

Recommendations from the Domestic Violence Death Review Committee

2017

Office of the Chief Coroner
December 2018

BACKGROUND

Domestic Violence Death Review

In December 2009, the Department of Public Safety, Chief Coroner's Office, established the Domestic Violence Death Review Committee. The purpose of the Committee is to assist the Office of the Chief Coroner in the review of deaths of persons that occur as a result of domestic violence, and to make recommendations to help prevent such deaths in similar circumstances. The Chair of the Committee is the Deputy Chief Coroner with members from law enforcement, Public Prosecutions, health, academia, research, service provision, interested citizens and government.

A domestic violence death is defined as a homicide or suicide that results from violence between intimate partners or ex-partners and may include the death of a child or other familial members.

The committee provides a confidential multi-disciplinary review of domestic violence deaths. It creates and maintains a comprehensive database about the victims and perpetrators of domestic violence fatalities and their circumstances. It helps identify systemic issues, problems, gaps, or shortcomings in each case and may make appropriate recommendations concerning prevention. It helps identify trends, risk factors, and patterns from the cases reviewed to make recommendations for effective intervention and prevention strategies.

For the period 2010 – 2017, the Committee has reviewed and submitted reports on 13 cases to the Chief Coroner. In turn the Chief Coroner has forwarded the reports to government departments and agencies involved in the cases for response. Departments and agencies involved have responded to the Chief Coroner on the actions they intend to take to implement the recommendations. The recommendations and responses for the 8 cases reviewed to date are available on the Public Safety website <http://www2.gnb.ca/content/gnb/en/departments/jps/publications.html> . The recommendations and departmental responses to the latest cases are reported on the following pages.

Improving our understanding of why perpetrators of abuse kill their intimate partners and why victims of abuse are vulnerable and using this information to take action to prevent future deaths is essential to reveal systemic gaps and to reduce and eliminate domestic violence in New Brunswick. The Domestic Violence Death Review Committee has an opportunity to educate government and community agencies in New Brunswick with the goal of preventing future domestic homicides and assaults.

The committee continues to meet and review cases.

Recommendations and Responses

Public Education & Awareness

Recommendation #1

That the Minister of Justice and Public Safety and the Premier in his position as Minister responsible for Women's Equality, review and increase the available financial resources for the *Love Shouldn't Hurt* campaign, with the intention to reach families, friends and co-workers and provide them with realistic options and information to help support someone they know is experiencing D/IPV.

Justice and Public Safety

The Minister of Justice and Public Safety has addressed recommendations 1-4 collectively and advises that "*Love Shouldn't Hurt*" is a campaign which uses a layered, cohesive approach and builds on current initiatives of over 50 partner organizations, including the Women's Equality Branch, Wolastoqiyik Sisters in Spirit, the Crime Prevention Association of New Brunswick, White Ribbon, Fredericton Sexual Assault Centre and the New Brunswick Association of Chiefs of Police. It involves social media (Facebook and Twitter) and an easy-to-access website with directories of resources, tools, information and services available to victims, abusers and bystanders (government, private sector and non-profit).

The campaign has documented contact with more than 32,000 New Brunswickers through in-person events, the "*Love Shouldn't Hurt*" website, and social media accounts. The "*Love Shouldn't Hurt*" Campaign Committee recognizes that there is more work to be done to educate and engage New Brunswickers in ending intimate partner violence (IPV), to ensure the Campaign message and resources have greater visibility, as well as the need to increase engagement with specific populations. In acknowledgment of this, "*Love Shouldn't Hurt*" has been undertaking strategic planning with the goal to maintain momentum, increase the impact of the campaign with specific focus on vulnerable populations.

Currently, an open call for Campaign Champions is underway in an effort to foster community engagement. A "*Love Shouldn't Hurt*" Champion is expected to host at least one activity in a calendar year that engages the public and spreads campaign messages and resources in their community. Approved Champions are provided with training on the campaign, a toolkit of resources, promotional items, and up to \$500 from the Crime Prevention Association of New Brunswick to support their initiative. The goal of the LSH Champion Initiative is to reach every community in the province. To date, there are fourteen active Champions trained from various New Brunswick communities, and three activities were held as of August 2018. Champion momentum is expected to build over 2018 and into 2019 with many more activities held and New Brunswickers engaged. Additionally, where federal funding for the "*Love Shouldn't Hurt*" campaign will come to an end in 2019, the "*Love Shouldn't Hurt*" Campaign Advisory Committee will be working with the Roundtable on Crime and Public Safety to identify next steps for the campaign, including an assessment of required resources.

Women's Equality Branch

- Intimate partner violence is a priority of the Roundtable on Crime and Public Safety and its working groups and as such a priority of government including the Women's Equality Branch. One of the initiatives of the Roundtable is the development, roll-out and ongoing maintenance of the *Love Shouldn't Hurt* Campaign, led by the Department of Public Safety. In addition to participating on and contributing to the Roundtable, the Branch is a member of the "Sub-Committee on the *Love Shouldn't Hurt* Campaign" providing input, feedback and facilitating the sharing of information and resources with partners, stakeholders and the public. The Branch is committed to continuing its collaboration with

the Department of Public Safety and the Roundtable members to assess the Campaign, to determine how it can be enhanced to meet the needs of victims and survivors, partners and stakeholders and the family members, friends and neighbours and the general public.

