



# Intimate Partner Violence, Family Violence, and Gender- based Violence Policies

Prepared by: Mass Casualty Commission Research & Policy Team

**NOTE:**

This is a document provided for discussion purposes, based on a summary of the applicable law as assembled by Commission Counsel. The Commission welcomes input from Participants as to other laws or sections to be included in this overview.

## SUBJECT MATTER

This document is an overview of the policies concerning intimate partner violence, family violence, and gender-based violence by the provincial government in Nova Scotia, as well as the relevant RCMP, municipal police, and regional police policies.

## TABLE OF CONTENTS

<b>SUBJECT MATTER .....</b>	<b>2</b>
<b>TABLE OF CONTENTS .....</b>	<b>2</b>
<b>INTRODUCTION .....</b>	<b>5</b>
Gender-Based Violence .....	5
Intimate Partner Violence .....	6
<b>GOVERNMENT OF NOVA SCOTIA – MAJOR POLICY DEVELOPMENTS ON INTIMATE PARTNER VIOLENCE .....</b>	<b>8</b>
Early Developments .....	8
Government committees.....	8
Major reports calling for change.....	8
The Nova Scotia Family Violence Tracking Project .....	8
The Framework for Action Against Family Violence: Nova Scotia’s Pro-Arrest, Pro-Charge, Pro-Prosecution Policy .....	10
Early Implementation of the Framework for Action Against Family Violence .....	11
Funding .....	11
Training .....	11
Data Collection.....	11
Victim Support Service Program.....	12
Pro-arrest, pro-charge, pro-prosecution policies released.....	13
Directive Regarding Spousal/Partner Violence issued.....	13
Spousal/Intimate Partner Abuse Policy created.....	13
Additional policies .....	15
Community Consultations .....	15
Strategic Plans .....	15
Restorative Justice Program.....	16
1999 Evaluation of the Framework for Action Against Family Violence.....	16
2000 George/Maxwell Murder-Suicide and Review .....	17
Moratorium on Restorative Justice .....	17

The 2001 External Review of the Framework for Action Against Family Violence.....	17
Implementation of the Recommendations from the 2001 External Review of the Framework for Action Against Family Violence .....	19
Domestic Violence Intervention Act .....	19
Specialized Domestic Violence Investigative Units .....	21
Policy updates .....	21
Peace bond applications .....	21
Spousal/Intimate Partner Abuse Policy.....	21
Establishment of Police-based Victim Services Units.....	23
Evaluation of Training .....	24
High Risk Case Coordination Protocol Framework .....	24
Continuing Data Collection .....	26
Policing Standards.....	26
2009 Report of the Domestic Violence Prevention Committee .....	27
2010 Domestic Violence Action Plan .....	28
Statistics and Public Opinion Polling .....	29
The Domestic Violence Court Program.....	31
Changes to the Residential Tenancies Act, 2012.....	31
Adoption of the Vulnerable Witness Protocol.....	31
Police Audits .....	32
Sexual Assault Investigation Audits .....	32
Domestic Violence Investigation Audits .....	33
Amherst Police Department.....	33
New Glasgow Regional Police .....	34
Westville Police Service .....	35
Cape Breton Regional Police .....	35
Kentville Police Service .....	36
Bridgewater Police Service.....	37
Truro Police Service .....	38
Annapolis Royal Police Service .....	39
Halifax Regional Police .....	40
Intimate Partner Violence Quick Reference Guide for Police and Service Providers .....	41
Provincial Policy Updates .....	41

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Breaking the Silence: A Coordinated Response to Sexual Violence in Nova Scotia (2015)	41
Victim Services' Policy	42
Department of Community Services	42
Death Reviews	42
Atlantic Domestic Homicide Review Network	42
Domestic Violence Death Review Committee	43
Standing Together: A Provincial Action Plan to Prevent Domestic Violence	43
<b>ADDITIONAL POLICIES ON GENDER-BASED VIOLENCE, INTIMATE PARTNER VIOLENCE, AND FAMILY VIOLENCE</b>	<b>43</b>
Royal Canadian Mounted Police	44
Municipal and Regional Police Services	46
Emergency Health Services	46
Provincial Firearms Office	47
Public Prosecution Service of Nova Scotia	47

