



MANITOBA ASSOCIATION  
OF WOMEN'S SHELTERS



# Understanding Red Flag Laws with RCMP

An overview of the purpose, legal  
framework, and implementation of  
Red Flag laws in Canada

Funded by Public Safety Canada

[www.maws.mb.ca](http://www.maws.mb.ca)



# Land of Acknowledgement

The Manitoba Association of Women's Shelters (MAWS) carries out its work on the original lands of the Anishinaabe, Ininew, Anishinew, Dakota and Dené Peoples, and the National Homeland of the Red River Métis.

We respect the Treaties that were made on these territories, we acknowledge the harms and mistakes of the past and present, and we dedicate ourselves to moving forward in partnership with Indigenous communities in a spirit of reconciliation and collaboration.

# About Us (MAWS)

**We are a network of women's shelters across Manitoba dedicated to providing safety, support, and resources to women, children and gender-diverse individuals affected by violence and abuse.**

**We provide leadership and support for organizations working with those experiencing abuse by identifying and addressing common areas of need, strengthening standard practices, providing a unified voice for advocacy.**



# About Red Flags

MAWS received funding to mobilize training and education on Red Flags Laws across Manitoba. From Winnipeg to Thompson, frontline professionals are being trained on these Laws.

**Red Flag Laws were advocated for by the National Association of Women and the Law (NAWL) and by PolySeSouvient, a Canadian gun-control advocacy organization.**





# What Are Red Flag Laws?

- Red flag laws, also known as **extreme risk protection orders** (ERPOs), **allow courts to temporarily remove firearms** from individuals deemed a risk to themselves or others.
- They aim to prevent gun violence, suicide, and domestic harm.



# Guest Speaker: Corporal Vicki Noel

## About Cpl. Vicki Noel

Vicki Noel has 21 years of experience with the RCMP, and she works at National Headquarters in Ottawa with the National Office of Investigative Standards and Practices.

With a Bachelor of Arts in Sociology and extensive experience investigating intimate partner violence across Alberta, New Brunswick, Nunavut, Saskatchewan, and Manitoba, Cpl. Noel brings firsthand, cross-Canada expertise to this critical topic.

Vicki is currently in the process of transferring to the RCMP in Winnipeg, Manitoba, to work as a program/policy analyst in Intimate Partner Violence.



# 911 Call vs Red Flag Law

- The Red Flag Law doesn't replace police response. When there is an immediate threat to your safety involving a firearm or threat of a firearm and requires an immediate police response you call 911. Calls to police involving firearms are considered high risk to public and police safety and are exigent in nature.
- The Red Flag Law is about interrupting escalation before violence becomes lethal.

# Red Flag Law

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- The Red Flag Law allows an individual to apply for an emergency prohibition order or limitation on access order for firearms. These laws were put in place to protect individuals who pose a safety risk to themselves or others including those at risk of suicide and those involved in domestic, intimate partner and gender-based violence.
- You can apply for an emergency prohibition order, and anyone can apply regardless of previous police interaction or criminal record.
- This is an order a judge can issue if they feel an individual poses a risk to themselves or others under Section 110.1 of the CC

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## Section 110.1 of the Criminal Code

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- Emergency ex parte applications
- 110.1 (1) Any person may make an *ex parte* application to a provincial court judge for an order prohibiting another person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, firearm part, ammunition, prohibited ammunition or explosive substance, or all such things, if the person believes on reasonable grounds that it is not desirable in the interests of the safety of the person against whom the order is sought or of any other person that the person against whom the order is sought should possess any such thing