- The Women's Equality Branch recognizes that faith-based organizations have a role in supporting victims and perpetrators of intimate partner violence. Excellent research and work has been undertaken and continues to evolve under the leadership of organizations like UNB and the Muriel McQueen Fergusson Centre for Family Violence Research. The Women's Equality Branch will explore with the Muriel McQueen Fergusson Centre for Family Violence Research how government can assist in further developing strategies.
- The Women's Equality Branch is working closely with the Fergusson Foundation, the Muriel McQueen Fergusson Centre for Family Violence Research, Public Legal Education and Information Services together with other key partners to review and update the "Family Violence: It's Your Business (A Workplace Toolkit)". This comprehensive toolkit, intended to provide employers, unions and employees with information and resources for recognizing and responding to family violence situations that enter the workplace, helps New Brunswick businesses take action. The Toolkit, an education and awareness tool, is appropriate for unionized and non-unionized workplaces, business owners, managers, and employees. It can be used in large and small business, rural or urban work places, and across all sectors. Once revisions to the "Toolkit" are completed, the Women's Equality Branch will engage other government departments to distribute the "Toolkit" to employers and support employers to use it in their workplaces. The Women's Equality Branch will also explore opportunities for the "Toolkit" to be used by other community organizations to provide them with the information necessary to take action to address family violence and its impact on community organizations.
- The Women's Equality Branch (WEB) raises awareness of violence against women to Members of the Legislative Assembly, government employees and the public through events such as November Family Violence Prevention Month, December 6th Candle Light Vigil (National Day of Remembrance and Action on Violence Against Women), International Women's Day and Sexual Assault Awareness Month. The Women's Equality Branch commits to further efforts to increase the audience reached with these awareness events.
- The Community Action Fund, established by Women's Equality Branch in 2006 as part of the government's public education strategy to address violence against women, funds projects which raise awareness of intimate partner violence and violence against women and promote services available in the province. Eligible organizations can apply for grants up to \$5,000 to implement initiatives and/or projects. These projects may be educational, promotional or awareness-raising activities. The Women's Equality Branch will continue to operate the Community Action Fund and will make efforts to promote the fund.
- The Women's Equality Branch commits to consulting with the Department of Health, the Department of Education and Early Childhood Development, the Department of Social Development and the Departments of Justice and of Public Safety to explore opportunities to offer Danger Assessment training to their staff. This could include educators, healthcare workers and support workers who may, by the nature of their work, encounter women experiencing violence and could intervene when there is a high risk of lethality.
- The Women's Equality Branch supports 14 Domestic Violence Outreach Programs across the province. Domestic Violence Outreach Programs are mandated to improve

women's access to community services. Community service providers educate and support victims of domestic violence by providing information and referrals to resources. These service providers make efforts to increase awareness of the issue of domestic violence in the community. Women's Equality Branch will continue to work with Domestic Violence Outreach Programs to ensure that victims of violence have access to information and resources necessary to assist them in securing a safer future.

- In 2017, with federal funding from Justice Canada, an Aboriginal Domestic Violence Outreach Pilot Program began which encompassed three First Nation communities in the Miramichi region of New Brunswick. This is a joint project between the NB Department of Public Safety and Women's Equality Branch to provide direct and culturally appropriate services for Aboriginal women who are victims of domestic and intimate partner violence. Women's Equality Branch will work with the Department of Public Safety to support the project, evaluate its outcomes and inform efforts to improve services available to Aboriginal women and girls experiencing violence.
- The Woman Victims of Abuse Protocols were developed by the Women's Equality Branch in partnership with provincial government departments to identify and clarify the roles and actions of government agencies and service providers. Primary users of the Woman Victims of Abuse Protocols are police, victim-services personnel, Crown prosecutors, nurses, social workers, teachers, workers in the domestic violence sector - transition houses, second stage housing and domestic violence outreach and other practitioners. The Women's Equality Branch commits to the "Collective Response" actions, highlighted in the Protocols, to better co-ordinate services between government and community to women living in or leaving abusive relationships.
- In May 2018, the *Intimate Partner Violence Intervention Act* became law. The Act helps enhance safety and addresses some of the barriers faced by victims of intimate partner violence. As part of implementation, the Women's Equality Branch, in partnership with the Departments of Justice and of Public Safety, developed and delivered training to designated support persons who provide assistance to victims of intimate partner violence to apply for an Emergency Intervention Order. The training included information on intimate partner violence, risk factors for serious harm and lethality, and how the remedies within the legislation can address barriers that victims encounter when attempting to leave an abusive relationship. Implementing this legislation is a new intervention strategy for service-providers that help victims leave a relationship and may prevent further intimate partner violence from occurring.
- Women's Equality Branch and Departments of Justice and of Public Safety in partnership with Public Legal Education and Information Services, developed a booklet, postcard and bookmarks, to inform the public about the *Intimate Partner Violence Intervention Act*. The Women's Equality Branch commits to working with stakeholders and partners to gather feedback on the implementation of the legislation as well as the appropriateness and usefulness of the education and awareness materials. These materials specifically highlight how to obtain an Emergency Intervention Order but also build awareness of the issue and the need have strategies that address the violence and the barriers to seeking support.

The Women's Equality Branch delivers Danger Assessment training, an important tool that helps determine the risk the victim has of being killed by her intimate partner. The Danger Assessment tool, a validated tool, was created by Jacquelyn Campbell, PhD, RN at John Hopkins University and is used by the domestic violence sector, Victims Services and other service-providers. The training is provided to both government and community front-line staff to help them use the tool in their work with victims of intimate partner violence. Women's Equality Branch has provided this training to hundreds of front-line staff and most recently to social workers and lawyers who

provide legal aid.

