

"People are Pulling Guns": Vigilante Justice in Rural Canada

By K Murkin

Rural crime in Canada, more specifically, theft, is a growing concern and is becoming increasingly prevalent throughout the country. According to 2017 data, police-reported crime in rural areas is 23% higher than rates of reported crime in urban centres. The issue of rural crime is sporadic across the country, with some regions having very high rural crime rates and others seeing minimal rural crime. Across the prairies, however, the numbers hold consistent and rural crime rates are considerably higher than the rates in urban centres. Alberta has the highest differential at 38% higher crime rates in rural areas than city centres. Although the high frequencies of property crime, are problematic and must be addressed, what is more concerning is the ever-increasing instances of vigilante justice, much of which is going unpunished by the Canadian courts.

Some high profile cases of vigilante justice include the Okotoks rancher, Edouard Maurice, who shot a trespasser on his rural property. Mr. Maurice claims he fired "two warning shots into the ground," one of which shots missed and struck the intruder in the arm, causing permanent nerve and mobility damage. Following the incident, the charges against Maurice were stayed, citing no likelihood of conviction. The suspect who was trespassing was sentenced to 45 days of incarceration.

In another example, Peter Khill, an Ontario rancher, was found not guilty for shooting and killing an unarmed trespasser and would-be thief at point-blank range. Khill was acquitted on a claim of self-defence. Self-defence where Khill was the aggressor, he confronted the trespassers, he grabbed the shotgun, and he shot the trespasser who was facing away from him, all this before 911 was called. Mr. Khill likely was scared, and rightly so, but to grab a

shotgun, load it, and shoot the intruder before he even turned around, does not sound like self-defence, but that's how the court decided. There are now at least two precedents of the court system allowing property owners to shoot trespassers that do not appear aggressive or threatening to the property owners.

Is this really the precedent the Canadian justice system wants to set, creating a country where shooting individuals, who are showing no signs of violence, is legal? This, to me, seems problematic. A routine property crime, although problematic and indeed to be condemned, should not be treated more seriously than violent gun crimes. I do not try to mitigate the concerns of victims of property crime, but to suggest that killing people on your property is allowed is absurd.

Although the extreme examples of gun violence and vigilante justice remain low, the support for those who participate in vigilante justice remains high. Fellow Canadian's pledged over \$100,000.00 to Maurice to assist with legal fees, and help fight the civil suit that the victim of his gunshot has filed against him. Over \$10,000 was donated to Khill, with more expected during the upcoming appeal process. Canadians, at least rural Canadians, appear to be incredibly supportive of allowing fellow farmers to 'take matters into their own hands.' A quick google search or scroll through social media will reveal hundreds, if not thousands, of stories and posts from people advocating for law reform and changing laws to allow landholders to kill, or at least threaten to kill, people entering their properties. This is a scary proposition.

Canada is a civilized, rules-based country; therefore, the increasing support for vigilante justice is alarming. The value of human life is decreasing, and people need to think critically before suggesting laws that allow landowners to shoot trespassers. More critically, the court must

evaluate the precedent they are setting by acquitting these killers. To the people recommending the legalization of killing trespassers, I would ask. Have you ever got a flat tire on the highway and needed help from a rural resident, or have you ever showed up at neighbours unannounced and startled them as you crept into their backyard? Now think, what if they could shoot me for entering their property? What if instead of being met by a friendly face, you met the barrel of a long gun? These rural residents are not concerned with benevolent individuals entering their property. However, if the suggested law reforms were implemented, or if the courts continue allowing the shooting of trespassers, there could be a legal justification for shooting your well-meaning neighbour or the unfortunate driver looking for assistance.

The issues discussed throughout this post lead to two conclusions. First, rural policing needs to be an increased priority for all levels of government. Rural Canadians are experiencing high rates of crime and are legitimately fearful. These residences are often isolated, and help is not always just a phone call away.

Second, the criminal justice system, including the courts and policymakers need to set a standard and make it clear that vigilante justice is not legal in Canada. Shooting someone for entering your property is not justifiable, especially when they are posing no threat of violence. Protecting human lives, even criminal lives, need to be of utmost importance, and recent precedent is starting to undermine these protections.

It is long-established and codified in the Criminal Code under section 222-229 that killing or attempting to kill another individual is illegal. This should not change. There are Criminal Code provisions to protect individuals acting in self-defence, given the action is reasonable in the

circumstances. Beyond the legal argument of self-protection, there should be no justification for shooting or attempting to kill another person, even if that person is trespassing on your property. The criticism of the courts is not to discount the legitimate concerns of rural property owners. Instead, it is to question the precedent being set, and ask, where will these decisions lead Canadians? Are the courts creating a *de facto* right to shoot people who enter your property? I guess we will find out.