent spinal surgery in Halifax. As I emerged from anaesthetic I was crying for Lisa and the nursing staff asked me who she was and why I was crying . My grief emerged from a very deep place in my unconscious and I was advised by nursing staff that I should seek counseling because that was a symptom of post traumatic stress disorder. Each time when I would start to

Speak about Lisa I would immediately start to cry and it took more than a year before I could get those tears dialed back. In my lifetime I have lost many friends and family members but not one to a violent and sudden death such as murder is. That kind of a shock pierces the heart and the spirit and I doubt that one ever loses that sense of horror from their memory. Neighbours and strangers wearing their covid masks appeared at my property with plants, painted rocks, candles, garden statues of angels, and slowly a memorial to Lisa emerged. The kindness of strangers in our midst is an amazing testament to the real worth of people.

I took part in five counseling sessions but they did not seriously resolve or help the trauma that I was experiencing. Five sessions in the initial stage, volunteered by psychologists, could only touch the tip of the ice berg. I don't know if a number can be put on how many sessions are needed, as not all families fit into the same mould. Some will need longer term therapy, some less, and some may not avail themselves of any help but just tough it out. I **recommend** that the availability of counselling services for the victims families be extended without a finite number of sessions.

Because of covid and the unknowns regarding public health, there were limits to the number of friends or family in their bubble. The day of Lisa's funeral we

watched a live stream from the church while sitting in my home. Initially there were problems with the broadcast, and we sat in a state of shock that we were going to miss the funeral. Ultimately the problem was resolved but we sat on pins and needles waiting. We cried together but did not hug each other, just sat masked , six feet apart, in our extreme sorrow. Covid did not allow us to have the normal process of participation at a full funeral with the support of family and friends and the normal reaching out and comforting of all who loved Lisa and wanted to share their thoughts.

I want to talk about the **trauma informed** process.

The use of a trauma informed approach by the Commission, became an obstacle for family lawyers in the instances where they were not allowed to directly cross examine Lisa Banfield and two RCMP officers. This caused the family members more emotional trauma as we could not accept the inability of our legal representatives to cross examine directly. It divided us into we – they, leaving the impression that our lawyers were second class to the Commission lawyers.

I want to address issues about the beginning of this tragedy in Portapique. The RCMP response was **inadequate and a flood of failure followed**. When the first call came in from Mrs. Blair, as she tried to hide from the perpetrator and to get

her children to hide, she described that her husband had just been killed .She described that it was a neighbor driving what looks like a police car- I am not quoting this directly from transcripts but the RCMP responder's just ignored that fact and continued to ignore other callers describing a police car in the yard and in particular the calls from the children in Lisa's house saying the perpetrator was driving a car just like theirs. Under testimony recently by the RCMP ,Superintendent Darrel Campbell, said if Mrs. Blair had used the word "exactly" like a police car it would have been believable! The crass stupidity of that statement made me sick. At 10:04, here is a woman calling 911 who has just witnessed her husband murdered and who was seconds away from being murdered herself and she's doing the best she can to make that frantic phone call and the fact that she didn't use the word exactly when telling them the perpetrator was in a car marked as a police car. I found the officer's comments so unbelievable, a testimony so pathetic. An attempt to excuse mistakes.

The officers failed to protect the children. The four kids were directed to hide in the basement. Did the police check whether or not there was an egress window in the basement in case the perpetrator came back and set the house on fire? The children were left unprotected and senior officers did not seem to know that the Blair children had seen their parents murdered and that Lisa's kids would have

realized that when she did not return to the house in the midst of all the chaos, that undoubtedly she was a victim. All four kids were dealing with this horror and had no protection.

If the RCMP believed that the killer had shot himself in the woods, where was his car? Hours later, after the children were driven out to safety, why did the officers then have to hide in Lisa's house to protect themselves?