# Reasons/Considerations to Apply for an Emergency Prohibition Order

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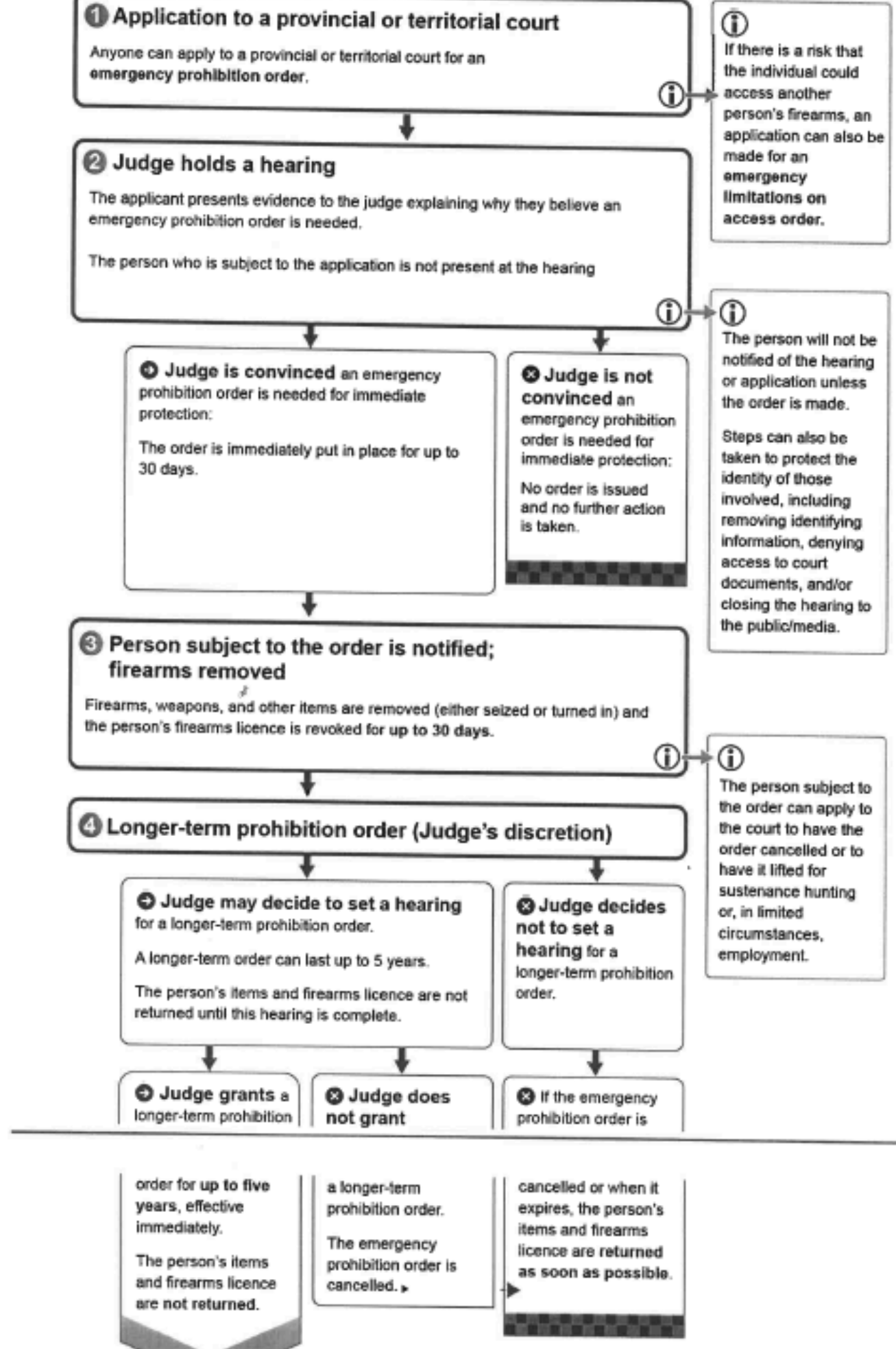
A person is posing a risk to themselves or others (assessing imminent risk and access to firearms)

## What does this mean?

- Suicide
- Violent
- Alcohol/Drug Use
- Homicide
- Mental Health/Psychiatric Condition

# How to Apply for an Emergency Prohibition Order

## Flow Chart: 1 Application to a Provincial or Territorial Court



# An example of an application for an Emergency Prohibition Order:

Emergency Limitations on Access Order [Sec. 117.0101(1)]