## INTRODUCTION

1. This document uses the terms “gender-based violence,” “family violence” and “intimate partner violence.” Background information about these terms is included to offer a framework for understanding the information presented in this foundational document. In some cases, the policies referred to in this document use other terms, such as “domestic violence” and “spousal/partner violence.” Wherever possible, the document adopts the preferred language of “gender-based violence,” “family violence” and “intimate partner violence” except where doing so could change the potential intended meaning of the policy documents referred to.

### Gender-Based Violence

2. The United Nations High Commissioner for Refugees defines gender-based violence as follows:

Gender-based violence refers to harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. Gender-based violence can include sexual, physical, mental and economic harm inflicted in public or in private. It also includes threats of violence, coercion and manipulation. This can take many forms, such as intimate partner violence, sexual violence, child marriage, female genital mutilation and so-called “honour crimes.”

- Gender-based Violence, UNHCR, <https://www.unhcr.org/gender-based-violence.html>: COMM0059534

3. Drs. Carmen Gill and Mary Aspinall, from the Department of Sociology at the University of New Brunswick, prepared a report for the Mass Casualty Commission titled “Understanding Violence in Relationships.” In this report, Drs. Gill and Aspinall define gender-based violence as “violence experienced due to a person’s gender or how they express it.” The authors explain that: “In addition to physical violence, gender-based violence may also include more covert behaviours that are not criminal yet still cause victims to feel unsafe and threatened and can have long-term physical and emotional impacts. As a result, women, especially those who identify as Indigenous, 2SLGBTQ+, live with disabilities, and/or reside in rural or remote locations, are at much higher risk of experiencing gender-based violence.”

- Expert report prepared by Drs. C. Gill and M. Aspinall, “Understanding Violence in Relationships,” June 2022: COMM0058937 at p. 7 (citations omitted)

4. Gender-based violence is a very broad term and includes all forms of violent behaviour targeted at someone because of their gender. Gender-based violence is a by-product of gender inequality and power imbalances. Although men may also be victims of gender-based violence, women, particularly those with increased vulnerabilities, are the predominant victims of gender-based violence.

- Expert report prepared by Drs. C. Gill and M. Aspinall, “Understanding Violence in Relationships,” June 2022: COMM0058937 at p. 7 (citations omitted)

## Intimate Partner Violence

5. The World Health Organization defines intimate partner violence as:

. . . behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours. It can occur among heterosexual or same-sex couples, and does not require sexual intimacy.

- “Violence against Women,” World Health Organization, March 9, 2021:  
<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>: COMM0059535

6. Drs. Gill and Aspinall define intimate partner violence as “behaviours occurring solely between current or former intimate partners, whether or not currently living together. It may include physical violence as well as sexual, psychological, or emotional harm.” Intimate partner violence occurs in “a wide range of relationship dynamics that contain various degrees of sexual intimacy or geographical proximity.” They also note that “domestic violence” is a commonly used interchangeable term, but that it can “lead to assumptions that such violence takes place only within single home/family contexts.”

- Expert report prepared by Drs. C. Gill and M. Aspinall, “Understanding Violence in Relationships,” June 2022: COMM0058937 at p. 8 (citations omitted)

7. Dr. Katreena Scott is a clinical psychologist, professor and director of the Centre for Research and Education on Violence against Women and Children at Western University in Ontario. Dr. Scott prepared a report for the Commission titled “When We Know Something is Wrong: Secondary and Tertiary Intervention to Address Abuse Perpetration.” In this report, Dr. Scott defines intimate partner violence as “violence and abuse that occurs in the context of an intimate relationship. This relationship can refer to a dating relationship, co-habitation or marriage and includes same-sex relationships.” Dr. Scott notes that although both “men and women may be perpetrators of violence, research suggests that male violence against women is more severe in terms of victim’s fear, hospitalization for injuries, absenteeism from work, and homicide.”

