BRITISH COLUMBIA | Coroners Service
Ministry of Public Safety and Solicitor General

REPORT TO THE CHIEF CORONER OF BRITISH COLUMBIA

Findings and Recommendations of the Domestic Violence Death Review Panel

May 2010

PREAMBLE

The purpose of a death review panel is to review the facts and circumstances of deaths that have certain key elements in common and provide advice to the chief coroner with respect to matters that may impact public health or safety and the prevention of death. Pursuant to the *Coroners Act,* the panel chair reports to the chief coroner any findings regarding the deaths reviewed and any recommendations for prevention of similar deaths.

On March 9, 10 and 11, 2010, a Death Review Panel was convened at the Office of the Chief Coroner in Burnaby to examine the circumstances surrounding 11 incidents of domestic violence. Together these 11 incidents resulted in 29 deaths – 21 homicides, including 3 children, and 8 suicides.

The 11 incidents that are the subject of this report were selected from an exhaustive review of over 100 coroner case files dating back to 1995. All of the incidents considered for selection had already been the subject of completed coroner investigations as well as criminal investigations, in cases where the perpetrator survived the incident. Public inquests were held in 6 of the cases and 5 were the subjects of public coroner reports. However, the 11 incidents selected represent, in the opinion of the chair, case illustrations of the most compelling and significant domestic violence risk factors and systemic gaps.

Panel members were appointed under section 49 of the *Coroners Act* and included representatives of the investigative, prosecutorial, correctional and social service agencies encountered by victims and perpetrators of domestic violence. Subject matter experts included representatives from the Royal Canadian Mounted Police (RCMP), Victoria City and Vancouver Police Departments, Crown Counsel, Community Corrections, the Representative for Children and Youth, the Ministry of Children and Family Development, the Ending Violence Association of BC, Simon Fraser University Department of Psychology,

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RCMP Victim Services and the Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General.

The deliberations of the panel are subject to the privacy provisions of the *Coroners Act* and the *Freedom of Information and Protection of Privacy Act.* A Death Review Panel does not make any findings of legal responsibility or express any conclusions of law.

The chief coroner may disclose the report, or part of the report, to the attention of appropriate persons, public authorities or the public.

TERMS OF REFERENCE

The terms of reference for this panel, as established under section 49(2)(c) of the *Coroners Act,* were as follow:

- to review coroners' investigative findings and additional information provided by other organizations or individuals with respect to these deaths;
- to discuss systemic and human factors involved in those incidents;
- to explore the presence of trends or patterns associated with these deaths;
- to discuss the level of domestic violence awareness, education and training as applicable to these deaths;
- to discuss the state of domestic violence programs, as applicable to these deaths, in place at the time of the incidents, and/or currently in place;
- to discuss the applicable safety networks and any potential gaps therein; and
- to provide the chief coroner with advice on how to prevent similar deaths in the future.

After examining the circumstances related to the fatal incidents, the panel made several findings and recommended strategies for preventing similar deaths in the future. The panel's findings and conclusions were reported to the chief coroner by the chair who, with the panel administrator, endeavoured to accurately document the will of the panel. The chair is solely responsible for any errors or omissions in the content of this report.

BACKGROUND

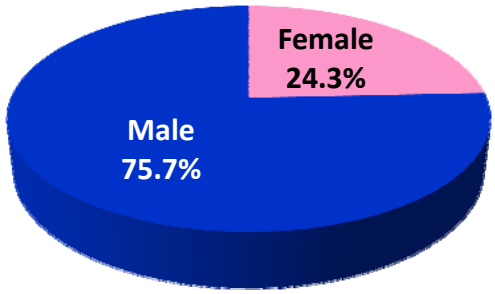
The BC Coroners Service (BCCS) defines a homicide as "*a death due to injury intentionally inflicted by the action of another person"*. Homicide is a neutral term that does not imply fault or blame.

In 2008, the BCCS conducted a statistical review of 605 homicides, which occurred in British Columbia between January 2003 and August 2008. Of the 605 homicides, 73 were due to domestic violence committed by a current or former spouse, common-law spouse, boyfriend or girlfriend, or other romantic partner of the victim. Individuals killed by other family members were excluded from the statistical report, except in cases where the

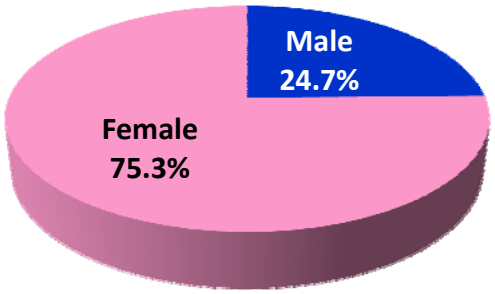
deceased was a victim of a multiple homicide that also targeted someone with whom the assailant was or had been in an intimate relationship.