Person prohibited by Order from possessing weapon(s) or thing(s) listed in s. 117.0101(1)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: (\_\_\_\_) \_\_\_\_\_ Email Address: \_\_\_\_\_

*I believe on the following reasonable grounds that the person against whom the order is sought, cohabits with, or is an associate of, another person who is prohibited by any order made under the Criminal Code or any other Act of Parliament from possessing the following weapon(s) or thing(s) listed in s. 117.0101(1), and the other person would or might have access to any such weapon(s) or thing(s) that is/are in the possession of the person against whom the order is sought:*

Additional Page(s) Attached (tick if more space is required)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of weapon(s) or thing(s), if different from address of person order sought against: \_\_\_\_\_

An application is also being made to the court for the following order(s):

Order denying access to information (s. 110.2(1) or 117.0102(1))  
 Order to delete identifying information (s. 110.3(1) or 117.0103(1))

\_\_\_\_\_  
Signature of Applicant/Counsel for Applicant

**FOR REGISTRY USE ONLY**  
This application will be made to the court at \_\_\_\_\_  
(Court Address)  
on \_\_\_\_\_ at \_\_\_\_\_ am/pm.  
(Date) (Time)  
Method of attendance \_\_\_\_\_

PCR 319 03/2005

Application for an Emergency Prohibition Order

Emergency Limitations on Access Order

\_\_\_\_\_  
a Weapon or Thing Listed in s.110.1(1) or 117.0101(1) of the Criminal Code  
Province of British Columbia  
Province of Canada  
Sections 110.1 or 117.0101

Registry Location: \_\_\_\_\_  
Police File Number (if applicable): \_\_\_\_\_  
Court File Number: \_\_\_\_\_

NT

\_\_\_\_\_  
Telephone: (\_\_\_\_) \_\_\_\_\_ Email Address: \_\_\_\_\_  
Counsel for Applicant: \_\_\_\_\_  
Counsel Telephone: (\_\_\_\_) \_\_\_\_\_ Counsel Email Address: \_\_\_\_\_

**PERSON ORDER SOUGHT AGAINST**

Name: \_\_\_\_\_ DOB: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: (\_\_\_\_) \_\_\_\_\_  
Email Address: \_\_\_\_\_

An application is made to the court for the following order:

Emergency Prohibition Order [Sec. 110.1(1)]

*I believe on the following reasonable grounds that it is not desirable in the interests of the safety of the person against whom the order is sought, or of any other person, that the person against whom the order is sought should possess the following weapon(s) or thing(s) listed in s. 110.1 of the Criminal Code:*

Additional Page(s) Attached (tick if more space is required)