Recommendation #2

That the Ministers of Justice and Public Safety, and Women's Equality Branch continue to raise awareness of the situations of violence against women in intimate relationships through their partnership in the Round Table in order:

- a. To help churches, neighbors, families and friends support those experiencing intimate partner violence;
- b. Make intimate partner violence a top priority in this province;
- c. Expand the current "Love Shouldn't Hurt" campaign in order to expand awareness to a wider audience. The Workplace Toolkit prepared by the New Brunswick Family Violence Workplace Committee could be incorporated into the awareness campaign.

Justice and Public Safety

See response under recommendation #1.

Women's Equality Branch

See response under recommendation #1

Recommendation #3

That the Ministers of Justice and Public Safety and Women's Equality Branch continue to raise awareness of Domestic/Intimate Partner Violence (D/IPV):

- to make intimate partner violence prevention and intervention a top priority in New Brunswick;
- review and increase the available financial resources for the *Love Shouldn't Hurt* campaign, with the intention to reach families, friends and co-workers and provide them with realistic options and information to help support someone they know is experiencing D/IPV;

Justice and Public Safety

See response under recommendation #1.

Women's Equality Branch

See response under recommendation #1

Recommendation #4

There is a need to educate service providers, families, friends and the wider community in general on the dynamics of domestic intimate partner violence and on how to help victims. The Minister of Justice and Public Safety expand the Love Shouldn't Hurt Campaign to increase its reach to and impact on families, friends and neighbours including middle aged and older adults in rural, isolated and urban communities across New Brunswick.

Justice and Public Safety

See response under recommendation #1.

Recommendation #5

The Minister of Education and Early Childhood Development with the NB Teachers Association and NB Teachers Union include in staff orientation and periodic communication to retired staff on the dynamics of domestic intimate partner violence, awareness of risk factors for D/IPV and

lethality and information on resources such as but not limited to the Family Violence and Workplace Toolkit.

Education and Early Childhood Development

Education and Early Childhood Development advises that staff from Policy and Planning will prepare memos that will raise awareness on the Family Violence and Workplace Toolkit for both linguistic sectors, and they will discuss this recommendation with superintendents as well as the New Brunswick Teachers' Association (NBTA), the New Brunswick Teachers' Federation (NBTF) and l'Association des enseignantes et des enseignants francophones du Nouveau-Brunswick (AEFNB) for consideration in upcoming professional learning.

Recommendation #6

The Minister responsible for Women's Equality explore with faith-based organizations and academic researchers including the Muriel McQueen Fergusson Centre for Family Violence Research the implementation of awareness, education and intervention strategies on D/IPV.

Women's Equality Branch

See response under recommendation #1

Screening and Risk Assessments

Recommendation #7

That the Minister of Health and the Regional Health Authorities review training, screening, risk assessment, and intervention processes to ensure that when an individual is in the care of a mental health agency, hospital, or health care provider for issues including depression, anxiety, and/or suicidal and homicidal ideation that the patient and/or intimate partner be screened for domestic and intimate partner violence. Despite a previous response made by the Department of Health in regards to risk assessment for domestic violence (Report sent to the Office of the Chief Coroner titled "(Recommendations from the Domestic Violence Death Review Committee – 2014), it is clear that there was no domestic violence assessment administered in this case.

Health

The Minister of Health advises that consultations with both Regional Health Authorities (RHAs)(Horizon and Vitalité) confirm there are practices and processes in place in regards to screening for domestic and intimate partner violence for individuals who are in the care of a mental health agency, hospital, or health care provider for issues including depression, anxiety and/or suicidal and homicidal ideation. However, the Department is resolved to work with the RHAs to ensure training, screening, risk assessment and intervention processes are reviewed to identify and address any gaps that currently exist.

Recommendation #8

That the Minister of Justice and Public Safety, Court Services ensures that there is a process in place that would screen for all victims for D/IPV at the Court of Queen's Bench-Family Division level and appropriate referrals are made to domestic violence services such as; Domestic Violence Outreach services, Transition House, Second Stage programs and community supports services to enhance victims safety.

Justice and Public Safety

The Minister of Justice and Public Safety advises that where Court Services staff have very limited interaction with individuals making court filings, and since staff do not review the grounds for cases being brought before the courts, there is very little opportunity to conduct screening.

However, we believe there is great value in providing training and education to staff on signs to lookout for and what services are available for potential victims or individuals who may be considered at risk. The Department commits to incorporating this focus in our annual employee training sessions and to provide court services staff with information on resources available to victims and abusive partners, such as those available through the “*Love Shouldn’t Hurt*” campaign.

Recommendation #9

That the Minister of Social Development ensure that all Ministerial applications, in this case for Financial Support Order Services, are screened for D/IPV and that appropriate referrals are made to domestic violence services such as Domestic Violence Outreach services, Transition House, Second Stage programs and community support service.

Social Development

The minister of Social Development advises that all Financial Support Order Services staff are trained to assess client needs and make referrals to the appropriate community partners. In the fall of 2018, Financial Support Order Liaisons and supervisors will participate in an additional information session specific to domestic/intimate partner violence.

Recommendation #10

That New Brunswick Legal Aid Services Commission ensures that all clients are screened for D/IPV and that appropriate referrals are made to domestic violence services such as Domestic Violence Outreach services, Transition House, Second Stage programs and community support service.