- Expert report prepared by Dr. K. Scott, “When We Know Something is Wrong: Secondary and Tertiary Intervention to Address Abuse Perpetration” forthcoming. When finalized, the report will be available on the website of the Mass Casualty Commission.

8. Dr. Scott also explains that:

[Intimate partner violence] includes a range of different behaviours including, but not limited to, the use of physical violence against an intimate partner. Other common forms of [intimate partner violence] are sexual abuse (any unwanted, nonconsensual activity), psychological or emotional abuse (gestures, words or activities that serve to threaten, intimidate, undermine, humiliate, and isolate the victim), economic abuse (actions that deprive a victim of the ability to provide for their basic needs and/or those of their children) and spiritual abuse (exerting power

and control over someone by using their faith or beliefs, blaming abuse on spiritual figures).

- Expert report prepared by Dr. K. Scott, “When We Know Something is Wrong : Secondary and Tertiary Intervention to Address Abuse Perpetration” forthcoming. When finalized, the report will be available on the website of the Mass Casualty Commission.
9. Like gender-based violence, intimate partner violence takes many forms; however, whereas gender-based violence is a broader concept, intimate partner violence is limited to violent behaviour targeted at a current or previous intimate partner, making it a much more specific term in application. Intimate partner violence occurs in all types of intimate relationships and couple pairings: casual or serious, exclusive or non-exclusive, short-term or long-term, and everything in between.

## GOVERNMENT OF NOVA SCOTIA – MAJOR POLICY DEVELOPMENTS ON INTIMATE PARTNER VIOLENCE

### Early Developments

#### Government committees

10. Multiple committees, working groups, and initiatives have been established over the years within the Government of Nova Scotia to address gender-based violence, family violence, and intimate partner violence.
11. The Family Violence Prevention Initiative, which was operational between 1992 and 2000, is an early example. The Family Violence Prevention Initiative was a multi-departmental government-community partnership aimed towards effective responses and prevention against family violence.
  - Memorandum by Carolyn Marshall, Co-ordinator to Family Violence Prevention Initiative Committee Members and Chairs of the Departmental Family Violence Committees, 1998: COMM0001235 at p. 3
12. In addition, the Nova Scotia Department of Justice Public Prosecution Committee has operated a committee dealing with issues of intimate partner violence since approximately 2000/2001.
  - Mass Casualty Commission interview of John Joyce-Robinson: COMM0056389 at p. 16

#### Major reports calling for change

##### *The Nova Scotia Family Violence Tracking Project*

13. In February 1995, the Nova Scotia Family Violence Tracking Project created a report entitled *The Response of the Justice System to Family Violence in Nova Scotia*. The project was a joint initiative by the Solicitor General of Canada and the Nova Scotia Department of Justice, and was tabled before the Nova Scotia House of Assembly.
14. The Advisory Committee to the project included representatives from the Solicitor General of Canada, the Nova Scotia Department of Community Services, the Nova Scotia Department of Justice, municipal police agencies, the RCMP, the Nova Scotia Public Prosecution Service, the Nova Scotia Chiefs of Police Association, and the Transition House Association of Nova Scotia.
15. The report itself provides findings on family violence within the province, highlighting the trends in intimate partner violence, woman abuse, and child abuse in Nova Scotia. It includes statistics of all cases of “family violence” reported to police from April 1 to September 30, 1992, finding 992 cases over the six-month period. Forty-four per cent of the reported cases resulted in charges. The report also indicated that approximately 40% of victims were reluctant to proceed with the court process, and two-thirds eventually recanted or failed to appear in court as witnesses. Finally,

only 28% of the convicted perpetrators were incarcerated. Half of the convicted perpetrators were incarcerated for less than 30 days.