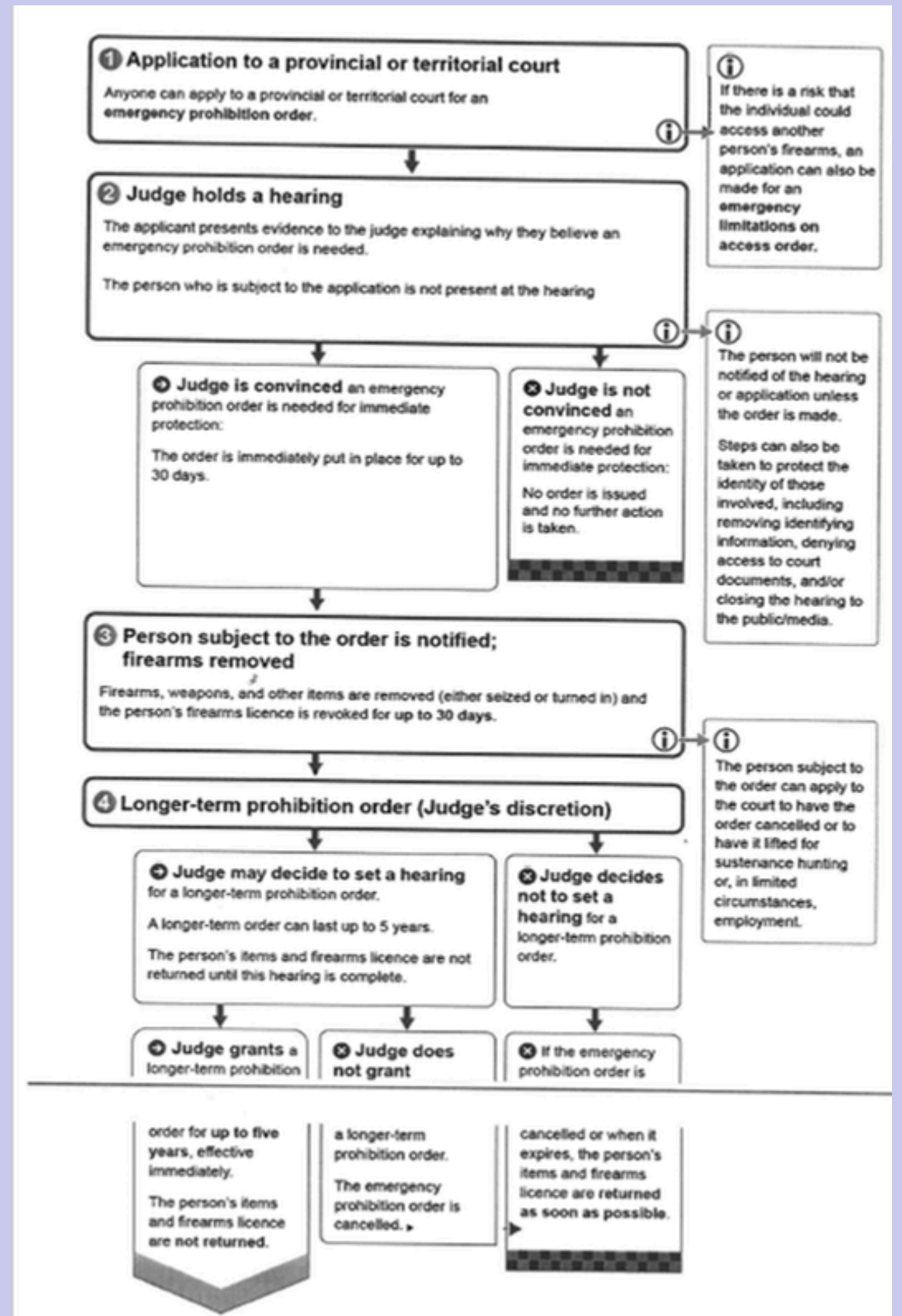
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Location of weapon(s) or thing(s), if different from address of person order sought against: \_\_\_\_\_