New Brunswick Legal Aid Services Commission

The Executive Director of the New Brunswick Legal Aid Service Commission (NBLASC) advises that recommendation #10 would be better limited to their Family Law Services program. And to that end, they currently have scheduled training this October 2018 for all of their family staff lawyers to received D/IPV training provided by the Women’s Equality Branch of the Executive Council Office.

The Legal Aid Commission has two other programs, Criminal Services and the Office of the Public Trustee. The clients that we serve under the Criminal Services program are charged with criminal charges, and at times are subject to charges resulting from domestic violence. It would be improper for a lawyer representing a client alleged to have committed a domestic assault to also screen that same client for D/IPV.

As well, the clients that we serve under the Public Trustee program are referred to us under the *Infirm Persons Act* or the *Mental Health Act*. Although we represent Public Trustee clients, we typically do not interact with them in person and thus would not be in a position to screen those clients for D/IPV.

Recommendation #11

The Minister of Health ensures that all clients of Addictions and Mental Health Services are screened for victimization and/or perpetration of D/IPV and appropriate services are referred and offered to the clients.

Health

The Minister of Health advises that the Department is informed that clients of Addictions and Mental Health Services should be systematically screened for victimization of D/IPV according to

the current processes in place and that appropriate services are offered to these clients. If the clients agree, they are referred to the appropriate services or resources. The Department will request that the RHAs explore new options to ensure that all staff comply with the processes that have been established.

In cases where individuals identify that they are perpetrators of D/IPV, Addictions and Mental Health Services staff are required to ensure that appropriate services are offered to the client and family members, and that other authorities are advised as required.

The Province of New Brunswick is currently piloting a Coordinated Community Response to High Risk/Danger Domestic/Intimate Partners Violence (CCR) model in the Fredericton and Edmundston/Grand Falls regions. The goals of the CCR are to increase the safety of victimized partners, their children and others who may be at risk; reduce the abusive partner's risk to re-victimize and to make the best use of all available resources. The two pilot sites began in 2017. The objective is to evaluate the model over an 18-month period and make improvements to it in the hope of having it deployed in other regions across the Province. This initiative is based on a multi-agency approach which guides service providers in sharing information, planning effectively and managing risk cases where there is a significant risk of re-assault or homicide.

Recommendation #12

The Minister of Health in collaboration with the provincial health authorities and appropriate associations:

- evaluate and enhance screening procedures for D/IPV that physicians and other health professionals and staff working in primary care settings to identify D/IPV and intervene and make referrals; and,
- explore how to improve interventions with and support to individuals with mental illness, addictions and brain injury and to their families.

Health

The Minister of Health advises that the Department will work collaboratively with the Women's Equality Branch, the RHAs and other health sector partners to ensure that existing screening procedures in primary care settings are evaluated with a goal to enhance identification of D/IPV, improve interventions and ensure that clients are referred to the appropriate services. As part of this work, procedures and tools currently used in Addiction and Mental Health Services will be further explored and leveraged to improve interventions and supports to D/IPV clients with mental health, addictions and brain injury and their families.

Law Enforcement Response to D/IPV

Recommendation #13

The Minister of Justice and Public Safety, in collaboration with the New Brunswick Association of Chiefs of Police, complete the development and implementation of new policies and procedures and the update of existing policies to improve the police response to domestic and intimate partner violence (D/IPV). These improvements to policies and procedures include but are not limited to:

- mandatory training on D/IPV, how to screen for D/IPV, assess risk for serious harm/injury and lethality, investigate and intervene effectively in D/IPV cases;
- mandatory use of the D/IPV risk assessment tool ODARA, the tool endorsed by the NB Association of Chiefs of Police and the Province of New Brunswick;
- adoption and use of a tool, in addition to ODARA, that specifically assesses the risk of lethality;

- intervention procedures for D/IPV cases that recognize and mitigate risk factors for lethality and further D/IPV, whether or not criminal charges are considered; and
- intervention and prevention activities that are carried out in an integrated manner with other stakeholders, including information sharing with other agencies and service providers regardless of the jurisdiction where the D/IPV incident(s) have occurred, or the jurisdiction where the victim or suspect resides.
- intervention procedures involving police referrals to Social Development recognize that police should make a report to Child Protection services in cases where there are children, whether they witnessed the D/IPV or not and that a report be made regardless of whether the incident is deemed criminal or not.

Justice and Public Safety

The Minister of Justice and Public Safety has addressed recommendations 13 and 15 collectively and advises that the Policing Standards and Contract Management Branch works in close collaboration with the New Brunswick Association of Chiefs of Police (NBACP) in policy development. The Municipal/Regional Operational and Administrative Manuals must adhere to the *Police Act* and its regulations as well as the New Brunswick Policing Standards. When provincial policies and procedures are developed and/or updated (as they often are), all Municipal/Regional Police Forces and RCMP 'J' Division are consulted for input and feedback. Policies are then submitted to the NBACP Ad-Hoc Policy Committee for review and subsequent approval before dissemination to police officers in New Brunswick. Any Force specific policies and procedures will meet, or exceed the requirements of the NB Policing Standards.

In consultation with the Department of Justice and Public Safety (JPS), *Policing Standards - Province of New Brunswick* were prepared as a collaborative effort of the policing community and released in early 2017. These revised ministerial directives include the addition of four standards related to "intimate partner violence," including:

- OPS 8.1 Police forces shall have policy outlining the response and investigation of IPV as per municipal / regional police forces operational and administrative manuals.
- OPS 8.2 Police forces shall have policy on the use of Police Based Risk Assessments for IPV investigations and will use the Police Based Risk Assessment Tool for the evaluation of risk as per municipal / regional police forces operational and administrative manuals.
- OPS 8.3 Police forces shall follow the established New Brunswick protocols for the investigation of IPV and for the Police Based Risk Assessment for IPV.

