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PREVENTION THROUGH *PREEMPTION*

Expanding the scope of policing beyond making arrests



For Police Issues by Julius (Jay) Wachtel. On the morning of Sept. 4, 2024 Colt Gray, a 14-year old student, walked into Apalachee High School in Winder, Georgia. An “AR-style” rifle was concealed in his backpack. He went to class but soon walked out. And on his return he opened fire, killing two students and two teachers and wounding nine others.

Colt promptly surrendered. Details about what he did, and why, continue to emerge. (For the *AP*'s extensive, frequently updated account, click [here](#).) How this tragedy might have been prevented is getting a lot of attention. Colt reportedly alerted his mother that he had evil intentions. Alas, her call to the school apparently came too late. Physical security measures also seemed lacking. In our gun-saturated land, metal detectors and backpack searches may no longer be “optional”. Here, though, our focus is on the cops. Could authorities have taken life-saving, proactive steps months, even years earlier? Did they have the necessary tools? And, most importantly, the right *mission*?

im committing a mass shooting, and im waiting a good 2-3 years

im on the edge of a lgbtq massacre

In May, 2023 [the FBI received](#) “several anonymous tips about online threats to commit a school shooting at an unidentified location and time.” [These two examples](#) exemplify what was being posted on a [Discord](#) account under the name of “Lanza” (the notorious



Sandy Hook killer, but in Russian.) An email address connected with the account was linked to then-13-year-old Colt Gray, and the FBI passed it all on to the Jackson County sheriff.



Colt and his father, Colin, were promptly visited by two deputies. That visit was in part captured on video (click [here](#)). Throughout its approx. 13-minute length, the deputy who conducted the interview (his companion took the video) used a mild tone and was careful not to offend. Attributing the visit to “Lanza’s” posts, he insisted that he and his partner were just doing their job. “I hate this...I feel pretty bad about this...” He also downplayed the matter’s urgency. “I don’t know how old this information is...”

Colt’s father, with whom the deputy first spoke, confirmed that he kept hunting guns at home, but that his son could only access them under supervision. Colin proudly said that Colt did “a lot of hunting” and had “shot his first deer this year.” But he also mentioned that Colt was “getting picked on in school.” Colt soon joined in. He and his father denied any knowledge of the threats. Colt said he left Discord because his account was hacked. He conceded being bullied, and said that he was being helped by a school counselor.

Although the deputy’s tenor remained compassionate and low-key, he ultimately conveyed some mixed feelings about Colt’s denials. “I gotta take you at your word. And I hope you’re being honest with me...I’m not saying you’re lying...but it’s not unusual for people to lie to me.”

Video aside, the deputies’ written report [offered a disturbing picture](#) of the Gray household. Nine months earlier, in August 2022, the family, comprised of Colin, his wife Marcee, Colt and two younger siblings, was formally evicted from their home. Deputies participated in the process and took ammunition and an assortment of weapons including “a black AR-15 rifle with a scope” for safekeeping. These items were later returned to the father.

Colin and Marcee separated. She took the two youngest, and Colin and Colt moved to the residence where they were interviewed. [Marcee went on to rack up a string of arrests](#) for drugs, family violence and battery. After serving a brief jail term, she was required to attend a “family violence intervention program” and was prohibited from contacting her husband.

Had the deputies taken prompt and decisive action after meeting with Mr. Gray and his son, four innocents might still be alive. So why didn't they? A few hours after the massacre the FBI [released an official statement](#) that deemed Colt's reported connection to the threats as "inconsistent" and insufficient to justify an arrest. Here's an extract:

...The father stated he had hunting guns in the house, but the subject did not have unsupervised access to them. The subject denied making the threats online. Jackson County alerted local schools for continued monitoring of the subject...At that time, there was no probable cause for arrest or to take any additional law enforcement action on the local, state, or federal levels.

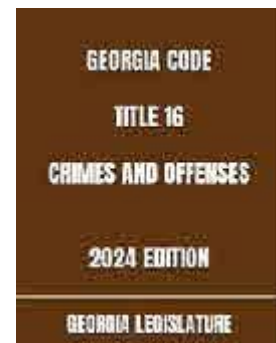
What *was* needed? Here's Georgia's law on "terroristic threats" ([GA Code § 16-11-37](#)):

(1) A person commits the offense of a terroristic threat when he or she threatens to: (A) Commit any crime of violence; (B) Release any hazardous substance; or (C) Burn or damage property.