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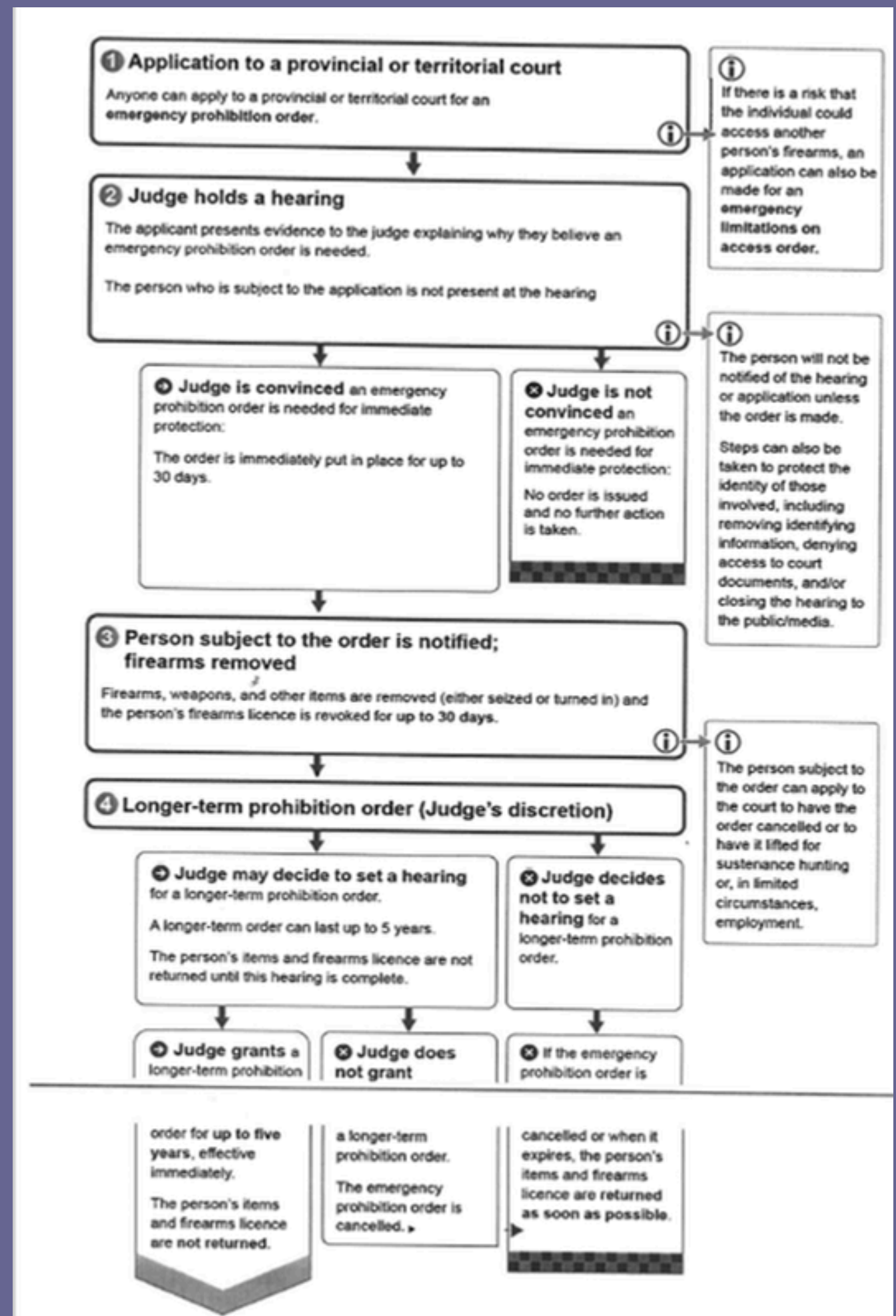
# How to Apply for an Emergency Prohibition Order