- 605 homicides occurred in British Columbia between January 2003 and August 2008 *
  - 458 (75.7%) of the homicide victims were male
  - 147 (24.3%) of the homicide victims were female
  - 73 of the 605 homicides were the result of domestic violence
  - 18 (24.7%) of the domestic violence homicide victims were male
  - 55 (75.3%) of the domestic violence homicide victims were female

Total Homicides in BC between January 2003 and August 2008



Total Domestic Violence Homicides in BC between January 2003 and August 2008



While males are more likely to be victims of homicide in general, domestic violence homicide victims are more likely to be female than male.

* British Columbia Coroners Service (2009), Violence in Relationships in British Columbia: Domestic Homicides and BCCS Recommendations (2003 – 2008), Ministry of Public Safety and Solicitor General, Province of British Columbia.

FINDINGS OF THE DEATH REVIEW PANEL

Of the 29 deaths in the 11 incidents under review by the panel, 14 of the deceased were female (including one female child) and 15 were male (including two male children). All 14 of the female deaths were classified as homicides. Of the male deaths, 8 were classified as suicides and 7 were homicides. Of these 7 male homicides, only 1 was targeted by his female spouse. The other 6 male deaths resulted from multiple homicides targeting the perpetrator's spouse.

The panel acknowledges that in order for the systemic and community response to domestic violence to succeed, the collective focus must remain on the safety of the victim and the accountability of the offender.

The panel wishes to highlight the following recurring themes in their deliberations:

Collaboration:
Victims and perpetrators of domestic violence encounter a number of service providers as they progress through the legal system. It is absolutely critical that there be a standardized, collaborative approach to domestic violence by all agencies, ministries, and support networks reinforced by enhanced public awareness of the risks for families in distress.

Standardization:
In reviewing the circumstances of the deaths, the panel identified a need for a standardization of the investigative approach to domestic violence by police across British Columbia. All investigations submitted by police that lead to the Report to Crown Counsel for charge and bail considerations, and all prosecutorial processes advanced by crown counsel must adopt the same investigative practices to ensure that no information goes unexamined. This model must be supported by a cross-jurisdictional sharing of electronic information by police. Investigators in the field also require assistance to be available from a provincial domestic violence support resource that is easily accessible to police departments across British Columbia.

Industry definitions, such as those used to identify "K" (domestic) files and "higher risk" cases, should also be standardized for use across police and prosecutorial jurisdictions.

Resources & Training:
Concurrent with the police investigation and crown counsel prosecution, parallel investigations are conducted by the Ministry of Children and Family Development (MCFD) and Community Corrections; as well, a number of victim support services become involved. All of these service providers must be equipped with the training and resources to ensure a timely and appropriate response regardless of cultural, language or other perceived barriers. This enhanced approach to families in distress must include the identification of higher risks such as access to firearms by the perpetrator or threats to the victim's family,

friends or colleagues. These types of risks may not have been proactively identified by the victims.

Coordination:
In addition to the criminal law process, civil and family law processes often arise from domestic violence or families in distress. A coordinated approach between crown counsel, civil and family courts and legal practitioners is also recommended.

Information Sharing:
The panel recognizes that agencies and ministries engaged in a collaborative process often experience challenges with the operational sharing of information obtained under their respective legislation. In accordance with the *Freedom of Information and Protection of Privacy Act*, information sharing agreements are required to facilitate the exchange of relevant information between collaborating agencies.

Community Involvement:
The collaborative legal and social service systems require the support of the community. Evident in one of the incidents reviewed by the panel was the fact that family members, friends and neighbours were aware of the domestic violence or the family distress. Regrettably this information was only provided to investigators after the deaths.

A public education campaign, developed to raise awareness of domestic violence would encourage those who are in distress, and those who are aware of domestic violence, to seek assistance from the appropriate social service and criminal justice agencies. Points of contact such as schools, places of employment and medical facilities should be provided with guidelines for identifying and assessing risk factors for domestic violence. The panel reviewed examples such as the Neighbours, Friends & Families campaign in Ontario: www.neighboursfriendsandfamilies.ca

The panel wishes to highlight two recent examples of collaborative approaches to domestic violence worth considering:

1) Langley Domestic Violence Pilot Project, and
2) Vancouver Police Domestic Violence and Criminal Harassment Unit.

The Langley Domestic Violence Pilot Project ran from December 2008 to July 2009. Overseen by a seconded domestic violence resource crown counsel and a senior member of the RCMP, the project developed and applied best practice guidelines for investigating and prosecuting high risk domestic violence cases. The processing of the cases was victim-centered and inclusive of a variety of community and criminal justice system partners.

In November 2009 the results of the Langley Pilot Project were compared to a six year Criminal Justice Branch average. The comparison revealed a conviction/guilty plea rate of 67 per cent compared to a six year average of 49 per cent. There was also a significant decrease in acquittals, stays of proceedings and victim recantations.