16. The report also includes interviews with survivors of intimate partner violence and provides recommendations. Among its recommendations is the suggestion for the province to adopt a pro-arrest, pro-charge, pro-prosecution policy. It was tabled in the House of Assembly on April 4, 1995.
  - From Rhetoric to Reality: Ending Domestic Violence in Nova Scotia by the Law Reform Commission of Nova Scotia, 1995: COMM0001230 at pp. 375–411
17. In February 1995, two additional major reports advocating for changes to the province's approach to intimate partner violence cases were released.
18. The second report, *From Rhetoric to Reality, Ending Domestic Violence in Nova Scotia*, was the Law Reform Commission of Nova Scotia's report on domestic violence, which calls for the implementation of pro-arrest, pro-charge, pro-prosecution policy for intimate partner violence cases across the justice system. It was tabled in the House of Assembly on April 4, 1995.
19. The third report was entitled *Changing Perspectives: A Case Study of Intimate Partner Homicides*. This report analyzes 17 cases of homicides involving intimate partners, and identifies a number of barriers to effective and timely identification of intimate partner violence. It also provides a number of recommendations to government agencies and community organizations.
  - From Rhetoric to Reality: Ending Domestic Violence in Nova Scotia by the Law Reform Commission of Nova Scotia, 1995: COMM0001230
  - Changing Perspectives: A Study of Spousal Homicides by Peggy Mahon, 1995: COMM0001238
  - Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at p. 35
20. As a response to both reports, the provincial government created the Family Violence Action Committee in the spring of 1995. The Minister of Justice established this multi-disciplinary body to guide the Nova Scotia Department of Justice in developing a comprehensive strategy to improve the justice system response to family violence. The committee was composed of representatives from all justice system agencies, other government departments, the Nova Scotia Advisory Council on the Status of Women, relevant community agencies, and the Nova Scotia Barristers' Society.
  - Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at p. 35

## The Framework for Action Against Family Violence: Nova Scotia's Pro-Arrest, Pro-Charge, Pro-Prosecution Policy

21. The Government of Nova Scotia launched the Framework for Action Against Family Violence in September 1995. This is a policy document that identifies and implements strategies for justice system actors to address multiple components of family violence.
22. The Framework for Action Against Family Violence defines family violence as “abuse that occurs between and among persons who are related by affection, kinship and/or trust.” The policy refers to intimate partner violence, as it covers “all forms of violence committed by spouses or partners in an intimate relationship, whether they be legally married, living together in a common-law relationship or dating.”
  - The Framework for Action Against Family Violence, 1995: COMM0001035 at p. 3
23. Further, the policy seeks to move beyond solely addressing physical violence, as it makes reference to “physical [violence] and emotional and economic threats, including threats to children, friends, pets, property, stalking, harassment and every other form of violence.”
  - The Framework for Action Against Family Violence, 1995: COMM0001035 at p. 3
24. The Framework for Action Against Family Violence establishes the implementation of a pro-arrest, pro-charge, pro-prosecution policy for all cases of intimate partner violence. This means that the policy directs how police officers can respond to and how they should investigate cases involving intimate partner violence, and how Crown attorneys should handle cases involving charges of intimate partner violence.
25. A number of measures to implement the pro-arrest, pro-charge, pro-prosecution policy are included within the Framework for Action Against Family Violence.
26. For example, the Framework for Action Against Family Violence calls for existing policies and procedures for police, Crown attorneys, courts, and corrections to be reviewed and changed to comply with the Framework for Action Against Family Violence.
27. The policy also establishes an education and training program for all workers in the justice system, and requires each justice agency to implement a structured audit mechanism to ensure public accountability for cases involving family violence.
28. Measures to provide additional supports to victims, as well as to improve interagency collaboration and co-operation, are also included.
29. The policy also requires criminal justice agencies to participate in public education initiatives.
30. Finally, the policy requires the Nova Scotia Department of Justice to monitor the impact of legislation, programs, and services, and to review relevant “best practices” in other jurisdictions.
  - The Framework for Action Against Family Violence, 1995: COMM0001035

- See also Mass Casualty Commission interview of John Joyce-Robinson: COMM0056389 and Mass Casualty Commission interview of Stephanie MacInnis-Langley: COMM0053509