These NB protocols include the Woman Victims of Abuse Protocols (WVAP) and the Ontario Domestic Assault Risk Assessment (ODARA) Protocol. The WVAP is a set of guidelines that outline the roles of professionals who work for government agencies (such as police, victim services coordinators, crown prosecutors, family court, probation, corrections, emergency medical services, public health, and mental health services) and non-government service providers in responding to woman abuse. The WVAP advocate a collective response among all parties, which empowers and protects abused women and their children and places accountability for the abusive behaviour on the perpetrator. The WVAP include the provincial definition of D/IPV and state that police officers will complete a risk assessment using a validated tool in D/IPV cases. The ODARA Protocol was approved by the NBACP Ad-Hoc Policy Committee in April 2015 and it aims to prevent further violence by providing a clear and consistent process for police to assess, communicate and manage risk in D/IPV incidents; improve officers' ability to identify and examine risk factors for assessing the risk of repeat victimization; and systematically inform the intervention procedures, including safety planning for the victim and children.

The fourth standard in the new *Policing Standards - Province of New Brunswick* (PER 2.4) mandate police forces in the province to "maintain a training program for all police officers that include, but is not limited to, the delivery of professional development training to ensure police officers remain current in... k) intimate partner violence (IPV)."

In September 2013, the NBACP passed a resolution to adopt the provincial definition of D/IPV and to adopt the use of ODARA in D/IPV cases. ODARA was determined to be the best risk assessment tool for use by police in New Brunswick because it is brief, precise and reliable. It was selected using a collaborative process that included a review of available research; a survey of front-line NB police officers; and consultation with police leadership, prosecutions, researchers, and public safety personnel. The NBACP resolution also supported the need for continuous research to move toward a New Brunswick-made risk assessment model that incorporated lethality and diversity. Thus, Activity #2 of New Brunswick's Crime Prevention and Reduction Strategy's (the Strategy) 2016-2019 Action Plan is to: Validate the ODARA with diverse populations and add a lethality assessment to the tool. This Activity is being led by the Centre for Criminal Justice Studies at UNB Saint John. Data collection is nearing completion from Saint John Police Force records on the ODARA as it relates to informing police response, predictive validity with female perpetrators, and the value of adding dynamic and other risk items. Analysis is underway and the results are expected by end of summer 2018. The test of these same factors with Indigenous offenders will use data from RCMP 'J' Division, with collection expected to start in fall 2018. The target date for completion of Activity #2 has been revised and is now 2019-2020. Depending on the research findings, this activity may also assess lethality assessment tools appropriate for use by police. A plan to support the adoption or implement usage of a revised tool for police to assess lethality will likely be an activity on a subsequent Strategy action plan. Until then, JPS will continue to encourage police officers to refer all D/IPV victims to JPS Victim Services for continuation of services, including the Danger Assessment (DA) - the top verified lethality assessment tool - and safety planning, regardless of the ODARA score, whether the ODARA was used, or whether criminal charges are considered.

As part of the Strategy's 2014-2016 Action Plan, JPS in partnership with NBACP adopted a train-the-trainer model on the province-wide use of the ODARA tool as means to identify recidivism risk for D/IPV. Thirty-two trainers were identified, some from every municipal/regional police force in NB, the RCMP, and JPS. Mandatory user-training on D/IPV and ODARA began in June 2014 and reached 90% of the approximate 1,150 front-line police officers by June 2016. Since then, the police ODARA trainers and Community Programs Officers in the RCMP have continued to train new officers as they are hired and they notify JPS for record-keeping (number of officers trained) and certification.

JPS connects regularly with this group of trainers and has brought them together for bi-annual meetings to review what's working and not working with the implementation of ODARA and to receive new information as it relates to IPV, including updates to provincial police IPV policy and standards, the Victims Bill of Rights, the *Intimate Partner Violence Intervention Act*, and the Court Support Volunteer Program, among other topics. This group has also received a presentation by the DVDRC on its role and common recommendations with respect to police. When surveyed for the purposes of writing this response, most ODARA trainers indicated that they do not currently provide continuous (annual) education to existing staff on D/IPV. JPS commits to discussing this recommendation with the NBACP.

The one (1)-day police user training sessions include information on the dynamics of D/IPV and the risk factors for re-assault and serious harm/lethality, and how to investigate and intervene effectively in D/IPV cases. Police officers are trained to recognize the strongest known correlates of lethal D/IPV, such as the perpetrator's use of firearms, threats to kill, attempts to choke/strangle, forced sex, divorce or separation, the victim having a new male sexual partner, and the victim being of childbearing age or having a child from a sexual relationship other than with the perpetrator.

During their training, police officers are also reminded of their duty to report child abuse to Child Protection Services. Under the *Family Services Act*, s.31(1), "the security or development of a child may be in danger when... (f) the child is living in a situation where there is domestic violence." Further, the Child Victims of Abuse and Neglect Protocols include exposure to

domestic violence in its definition of Child Abuse. Exposure to domestic violence refers to when a child is living in a situation where there is domestic violence. It includes children seeing, hearing or being aware of violence perpetrated by one parent figure against another parent figure. In addition to the *Family Services Act*, these Protocols require police to report suspected cases of child abuse to Social Development. Similarly, the WVAP describe the police officer's obligation to notify Social Development if children are present. Police officers are trained to report all D/IPV incidents where a child resides with the accused, or the victim, to Social Development for follow-up care, regardless of whether the child was present at the time of the incident or witnessed the violence, and regardless of whether the incident is deemed criminal or not.