It is overwhelming to review all the errors made by the RCMP throughout the ensuing hours and to realize that had the perpetrator's car not run out of gas he would not have been shot and killed at the service station .He may have gone on to the airport and public facilities in the area that were not secured and in a lockdown state, in other words he could have killed many more but did not because the RCMP had luck on their side when they found him ,identified him and killed him.

I have observed throughout the hearings how the RCMP lawyers have tried to protect their members from anything that could embarrass them as to the actions taken over the two days of the mass murder. They failed to disclose information, and gave the impression that there was something to be hidden. Was there?

Disingenuous is an interesting word. I think it applies to the actions of the lawyers

for the RCMP who failed on occasion to provide information in a timely manner, who withheld documents, indeed only disclosing more information in the waning days of August. My impression is that the RCMP is made up of vast silos and turf struggles. The RCMP have been trying to protect their members from full disclosure about their response on April 18 and 19 because it was seriously flawed. And they failed the three responding officers and others who helped over the 48 hours by not giving them adequate time to debrief and deal with their own mental trauma.

I know that at the beginning of the mass murders, the three responding officers initially did the best they could. They entered a scene straight from hell. On the dark roads of Portapique, not having night vision goggles, not having knowledge of where their other team members were once they exited their cars, finding victims, seeing houses on fire, and yes, there is no training for an officer to deal with this level of crime, but their commanding officers failed them that night despite their efforts at the scene. Additional officers were dispatched to Portapique and were not allowed to assist because of the threat of blue on blue accidental shooting. Had they been properly equipped with night vision goggles

and locator devices on their uniforms, they would have been able to assist and possibly stop further mayhem. The failure by the RCMP to ask the Truro police for assistance indicated that they did not believe a municipal force to be up to the task. Roads and highways could have been secured by municipal forces, securing the ring of roadways for miles around.

There are conflicting testimonies provided during the hearings. I would like to see an investigation into the testimony of the officers who responded to the scene of Heather O'Brien's murder. Two completely different testimonies occurred between Constable Ivany and that of Coleman and Fahie. How could that be? In the interests of her family, there must be a further **independent** investigation into the testimony. The families are owed this much!

In contributing to the recommendations going forward, I will suggest areas that may have not yet been considered.

Early intervention in identifying risk factors in the public school system is extremely important. Had the perpetrators behaviour at an early age been detected as a child needing intervention, it may have been possible to remove him from his violent home and to get him into care. Our schools are **inadequately** staffed with **guidance and resource counsellors** who are overwhelmed with case

loads and who must provide service to more than one school, on an impossible circuit, leaving not enough time to do the job needed. The case loads are way too heavy, with one resource teacher per five hundred students. Optimally the case load should be lowered to three hundred, a number previously used . Some schools have more needs than others, so more resources should be made available. There are schools serving twentynine nationalities with a host of issues around language, race, and religion. There are schools in low socioeconomic neighbourhoods that have their own needs for more resource staff. I have learned that more than half the time spent by a resource person is spent on administrative work with writing reports. Administrative work should not be taking away from the real work of being a guidance person. The department of education in setting a set number of students per resource person does not address the reality of the variables of school population size. It is difficult for a troubled student to seek help during daytime school hours and to have enough scheduled time to be appropriate and adequate to address the presenting problems. I recommend a change in the number and availability of resource counselors and to ask that each school have at least one dedicated counselor full time., with administrative duties met by another person. As to the challenge for a student to access guidance, is it time for a new model? Much as we have helplines

for people in crisis to call, I would like to see a new **dedicated counselling hot line** service for each school. Students would be able to describe what their issue is and to be able to get advice and help on the phone, or be directed appropriately to further help. That of course begs the question about long wait times for mental health services, another issue.

Recent roundtable discussions addressed some of what I am going to say. Our public school systems have numerous course options with only a few mandatory ones. I **recommend** a mandatory course be required about healthy family relations, with discussions about family violence and what steps would need to be taken for teenagers observing violence in their family setting. Part of this course content must address healthy sexual relationships. In the digital platforms that inform young people about sexuality today, they are exposed to pornography at a very young age and thus are shaped by the violent and segmented images that suggest a sexual experience should include forms of violence and coercion. In my many discussions with young people and their families over the years it has become obvious that young boys are learning unhealthy ways of relationship. I believe early exposure to violent sexual acts leads to later expectations about the

use of violence being acceptable behaviour. Ultimately this can spill over into adult relationships with long lasting impacts.