## Early Implementation of the Framework for Action Against Family Violence

### *Funding*

31. On September 19, 1995, shortly after the Government of Nova Scotia launched the Framework for Action Against Family Violence, the Premier, along with the Ministers of Justice and Community Services, announced \$760,000 in funding to implement the Framework for Action Against Family Violence for an 18-month period. This funding spurred a number of new programs and initiatives, such as training across multiple agencies.
  - Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at p. 36

### *Training*

32. For example, in 1996, a coordinator was hired for an 18-month period to assist the Department of Justice in developing policy and procedures, and to deliver training programs to all justice workers in accordance with the Framework for Action Against Family Violence.
33. Fifty-nine workers across multiple agencies in the justice system participated in an intensive five-day training session on topics related to intimate partner violence. The training was intended to inform the participants about domestic violence and their responsibilities and accountabilities within the Framework for Action Against Family Violence, and to build linkages between the justice system and relevant community agencies.
34. Following the “Train-the-Trainer” model, these participants then became “trainers” responsible for delivering a standardized two-day training course to all justice workers who did not attend the initial training.
35. By June 30, 1997, approximately 3,000 justice workers received additional training.
  - Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at pp. 36–38
  - Internal Evaluation of Domestic Violence Training Project: COMM0001259 at pp. 39–42

### *Data Collection*

36. Additionally, as a result of the Framework for Action Against Family Violence, the Department of Justice started a data collection process to collect information on intimate partner violence that was reported to the police in April 1996. After having found a total of 6,964 incidents between April 1996 and August 1998, the data collection process compared its results with the 1995 report of the Nova Scotia Family Violence Tracking Project.

*Victim Support Service Program*

37. In October 1995, approximately 200 individuals participated in sessions as part of an inter-agency committee to discuss critical service gaps for victims of intimate partner violence, to foster partnerships between agencies and organizations, to build on existing resources and services (while avoiding duplication), and to provide cost-effective responses to serve victims' needs.
- Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at pp. 43–52
38. The consultations resulted in the development of the Victim Support Service Program, which provided funding to eight community projects to deliver the program. The Government of Nova Scotia began providing the funding in April 1996.
- Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at pp. 38–39
39. Between April 1996 and March 1999, the Government of Nova Scotia provided \$950,000 to the eight community-based victim support services that comprised the Victim Support Service Program.
- Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at p. 26
  - NOTE: p. 39 provides an amount of \$500,000 and p. 54 states additional funding of \$376,668. Those amounts fall short of \$950,000.
40. Within that time span, the eight victim support service projects were independently reviewed by Gardner Pinfold Consulting Economics. The report, dated December 1997, found that the work conducted by the projects was an essential component to the successful implementation of the Framework for Action Against Family Violence, and recommended that the services be continued. It noted issues with duplication of services, and additional recommendations regarding funding and future program models and service delivery.
- A Review of the Victim Support Service Program of the Framework for Action Against Family Violence: COMM0001240
41. The departments of Justice and Community Services also conducted an internal review of the Victim Support Service Program.
- Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at p. 29