Provincial police policy on Intimate Partner Violence (revised in April 2018) requires the Chief of Police to designate, in writing, a police officer as IPV Coordinator that is responsible for the following:

- Reviewing all IPV files;
- Ensuring that the IPV file has been flagged using the special/study code in the Records Management System (RMS);
- Ensuring that a referral has been made to provincial Victim Services;
- Ensuring that where a victim or witness is a child, that a referral has been made to the Department of Social Development;
- Liaising or being the point of contact with IPV stakeholders;
- Monitoring and being current in the relevant legislation and regulations;
- Ensuring every police officer is trained in IPV and the use of the police-based risk assessment tool (ODARA);
- Verifying if an ODARA Scoring Form has been completed where appropriate;
- Reviewing all ODARA Scoring Forms for accuracy and quality; and
- Completing the IPV Quality Assurance Checklist.

In addition to flagging IPV files in police RMS, provincial police policy also requires police forces to provide IPV statistics on a quarterly basis to JPS.

D/IPV is a risk activity of the Quality Assurance Review that staff from the Policing Standards and Contract Management Branch undertake annually of municipal/regional police forces in the province. This review includes police forces' compliance with using ODARA, mandatory referral to Social Development under the *Family Services Act*, as well as referral to JPS Victim Services. While *Policing Standards - Province of New Brunswick* require Police Forces to have written policies for internal self-audits, there is currently no requirement for police forces to conduct a self-audit should a domestic homicide occur. JPS commits to bringing this recommendation to the NBACP Ad-Hoc Policy Committee for consideration.

Another Strategy activity is the development and implementation of a multi-agency, integrated response by government and community services to D/IPV cases involving high danger victims, their families, and high-risk offenders. The goal of the Coordinated Community Response (CCR) program is to increase the safety of those at risk, reduce risk of re-offence, and use available resources effectively. The CCR is designed to build and strengthen relationships between services, improve information sharing, and increase collaboration on safety plans and risk/danger management strategies.

The CCR program has been operating in two pilot locations within NB since April 2017. A Pilot Evaluation Report and a Preliminary Privacy Impact Assessment have recently been completed for the CCR Steering Committee as they consider provincial roll-out of the program. JPS and the Women's Equality Branch, as co-leads of the CCR project, are currently working on a Memorandum of Understanding (MOU) between CCR service providers as well as an interagency information sharing agreement to respond to the risk for serious harm and lethality in situations of D/IPV. This agreement would facilitate information sharing in high risk / high danger cases with all

agencies and service providers regardless of the jurisdiction where the D/IPV incident(s) have occurred, or the jurisdiction where the victim or suspect resides. Pending the development of the MOU as well as the agreement, and province-wide implementation of CCR, Police Forces are continuing to work with their local partners in promoting a more coordinated approach to D/IPV cases.

New Brunswick Association of Chiefs of Police

NBACP will look at requesting that this be included in the Quality Assurance process that is conducted by the Department of Public Safety with each Municipal/Regional Police Force.

Recommendation #14

The Minister of Justice and Public Safety, in collaboration with the New Brunswick Association of Chiefs of Police ensure the retention of police and police based victim services files related to domestic violence are maintained for a period no less than ten years for access and review by the Domestic Violence Death Review Committee of the New Brunswick Coroner's Office.

Justice and Public Safety

While, Policing Standards SS 7.5 requires police forces to have policy addressing the maintenance of the "disposition" of records pursuant to the *Archives Act*, the *Public Records Act*, and records retention and disposition schedules approved by the Minister of Justice and Public Safety, the retention schedule for RCMP files is set nationally. JPS commits to bringing this recommendation to the NBACP Ad-Hoc Policy Committee for consideration.

New Brunswick Association of Chiefs of Police

The NBACP will endorse this recommendation in full.

Recommendation #15

The Minister of Justice and Public Safety with the New Brunswick Association of Chiefs of Police (RCMP and Municipal Police Forces), complete the development and implementation of policies and procedures to improve the police response to domestic intimate partner violence. Improvements to policies and procedures include but are not limited to:

- assess lethality assessment tools appropriate for use by police;
- implement usage of the most appropriate lethality assessment tool for police and for it be used in conjunction with their professional judgement to determine intervention and risk management strategies for both victim and perpetrator;
- mandatory training to new staff and continuous (annual) education to existing staff on D/IPV, how to screen for D/IPV, assess risk for serious harm, injury and lethality, investigate and intervene effectively in D/IPV cases whether or not criminal charges are considered;
- track and monitor the use of ODARA by police officers and any other tool endorsed by the NB Association of Chiefs of Police and the Province of New Brunswick in DIPV cases to assess risk of re-assault or lethality in DIPV cases by appointing a senior police officer or a police officer as a D/IPV specialist in each force to ensure compliance with this function.
- develop and implement intervention and prevention activities that are carried out in a coordinated manner with other stakeholders, including information sharing through a memorandum of understanding with other agencies and service providers regardless of the jurisdiction where the DIPV incident(s) have occurred, or the jurisdiction where the victim or suspect resides;

- conduct annual internal reviews on compliance to policies and procedures and to respond to D/IPV incidents; and, conduct internal audits where there is a domestic homicide. Results of audits are to be forwarded to the Department of Justice and Public Safety.