The Vancouver Police Domestic Violence and Criminal Harassment Unit operates using a team approach by a police investigator and a qualified community counsellor who provide prompt follow-up service to victims of domestic violence. The team also proactively identifies partners at risk of domestic violence and intervenes where possible. Victims are provided with support throughout the legal process to reduce the likelihood of the victim's withdrawal from the efforts for prosecution.

Death investigations:

Domestic violence often results in death. It is the mandate of the Coroners Service to determine the facts surrounding a death for the public record. The coroner makes recommendations to improve public safety and prevent deaths from occurring under similar circumstances. The BC Coroners Service is committed to investigative efficiency by ensuring its evidence-based, risk-focused protocols evolve with the collaborative approach of police, crown counsel and social services.

J. Dolan, Chair

RECOMMENDATIONS TO THE CHIEF CORONER

The panel submits the following recommendations for review, consideration and distribution, as deemed appropriate by the chief coroner:

To: The Minister of Public Safety and Solicitor General of British Columbia
The Attorney General of British Columbia

1. A single set of domestic violence policy and practice directives for both police investigations and crown counsel prosecution that unifies both systems regardless of the role, experience or location of the staff involved, including but not limited to:
    a. A domestic violence investigation guide (Guide), supported by a quality assurance program (QA);
    b. The Guide and QA are embedded into the police records information management environment (PRIME) to allow access across jurisdictions; and
    c. The Guide comprises part of the report to crown counsel, thereby standardizing the information presented to crown counsel for charge and bail considerations.

2. The creation of a domestic violence resource helpline to provide support and consultation to police officers working in diverse communities across the province, most notably those working in isolated or remote locations.

3. The development of a consistent, system-wide definition of spousal or "K" files in consultation with victim and offender services. The definition should recognize it is the nature of the relationship between the victim and accused, and not the offence type, which determines designation as a "K" file. This means that, whenever an offence has been committed against a former or current intimate partner of the accused, the "K" designation would apply. An intimate partner is defined as a person in a marriage, common-law or dating relationship regardless of gender.

To: The Minister of Public Safety and Solicitor General of British Columbia
The Attorney General of British Columbia
The Minister of Children and Family Development of British Columbia
The British Columbia Association of Chiefs of Police

4. The implementation of a "collaborative best practices" approach by justice system officials for the investigation and prosecution of domestic violence cases based on and following the best practice guidelines, mutual expectation agreements and organizational structure implemented in models such as the Langley Pilot Project and the Vancouver Police Domestic Violence and Criminal Harassment Unit. The approach should include, but not be limited to:
    a. The first appearance of an accused is no later than ten (10) business days from the offence date and the file presented to crown counsel by police is as complete as possible;

b. The file is fast-tracked through the system with the objective of setting a trial date within 60 days of the offence date;
c. Within the provisions of the *Victims of Crime Act*, crown counsel or police contacts every victim prior to the first appearance of an accused and ensures that bail conditions are mindful of the safety and needs of the victim and their family. Crown counsel ensures the victim is kept informed of the progress of the prosecution and which prosecutor has conduct of the file. Crown counsel directs the course of the prosecution while ensuring the victim opportunity to provide input; and
d. The development of a protocol for communities with multiple police jurisdictions that ensures individuals seeking help and support are directed to the proper agency that will follow through on the case. There is an expectation that police and crown counsel will ensure each victim is made aware of the support available to them and their family from the appropriate victim services. Proactive victim services referral can only occur with the consent of the victim.

5. A standard definition for domestic violence cases where there is a higher risk of serious harm or death. The designation is assigned to a case of spousal/intimate partner violence, threats or harassment when there is substantial concern for serious future violence toward either partner or vulnerable children. The designation of high risk is based upon, but not limited to, risk factors for lethality that have been identified in the current research literature and domestic violence death review committee reports on risk assessment tools.

6. The development of information-sharing protocols between all service providers for all high risk cases under the leadership of the Ministry of Public Safety and Solicitor General Domestic Violence Working Group. This entails directives from respective ministries to commit to sharing information in instances where public safety is at stake by means of Memoranda of Understanding (MOU) or Information Sharing Agreements (ISA). The MOU's and ISA's detail each agency's duty to report on cases of domestic violence.

7. The implementation of mandatory assessment procedures for adding no contact provisions in protection orders to include children, family members and/or others where information exists to indicate they are also at risk in domestic violence cases. Procedures should be clear and adopt standard practices with respect to:
    a. Supervised access to children in consultation with the victim and ensuring victim safety;
    b. Address of school/daycare being added to no-contact orders and a copy of the order provided to school/daycare administrators with discussion of a safety plan (e.g. use of a 'code word');
    c. Police and MCFD interviews of children as an investigative standard;
    d. Crown counsel seeking publication bans for child witnesses; and
    e. Crown counsel seeking orders appointing counsel for cross examination of the complainant, children and/or other family members of the victim or accused in every case where a self-represented accused is conducting his own trial.