**Pro-arrest, pro-charge, pro-prosecution policies released*****Directive Regarding Spousal/Partner Violence issued***

42. On March 28, 1996, the Minister of Justice for Nova Scotia issued a directive on spousal/partner violence. The directive implements a pro-arrest, pro-charge, pro-prosecution policy for all reported cases of intimate partner violence.
43. The directive defines spousal/partner violence as “all forms of threats of violence between current or former spouses or partners in a relationship, whether it be a marriage, common-law or dating relationship. It can include physical, emotional and economic threats, including threats to children, pets, property, stalking, harassment and every other form of violence.”
44. Under this directive, police are required to “respond to and fully investigate all complaints” concerning intimate partner violence. Police officers are further required to “lay a charge where there are reasonable and probable grounds to believe that an offence has been committed, regardless of the wishes of the victim/complainant.”
45. The directive details how interviews should be done, what evidence should be taken, and that the police must determine whether there are weapons and whether they should be seized. It also requires police officers to notify victim support services in cases where charges are laid.
46. Under this directive, if there are children in the home and the police believe they are in danger of physical or emotional abuse, the police are required to notify Children and Family Services.
47. The directive also requires police to consult with the Crown attorney at the earliest possible stage and to provide advice regarding custody or bail conditions.
48. The policy directs how court staff and Crown attorneys should respond to cases involving intimate partner violence. Court staff are required to take a number of measures to prioritize these cases. It directs how Crown attorneys should prosecute charges involving intimate partner violence and dictates how the charges may be resolved. Lastly, the policy covers victim impact statements, and how court staff should assist victims or complainants who appear at the court looking to commence a private prosecution.
  - Directive of the Minister of Justice, Province of Nova Scotia Regarding Spousal/Partner Violence: COMM0001260 at p. 15
  - See also Mass Casualty Commission interview of John Joyce-Robinson: COMM0056389 at p. 15

***Spousal/Intimate Partner Abuse Policy created***

49. The Spousal/Intimate Partner Abuse policy was also issued in March 1996. This policy forms part of the province’s standard operational procedures. The Spousal/Intimate Partner Abuse policy

creates procedures on how police should respond to and investigate intimate partner violence cases.

50. The procedures make reference to relevant legislation, policies, and procedures, including the *Criminal Code of Canada*, the *Children and Family Services Act*, the *Matrimonial Property Act*, and the 1996 Ministerial Directive on Spousal/Intimate Partner Abuse mentioned above.
51. In setting out the requirements for an investigation involving intimate partner violence, the Spousal/Intimate Partner Abuse policy dictates that police officers have a responsibility to conduct an adequate criminal investigation.
52. Under the policy, investigating police officers are required to interview all victims, suspects, and witnesses, and record their statements in writing where possible. Investigating police officers also have the responsibility “to lay charges wherever there exists reasonable and probable grounds to believe that an offence has been committed.”
  - Standard Operational Procedures Spousal/Intimate Partner Abuse Policy, ch. II.8: COMM0043511 at p. 16
53. In cases where a victim or complainant does not wish the perpetrator to be charged with an offence, the policy advises that “[w]here the police officer has decided to charge a suspect, the officer will inform both the accused and the victim/complainant that the charge was laid by the police and that the victim/complainant cannot cause the charge to be withdrawn. The parties are to be made aware that the Crown attorney has the sole responsibility for the withdrawal of charges.”
  - Standard Operational Procedures Spousal/Intimate Partner Abuse Policy, ch. II.8: COMM0043511 at p. 16
54. The policy states the department’s responsibility to refer victims to community support agencies and has provisions on victim referrals. The policy also provides additional provisions around court attendance.
55. Outside of criminal law, the policy includes provisions involving title and ownership of property. The policy also provides instructions for how police are to handle violations of a “No Contact” order, peace bond, civil restraining order, or release condition.
56. The policy does not include any provisions relating to identifying a dominant aggressor when investigating incidences of intimate partner violence. The policy does not provide any provisions outlining specific guidance for supervisors, or the review and oversight of investigations involving intimate partner violence. There are similarly no provisions about call taking by a dispatcher or a member. There are no provisions dealing with risk assessments or high-risk designations. Lastly, the policy does not include any provisions on firearms/weapons seizure and disposal.
  - Standard Operational Procedures Spousal/Intimate Partner Abuse Policy, ch. II.8: COMM0043511 at p. 16

- NOTE: pp. 16 and 17 of this version of the policy have a different date in the bottom-right corner – April 25, 1996.