(2) Such terroristic threat shall be made: (A) With the purpose of terrorizing another; (B) With the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation; (C) With the purpose of otherwise causing serious public inconvenience; or (D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience described in subparagraph (A), (B), or (C) of this paragraph.

(3) No person shall be convicted under this subsection on the uncorroborated testimony of the party to whom the threat is communicated. Terroristic threats are misdemeanors unless they call for someone (implicitly, a specific someone) to be killed, in which case they are felonies.

There's no disputing that the *Discord* posts reviewed by the [Washington Post](#) meet Georgia's legal definition of "terroristic threat." What the FBI and sheriff's office said they found lacking, though, was the "who."



As one would expect, the Apalachee High School shooting has stirred a great deal of

critical retrospection. [Authorities are now facing severe criticism](#) for not using subpoenas and other means to probe Colt's supposedly vile online behavior.

Still, even critics concede that invoking the power of the criminal law is no simple matter. When the deputies visited there had not been a shooting, and the one crime that a 13-year old might have committed was likely to be deemed a misdemeanor. Georgia's cops aren't mandated or funded to chase wild geese.

Is anyone? Actually, yes. [Twenty-one States](#) (not including Georgia) have enacted "extreme risk" (aka "Red Flag") laws. These enable authorities – and, often, family members and co-workers – to petition courts for orders directing police to seize guns that may be at imminent risk of misuse.

Red Flag laws provide agencies with the rationale and – equally importantly – the funding they might need to probe the personal histories of troubled souls. And Colt hardly needed a very deep dive. His extended family was well aware of the youth's long-standing psychological issues. Annie Brown, his mother's aunt, [recently told *The Washington Post*](#) that she had helped the child, who was chronically absent from school, enroll in a new middle school. Colt, she claimed, was "begging for help from everybody around him. The adults around him failed him."



Colin obviously knew that he had a seriously troubled kid. But when the deputies showed up he conveyed the fiction that everything was well in hand. He conceded that Colt experienced "some problems" at middle school, but insisted that things had improved. Colin didn't get into the details of his son's mental health issues, and the deputies apparently didn't ask. Indeed, Colt's father had apparently fooled himself. In December 2023, about seven months after the deputies' visit, [he bought the AR-15 style rifle](#) that was used in the massacre (crime scene photo on left) as a Christmas present for his son.

In the end, it fell to Colt's grandmother to go to Apalachee High School and ask for help. And they apparently came through. Colt was scheduled to start therapy one week before the shooting.

On September 6, 2024, father and son [appeared in Barrow County Superior Court](#). Colt, who is being treated as an adult, was charged with four counts of murder. Moments later, the same judge charged his father with "four counts of involuntary

manslaughter, two counts of second-degree murder and eight counts of cruelty to children.”

Might a Red Flag law have prevented four deaths, nine woundings, anticipated life-without-parole sentences for a father and son, and the hideous toll on families and friends? It’s possible. But even in Red Flag states, extreme risk protection orders require forewarning. And the will and resources to carry the process through. On August 21 [a California senior opened fire in his home](#), wounding his mother and leaving two adult relatives dead. Police were twice called to the residence about the shooter’s behavior during the previous week. But officers didn’t think that 60-year old William Bushey posed an immediate threat. “He did not meet the criteria for an emergency psychiatric hold, so they left, leaving the family with resources.”

No, those “resources” didn’t include body armor.

And the slaughter inexorably continues. Two days after Apalachee, a dispute led a 16-year old to shoot and kill a 15-year old in a restroom [at Joppatowne High School](#) in Joppa, Maryland. Yes, that state has a Red Flag law, but there was apparently no forewarning. Clearly, to make a real difference one must restrict the availability of guns. Say, altogether prohibit their possession by youths. (Of course, that would get in the way of dads sharing a unique hobby.) Or require that firearms kept at home be stored under lock and key. (Of course, that could get in the way should an emergency arise.) Bottom line: in our ideologically-riven, gun-obsessed land, enforcing the laws that exist is difficult enough; the barrier to tightening things up may well be insurmountable. So we’ll keep doing what’s least controversial – say, going after ex-cons with guns and their shady suppliers, as your writer did during his ATF career – and leave the rest for another day.

That is, should there *be* another.