The expertise obtained during the roundtable discussions about intimate partner violence and why women stay in abusive situations, was very informative, but how do we shape the recommendations for change as we go forward? I provided Patterson Law with information about the **NS Domestic Violence Intervention Act** which included research into existing statutes in NS. Clearly the police aren't following the Directives that already are in place when dealing with the issue. In the 1995 report by the NS Law Commission, *From Rhetoric to Reality*, a Directive was issued from the then Solicitor General and Attorney General of NS which required that police investigate all spousal assault calls, make arrests where "the situation warrants" and "lay the appropriate charges regardless of the complainants wishes". A study of police and prosecutor compliance indicated the Directive was not followed. If family violence calls are one of the chief reasons for police injury, are the police going to try different tactics when they get a complaint? We have already heard conflicting testimony between an officer and Brenda Forbes who reported the assault on Lisa Banfield early on in her relationship with the perpetrator. **DIRECTIVES ARE NOT BACKED UP BY LEGISLATION.** It is critically necessary that proposed changes are enacted in law in

the Legislature and receive Royal Assent. I recommend that it shall be **mandatory for police follow up** with the complainant. In the case where the person does not want to press charges, for a variety of fear based reasons, the law should state that the police return on a number of occasions to check in and determine further if the charge should be laid, which is a current directive being ignored. Have an **automatic legal** requirement that the person who is the subject of the complaint must have counselling for anger management. In areas where there is no easy access to in person counselling, this could be done by phone. It is a big leap forward for a man to seek help, but if the law mandates it, and the service is set up to facilitate it, and police are tasked with follow up, it could be a feasible change to make. Recent round table discussions on August 29th clearly spelled out the magnitude of the issue where men are not charged, not removed from the home, not able to access timely help, and I do not need to repeat every word of that compelling testimony. It was brilliant, hugely informed, and I support every word that was spoken and every solution proposed. An additional approach would be community dialogue about family violence using available meeting spaces. Alcoholics Anonymous proved successful in its group approach and sharing techniques for addiction management. Regulatory reforms cannot stop a

to grips with the importance of an alert. The failure to use an alert cost several more people their lives.

THE SALE OF DECOMMISSIONED POLICE VEHICLES.

I will be succinct here. Do not allow the resale of a police vehicle. Have them crushed. Do not allow the sale of decals that mimic those of the police. Do not allow the sale of police uniforms or costumes that mimic the police. Make it all a criminal offence.

PURGED RECORDS. Why would records be purged after two years particularly when the red flag was raised that the perpetrator wanted to kill a “cop”? There must be a secure storage repository of officer records. The practice of purging every two years must be stopped and a new threshold determined for how long records shall be kept. In a computer age, the written notebooks are still the most important description of events. Safeguards must be in place that the written record cannot be overwritten or changed. If notebooks are allowed to be taken home after a shift, what is the best practice for their safe storage if they are needed later for testimony? Ideally, notebooks should remain at the office, safely secured.

Consolidation and amalgamation of police services in Nova Scotia.

The priority **recommendation** I wish to make that is substantive in nature, is that the province of Nova Scotia develop one police service only. This would mean consolidation and amalgamation; rolling over the RCMP and local municipal police forces into one Nova Scotia based service. The RCMP failures have been amply demonstrated and the historic respect for the RCMP now lies shattered. This is a wide-ranging substantive recommendation and it is not about saving money. I reviewed the Public Safety Canada Amalgamation of Police services report and I believe it is necessary given the rural and urban nature of Nova Scotia and the prohibitive costs of policing in rural parts of the province. Rural Nova Scotia is underserviced. Having one police service fully trained and cohesively functioning together should be the way of the future. This is not about defunding the police which is a current discussion taking place which looks at removing from policing response the mental health calls and other areas that some groups deem not to be the function of police. The mass murders pointed out the fact that our RCMP are not functioning in a manner fully satisfactory for the safety and public good of our population .Issues already identified about officers not having night vision goggles, not having locator devices so that each officer could know where the others are in the dark, not all having the same level of training in guns and equipment, not all having up to date computer skills, not having a sufficient