### ***Additional policies***

57. Additional protocols for Correctional Services (dated April 1996) and the Nova Scotia Public Prosecution Service (dated June 7, 1996) were created.
  - Department of Justice Correctional Services - Spousal/Partner Violence Protocols: COMM0000063 at pp. 348–50
  - Nova Scotia Public Prosecution Service - Spousal/Partner Violence: COMM0000063 at pp. 432–47
58. The Emergency Health Services policies on adult abuse and on sexual assault were approved on January 15, 2001. They became effective on February 1, 2001.
  - Emergency Health Services Policy regarding Sexual Assault: COMM0001212
  - Emergency Health Services Policy regarding Adult Abuse: COMM0001211

### **Community Consultations**

59. Between May and June 1997, the province held a series of 14 focus groups, with a total of 150 participants, involving representatives from various justice system agencies. They shared their experiences with handling cases involving intimate partner violence and identified critical issues and gaps in multiple areas, including contacting police, investigations, arrests, laying charges, referrals to Victim Services, service delivery, peace bond applications, interim release and bail provisions, trials, sentencing, appeals, community supervision, custody and diversion programs, hearings in provincial and family courts, and more.
  - Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at p. 58
60. The Metro Interagency Restorative Conversations Committee on Family Violence brings together community and government service providers, advocates and researchers. The committee was established in 1996 to coordinate and respond to intimate partner violence issues in the Halifax Regional Municipality and is comprised of over 50 representatives who continue to meet monthly. Other regions of the province also have similar Interagency Committees.
  - The information about the Metro Interagency Restorative Conversations Committee on Family Violence is outlined in feedback from Stephanie MacInnis-Langley in a Letter from Department of Justice Counsel Samantha Parris dated July 7, 2022: COMM0059777

### **Strategic Plans**

61. On January 17, 1997, the Family Violence Prevention Initiative created a strategic plan that outlines the priorities for Victim Services within the province. The plan highlights various supports

that survivors of intimate partner violence require, which services and programs are able to meet their needs, and additional resources that might be required.

- See Family Violence Prevention Initiative Strategic Plan Victim Target Group: COMM0001234
- See Family Violence Prevention Initiative: Woman Abuse Strategic Plan: COMM0001260 at pp. 256–74

62. On September 25, 1998, the Family Violence Prevention Initiative created an additional strategic plan outlining a number of recommendations and priority lists. This strategic plan defines family violence and provides statistics with respect to the prevalence of abuse against women, children, senior citizens, and people with disabilities. It also outlines the work of the Family Violence Prevention Initiative since its inception in 1992, outlines goals and success factors, and highlights areas of priority to combat family violence in the province moving forward.

- Family Violence Prevention Initiative Strategic Plan: COMM0001235

### Restorative Justice Program

63. In June 1998, the Nova Scotia Department of Justice issued Restorative Justice: A Program for Nova Scotia. The restorative justice program is an initiative intended to provide the opportunity for offenders across the province to participate in a restorative justice process. The program outlines background issues, how the initiative was developed, a framework for the initiative, and an implementation plan.

- Submission by Nova Scotia Public Prosecution Service for the 2001 Review of the Framework for Action: COMM0001034 at pp. 187–224

### 1999 Evaluation of the Framework for Action Against Family Violence

64. The Framework for Action Against Family Violence was internally evaluated in 1999 by the Department of Justice Monitoring Committee.

65. The 1999 evaluation report reviews the implementation of the Framework for Action Against Family Violence, utilizing the results of consultation sessions previously held in May and June 1997 with individuals working across various agencies within the justice system. The 1999 evaluation report also reviews the results of data collected between April 1996 and August 1998 on police reports of intimate partner violence.

- Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at pp. 19–82

66. The report identifies critical success factors of the implementation of the Framework for Action Against Family Violence and provides recommendations moving forward. Finally, it reviews the effectiveness of the pro-arrest, pro-charge, pro-prosecution response adopted by the framework, including outlining unintended consequences.