Justice and Public Safety

See response to recommendation #13

New Brunswick Association of Chiefs of Police

The NBACP will follow the best practices as set out on a national level by the Canadian Association of Chiefs of Police (CACP) as well as the process set out in the Quality Assurance review program.

Recommendation #16

That the Commander of “J” Division of the RCMP establishes procedures for domestic violence cases that would facilitate access of the police investigation and complete files in the shortest delay possible.

RCMP

The Assistant Commission of the RCMP J Division confirms current policies and procedures stress the importance of thorough and timely domestic/intimate partner violence investigations. It is imperative that these files, required for review by the Committee, are accessible in a timely manner. The A/Commissioner will address this recommendation in the form of a written directive to the members of ‘J’ Division, referencing our policies and reminding them of their requirement to complete these investigations without delay to ensure the information can be shared promptly with Coroner Services.

Recommendation #17

Police investigation reports are required to support the committee’s mandate. In order to understand circumstances of a domestic violence matter resulting in death, the following elements of a case that are of significant importance are;

- prior criminal history of the subject (s);
- details of prior calls that are documented in the police system in relation to the subjects and police interventions / outcomes;
- If applicable, Police risk assessment results (O.D.A.R.A. – Ontario Domestic Assault Risk Assessment);
- Referrals to community services such as hospital, victim services, shelters for women, the department of Social Development when children are involved whether they witnessed the event or not or adult protection services, etc.
- Documented details of interviews (including audio recordings) with family, friends, neighbors, co-workers and professionals involved with the subject (s); the nature of these relationships and their knowledge of existing incidents of domestic violence, mental health & addiction issues and any intervention made on their part.

RCMP

The Assistant Commissioner concurs with this recommendation, and assures that divisional policy addresses the inclusion of the aforementioned information within our investigational files.

The RCMP are in the process of updating the Domestic / Intimate Partner Violence policy to reflect the current language, best practices and procedural necessities for these types of investigations. Additionally, the amended policy will emphasize the necessity for increased

oversight and review of these types of investigations which will ensure that the significant elements of a case are captured within the file.

The RCMP are committed to strengthening their working relationship through collaboration as it is imperative to servicing client's needs and achieving excellence in operations.

New Brunswick Association of Chiefs of Police

The NBACP supports that best practices be followed by police forces to provide good quality files. The NBACP is willing to cooperate in regards to this recommendation and it may not be required in the form of an actual policy.

OTHER

Recommendation #18

That the Premier, both in his role as Premier and as Minister Responsible for Women's Equality, as well as all other appropriate Ministers, adopt and endorse the National Framework for Collaborative Police Action on Intimate Partner Violence (IPV).

Justice and Public Safety

The Minister of Justice and Public Safety advises that from a JPS perspective, he congratulates the Canadian Association of Chiefs of Police Committee on Crime Prevention, Community Safety and Wellbeing, as well as the Canadian Observatory on the Justice System's Response to Intimate Partner Violence, for successfully developing a National Framework for Collaborative Police Action on Intimate Partner Violence (IPV). Much like the National Use of Force Framework that guides police training and decision-making across Canada, the National Framework for Collaborative Police Action on IPV is the foundation for a shared understanding, consistent terminology, and common application that will be used across the country to keep families and communities safe from IPV. As Minister of Justice and Public Safety, I fully support this National Framework and recognize its value in the development of future policies and training on police response to IPV, and will share my recommendations with the Premier.

At the heart of both the National Framework and New Brunswick's Crime Prevention and Reduction Strategy is collaboration. JPS recognizes that intimate partner violence is a shared responsibility requiring multi-sectoral collaboration at all levels - in policy development through to the front-lines - to support all involved persons. In addition to the work described above, the development and implementation of New Brunswick's *Intimate Partner Violence Act* is the result of the collaborative efforts of many partners. Under this act, which came into force on May 1, 2018, victims can apply for an emergency intervention order to obtain short term remedies to respond to their circumstances, including exclusive occupation of the residence, temporary possession of personal property, no-contact provisions, temporary custody of children, and seizure of weapons. These court orders are a critical piece in the overall response to IPV, as evidenced in the National Framework for Collaborative Police Action on IPV.

Women's Equality Branch

The Women's Equality Branch confirmed its support of the *National Framework for Collaborative Police Action on Intimate Partner Violence* and committed to working with its partners and stakeholders to improve the response to intimate partner violence in New Brunswick. It is an important Framework for policing and for the broader community as it reinforces the importance of relationships and partnerships in addressing the complexity of intimate partner violence and it guides policy and action.

Recommendation #19

The Minister of the Department of Post-Secondary Education, Training and Labour, in collaboration with WorkSafeNB and the Minister of Human Resources should provide leadership to all employers:

- a. To enact appropriate legislation in order to ensure that mental health and intimate partner violence are recognized as significant factors affecting workplace safety;
- b. To stress that the current strategic and operational focus of Worksafe NB can ensure that mental health and intimate partner violence are recognized as significant factors affecting workplace health and safety, that these risks can be reduced; and, that such measures that are deemed appropriate to communicate these issues to employers and employees are adopted.