## Flow chart 2. Judge holds a hearing



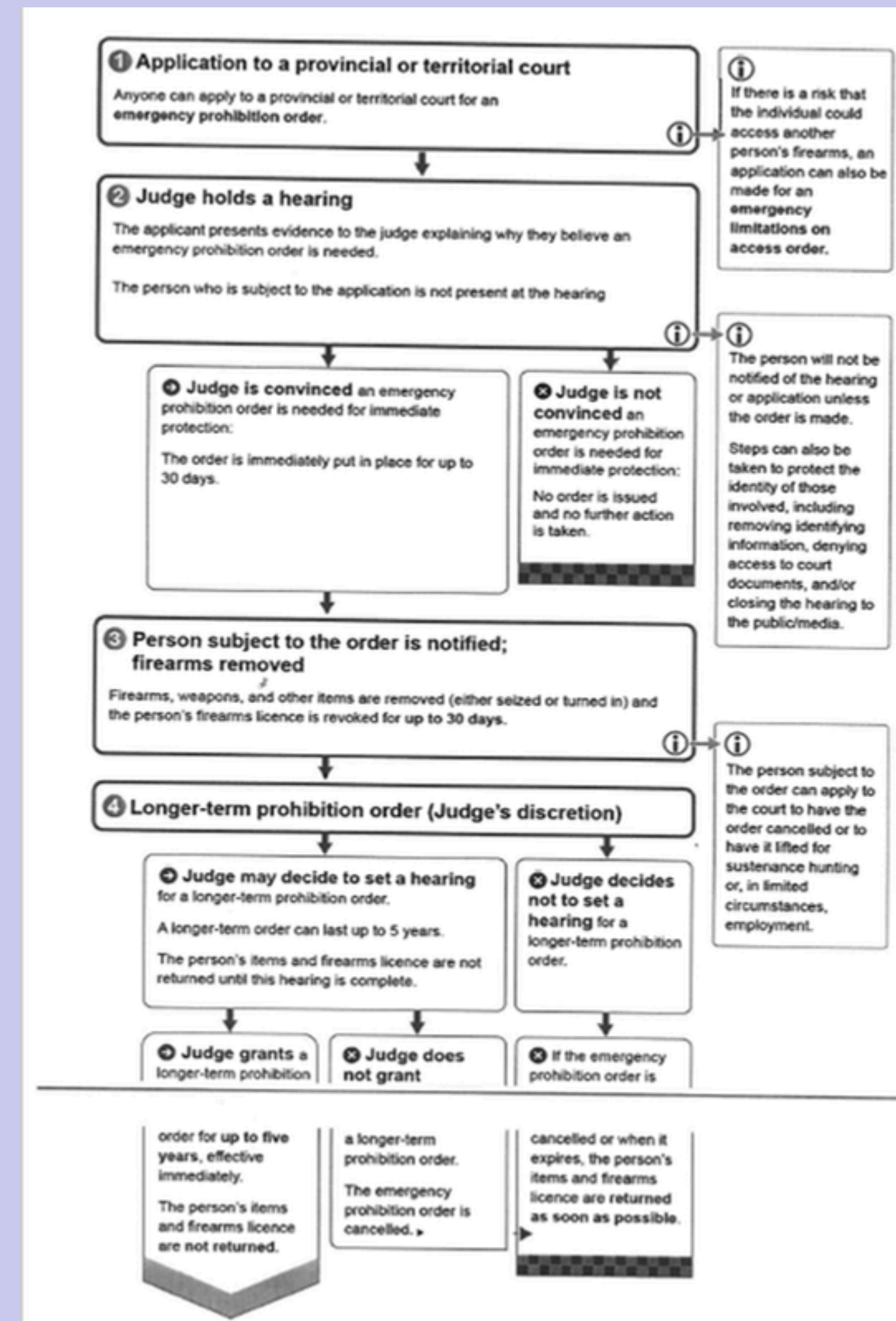
# How to Apply for an Emergency Prohibition Order

## Flow Chart 3 Person Subject to the order is served



# How to Apply for an Emergency Prohibition Order

Flow Chart 4. Longer Term Prohibition Order



# Staying Safe

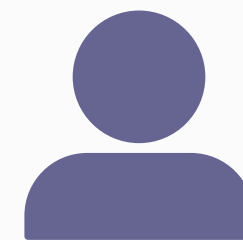
## Having a Safety Plan in Place

- Safety plan means a personalized, practical plan that is designed to aid in keeping a victim safe, including but not limited to: transporting the victim to a safe place, contacting the victim's friend or family member, using code words with the victim, and referring the victim to community partners, including those who are culturally appropriate.
  - As the victim's needs vary throughout the investigation, safety plans can be modified or enhanced to meet their needs.
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# Case Study:

- You are at home watching tv and your son comes home upset and angry with his rifle in his hand. You try talking to your son but he isn't responding. Your son starts to yell at you about his life and then starts to talk about killing himself.
- What do you do? Do you call 911 or do you apply for an Emergency Prohibition Order?
- Answer: call 911. There is an immediate risk to yourself and your son and there has to be immediate police intervention.

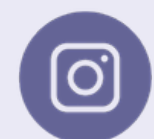
# Thank YOU!



**Sally Ogoe, PhD.**  
Project Specialist  
[sally@maws.mb.ca](mailto:sally@maws.mb.ca)



**MAWSManitoba**



**maws\_mb**



**maws\_mb**

*[www.maws.mb.ca](http://www.maws.mb.ca)*

**maws@maws.mb.ca**

**Winkler, Manitoba**