knowledge of the terrain in the area of a complaint, communication issues and radio problems, the list is very long and I may have just repeated it. But you know what the failures are, and I sincerely hope you will address the structure of policing in NS and propose a more effective model. It goes without saying that the province would have to take the lions share of the cost of change solely on their books. There are competing performance interests, competing policy issues and standards, and issues about interoperability. Because of that, the people of NS are not well served. I suspect that the Department of Justice will easily say no to the idea of one force, and already have gone on record that funding is currently adequate. It is an easy knee jerk response to defend the status quo. But the status quo is broken.

Commissioners, you have a task that cannot be envied. As you craft your report, I can only think back to the many commissioned reports that have fallen on deaf ears, been set aside on a desk, been ignored, and been deemed not implemented. It is so important that the report you release is easily readable and succinctly stated. Please make every effort to craft it in a manner that it can be read and understood with clear and concise writing, and with an executive summary for each chapter or subject matter. Also, please include a time line and action line for each recommendation and to whom it is being specifically addressed.

Recommend a legal requirement for a plan of action and public review of progress being made and to whom each section is being assigned, again with an expected timeline. As a former member of Executive Council, I know only too well the competing demands on a Ministers time. The recommendations will affect multiple government departments and in the first instance a dedicated briefing to a special meeting of Cabinet with only one topic on the agenda should be the starting point. This will be followed by briefings for Deputy Ministers who likely will be tasked to study and recommend to their Ministers. Legislative change is an extremely slow process and the final statutory changes will only take place when the legislature is sitting and debating the bills before the house. As you know, passing the reform Bill must be followed by another step, Royal Assent. If you can find the way to have community roundtables to review the recommendations, it will be possible to have a “from the ground up” demand for action. Rather than produce one bound and book length heavy report, I would like to suggest that it be divided into removable sections with the executive report in each section, so that the affected departments can remove their applicable part from the overall report and deal with it.

So much human potential was lost when the perpetrator carried out his actions. I thank you for the task you took on and recognize how difficult it has been for all

of us. I have struggled with the act of forgiveness. So far I have tried to forgive the perpetrator but never his actions. I hope someday I can achieve my own sense of peace as I look back to Lisa's death and look ahead to what changed after your report was delivered and dealt with.

Out of the horror of the mass murders, there is one miracle. Four children lived when it could have been easily different. Thank you.

MASS CASUALTY LIST OF RECOMMENDATIONS FROM FRANCENE COSMAN

- 1. That the availability of counselling services for victims families be extended without finite number of sessions.**
- 2. That a further independent review and investigation into the conflicting testimony of officers Ivany, and Coleman and Fahie be conducted regarding Heather O'Brien's murder.**
- 3. That each school have one dedicated and assigned resource counsellor, backed up by administrative staff, and that a counselling Hot Line be developed for each school. That the current caseloads of one resource staff to five hundred students be reduced to three hundred.**
- 4. That a mandatory course be developed about healthy family relations, topics such as family violence, healthy sexual relationships to be included.**
- 5. Intimate partner violence; Enact into law and with Royal Assent that there be mandatory police follow up with a complainant, with follow up visits to the complainant, and mandatory counselling for the person who is the subject of the complaint.**
- 6. Develop a matrix of early alert messages for different situations for easy and quick reference.**

7 Make it a criminal offence to resale decommissioned police cars, uniforms, police decals, and police costumes.

8.No longer allow the purging of police records and require them to be securely stored in headquarters.

9.Consolidate and amalgamate police services in Nova Scotia.