Post-Secondary Education, Training and Labour

The Minister of Post-Secondary Education, Training and Labour advises that in 2016, the Department responded to the Committee's recommendations with information on the *Occupational Health and Safety Act*, the *Family Violence: Workplace Toolkit*, the revised *Woman Victims of Abuse Protocol*, and the new Government of New Brunswick Employee Health and Safety Unit, among other things. The following summarizes new initiatives addressing domestic, intimate partner or sexual violence in the workplace and workplace wellness.

1. Earlier this year, Bill 44 – *An Act to Amend the Employment Standards Act* was passed by the Legislative Assembly. Among other things, Bill 44 addressed leave protection for persons subject to domestic, intimate partner or sexual violence. The details of the leave (e.g., duration and purpose) will be set out in Regulation. In June/July 2018, a draft Regulation was posted for public review and input. This amendment will come into force on a date set by proclamation. All other provisions in the act came into force upon Royal Assent on March 16, 2018.
2. Amendments to the General Regulation under the *Occupational Health and Safety Act* addressing violence and harassment as workplace health and safety hazards will come into force on April 1, 2019. The amendments have been designed to ensure that domestic violence, sexual violence and intimate partner violence are addressed in New Brunswick's workplaces as health and safety hazards.
 - The amendments provide definitions of harassment and violence:

“harassment”, in a place of employment, means any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment or display made on either a onetime or repeated basis that threatens the health or safety of an employee, and includes sexual harassment, but does not include reasonable conduct of an employer in respect of the management and direction of employees at the place of employment; (*harcèlement*)

“violence”, in a place of employment, means the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence and domestic violence; (*violence*)

- Employers who employ 20 or more employees in the province are now required to establish a code of practice on violence following a risk assessment that includes the risks of domestic, intimate partner or sexual violence in the workplace.
 - All employers offering services that are specified in the Regulation, including those with fewer than 20 employees, must also establish a code of practice. Specified services include all parts of government and third-party service providers under contract to government, healthcare providers, veterinary services, pharmacies, education and childcare service providers, police and first responders, security services, retail sales, delivery services, financial service providers, alcohol and cannabis sales, taxis and public transportation, gaming, home support services, and crisis counselling and interventions service providers.
 - Employers who do not offer the specified services and who have fewer than 20 employees regularly employed in the Province are required to complete an assessment of the risk of violence in their places of employment, including the risk of domestic, intimate partner or sexual violence, and establish a code of practice on violence if the assessment finds a risk of violence in their places of employment.
 - All employers must also establish codes of practice to address harassment.
3. Treasury Board is currently developing a Corporate Workplace Wellness Program for Part I of government, in which mental health is a key priority. The current focus is on increasing awareness on the importance of workplace mental health. Government has partnered with the Canadian Mental Health Association of New Brunswick and will be hosting mental health learning opportunities across the province beginning September 2018. Additional tools and resources will be made available in the coming months.

Recommendation #20

That the Minister of Social Development ensure that all staff, receive ongoing training to recognize the risk factors for domestic intimate partner violence. Furthermore, this training should address effective interventions that promote the safety of women, and women with children.

Social Development

The Minister advises that the Department of Social Development values the importance of educating employees on the prevalence, dynamics and effective interventions that promote the safety of women and children in domestic/intimate partner violence situations.

The Department will add the Love Shouldn't Hurt Campaign's weblink to its existing internet and intranet sites. During "Family Violence Prevention Month" in November 2018 the Deputy Minister will inform all Departmental employees how to access the weblink to the campaign and encourage them to become familiar with the information.

The Department has fully implemented a specialized, three-day provincial training module on domestic/intimate partner violence for child protection social workers and supervisors. The objectives of the module are to strengthen social workers' skills in: recognizing risk factors for domestic/intimate partner violence, safely engaging parents around domestic/intimate partner violence issues, understanding the impacts of children's exposure to domestic/intimate partner violence, gathering information to complete the Structure Decision Making® assessment tools and making plans to increase safety for children. To date, 254 participants have received the training.

Recommendation #21

The Office of the Attorney General - Public Prosecutions ensure that when there is a plea of guilt or a finding of guilt in cases of D/IPV and as deemed appropriate by the Crown Prosecutor recommend that the offender receives court ordered attendance at a D/IPV intervention program. Furthermore, that the Minister of Justice and Public Safety, Probation Services make available throughout the province, programs specific to D/IPV intervention. Moreover, D/IPV cases containing court orders that contain a general condition for programing as deemed appropriate by the probation officers that D/IPV perpetrators be referred to the afore mentioned programs.

Office of the Attorney General

The Office of the Attorney General (OAG) advises that a request for Public Prosecution Services (PPS) to recommend an offender attend at a D/IPV intervention program is dependent on such programs being available in the jurisdiction where the offence occurred.

PPS does take the issue of IPV very seriously. In fact, in response to this serious problem in New Brunswick, a specialized IPV Unit has been created. The prosecutors assigned to this unit are provided specialized training so that all decisions are evidence-based. It is hoped that the expertise they receive will translate to a better understanding of the root causes of IPV and assist in ensuring matters are dealt with in the most effective manner in the context of the criminal justice system. These experts will further assist other prosecutors in their regions so that PPS provides a proper response to assist victims and ensure offenders are held accountable for their actions.

Justice and Public Safety

In the context of the New Brunswick's Crime Prevention and Reduction Strategy, JPS recently completed a review of criminogenic programs with the goal to ensure current community correctional approaches are evidence-based. The review identified areas for improvement in existing programs and services including interventions focused on D/IPV. Plans are underway to increase the availability and quality of D/IPV assessment, interventions and case management approaches with the goal to reduce recidivism and increase community safety.