To: The Minister of Public Safety and Solicitor General of British Columbia
The Attorney General of British Columbia
The Minister of Children and Family Development of British Columbia
The British Columbia Association of Chiefs of Police
The Minister of Advanced Education and Labour Market Development of British Columbia

8. The provision of training and resources to police, crown counsel, victim services and MCFD to ensure an adequate, accessible and comprehensive response to all victims, regardless of culture, ethnicity, language, gender, age, ability, religion, sexual identity and geographic location. Attention will be paid to the following:
    a. Cultural competency training;
    b. Training and guidelines related to violence against women with emphasis on immigrant and settlement service providers;
    c. Provision of information in multiple languages and access to interpreters;
    d. Timely statement language translation;
    e. Outreach to highly marginalized communities.

To: The Attorney General of British Columbia

9. The allocation of regional crown counsel domestic violence specialists charged with overseeing the prosecution of higher risk and more complex domestic violence cases.

10. The allocation of additional domestic violence crown counsel to offices with an annual volume of "K" files exceeding local resources.

11. The development of an information package by crown counsel for individuals who are considering being named as surety in cases of release to bail on a recognizance.

To: The Attorney General of British Columbia
The Law Society of British Columbia

12. Adoption of a leadership role by the government of British Columbia in identifying and piloting civil and family law processes to achieve a more coordinated approach. This includes measures to help ensure the following:
    a. A review of the opportunities for appropriate information sharing between crown counsel and family law practitioners and, in the circumstance where a victim has no legal representation in a family law proceeding, exchange of information between criminal and family court processes;
    b. Appropriate legal aid be provided to victims of domestic violence where there is also a pending or an active family law proceeding;
    c. Integrated approaches to enforcing protective conditions included in civil and criminal orders; and
    d. Appropriate referrals to specialized community-based support services.

13. The development of a practical step-by-step guide for the Continuing Legal Education Branch and Legal Services Society that outlines domestic violence risk factors, coordination and case management protocols and referral guidelines. This guide to be made available on-line to members of the bar.

To: The Minister of Public Safety and Solicitor General of British Columbia
The Minister of Health Services of British Columbia
The Minister of Children and Family Development of British Columbia

14. Evaluation of the effectiveness of recognized assaultive men's treatment programs for use with voluntary, low risk, or self-referred clients in order to seek to change abusive behaviour before the abuser is charged or convicted of a criminal offence. Strategic partnerships with other ministries should be explored in order to ensure a coordinated response and appropriate allocation of resources.

To: The Chief Coroner of British Columbia

15. Enhancement of current investigative protocols for all cases of suspected domestic violence homicide to reflect consistency with the policy and practice directives described in recommendation #1, above.

16. The Chief Coroner will convene recurring death review panels comprised of diverse stakeholders from a range of relevant social service, health care and criminal justice agencies, as well as affected private citizens. These panels will be tasked with examining the circumstances related to one or more deaths in specific cases chosen to reflect issues that are of particular interest or concern (e.g. cultural, religious, socioeconomic) and provide recommendations to the Chief Coroner.

To: The Minister of Public Safety and Solicitor General of British Columbia
The Minister of Health Services of British Columbia
The Minister of Education of British Columbia

17. The development of a public education campaign that raises awareness of the serious risks associated with family distress, including risks for suicide and homicide. The implementation and evaluation of the strategies necessary for the appropriate inclusion of this education campaign in provincial school system curricula. This campaign should encourage citizens to seek assistance from appropriate social service, health care and criminal justice agencies and be available in all major languages represented in the provincial population. A model for this program is found in the Ontario Neighbours, Friends & Families public education campaign www.neighboursfriendsandfamilies.ca.

To: The Minister of Health Services of British Columbia
The Minister of Advanced Education and Labour Market Development of British Columbia

18. The collaborative development of practice guidelines for assessing risk for domestic and other forms of violence that include a focus on the assessment of homicidal ideation and intent. The guidelines should be facilitated by a brief on-line (1-2 hour) training program and a simple decision support tool. Adoption of the guidelines, training and supports tool should be mandated and published in an electronic format accessible to:
    a. Healthcare professionals throughout the province, including those working in hospitals, community agencies or private practice settings; and
    b. Post-secondary educational institutions that offer health care professional programs.

To: The Minister of Labour of British Columbia

19. The development of a model, in collaboration with WorkSafeBC, for use by employers to provide protection to employees from domestic violence in the workplace. The model will enhance safety and ensure compliance with occupational health and safety regulations. The model should be facilitated by a brief (1-2 hour) on-line self-training program and a simple decision support tool accessible in an electronic format.