- Report of Department of Justice Monitoring Committee (1999 Evaluation Report): COMM0001034 at pp. 71–72 and 79–82

## **2000 George/Maxwell Murder-Suicide and Review**

67. In February 2000, Lori Lee Maxwell was shot and killed by her common-law husband Bruce Allan George. He then died by suicide. Both were residents of Nova Scotia.
68. Their deaths resulted in a review, focused on whether the relevant criminal justice system actors had complied with the Framework for Action on Family Violence in September 2000.
69. One of the recommendations of the review of the George/Maxwell murder-suicide was for an external review to be completed on the Framework for Action on Family Violence to determine whether it could be improved. This resulted in a second, external review, detailed below.
  - Framework for Action Against Family Violence 2001 Review: COMM0001036
  - Work Plan Progress Report of Department/PPS Family Violence Committee: COMM0001260 at p. 1
  - Department of Justice Program Review into the Deaths of Lori Lee Maxwell and Bruce Allan George that Occurred on February 28, 2000, at Truro, Nova Scotia: COMM0000357

## **Moratorium on Restorative Justice**

70. In the spring of 2000, the Nova Scotia Department of Justice, the Advisory Council on Status of Women, the Transition House Association of Nova Scotia, Women's Centres CONNECT!, and others met to create a framework for a consultative process on the appropriateness of using restorative justice methods in cases of sexual assault and intimate partner violence. They did not come to a consensus.
71. Since 2000, there has been a moratorium on the utilization of restorative justice processes for both intimate partner violence and sexual violence cases across the Department of Justice.
  - Work Plan Progress Report of Department/Public Prosecution Service Family Violence Committee: COMM0001260 at p. 23
  - Mass Casualty Commission interview of John Joyce-Robinson: COMM056389 at p. 29
  - See also Mass Casualty Commission interview of Dr. Verona Singer: COMM0056384 and Mass Casualty Commission interview of Tod Augusta-Scott: COMM0057339

## **The 2001 External Review of the Framework for Action Against Family Violence**

72. The second review of the Framework for Action Against Family Violence was conducted externally by co-authors Dean Dawn Russell and Professor Diana Ginn, both of Schulich School of Law, Dalhousie University, in 2001.

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73. The external review of the Framework for Action Against Family Violence was released on May 31, 2001. Overall, Dean Russell and Professor Ginn found that the Framework for Action Against Family Violence was sound and should remain in place.
74. The review involves an interjurisdictional review of the justice system approaches to countering family violence in other Canadian provinces and territories to evaluate best practices, a literature review, and various focus groups with individuals such as RCMP and municipal/regional police officers, police management, provincial court judges, community-based organizations, members of the Nova Scotia Advisory Council on the Status of Women, Victim Services, and Crown attorneys.
75. The report also provides an overview of the efforts made by the Government of Nova Scotia and various actors to implement the Framework for Action Against Family Violence since it was adopted in 1995, including the results of an internal review of the framework by the Government in 1999. The 2001 review surveys the effects of the adoption of the Framework for Action Against Family Violence, as well as obstacles and barriers to successful implementation of the framework, and unintended consequences.
76. The 2001 review re-evaluates the propriety of a pro-arrest, pro-charge, pro-prosecution policy, and explores the availability of diversion programs for cases involving intimate partner violence.
77. The review notes that the Framework for Action Against Family Violence is not extended to include the Department of Community Services, resulting in some gaps in inter-agency co-operation where children and child services are concerned.
78. It also refers to the specific needs for public education initiatives, including for children, noting the cyclical and intergenerational aspects of violence.
79. The review explores the availability and resources for programs such as those for children exposed to family violence, men's intervention and treatment programs, and outreach services for Indigenous communities and racialized women as both groups are noted as being more reluctant to involve the criminal justice system.
- Framework for Action Against Family Violence 2001 Review: COMM0001036
80. A committee of Crown attorneys representing the Nova Scotia Public Prosecution Service submitted a brief to the review. The brief highlights the subcommittee's experiences since the implementation of the Framework for Action Against Family Violence, and includes its comments on the appropriateness of an alternative resolution model (similar to the provincial restorative justice program) for some cases involving intimate partner violence. It also includes its views on why prosecutions can sometimes "fail," experiences of cross-charging (where both parties within an intimate partner relationship are criminally charged), the scope of Crown discretion in policy, and comments on the resources required for an effective response to family violence. The Public Prosecution Service concludes that while the framework has resulted in more charges being laid in family violence cases, it has not, in its view, resulted in the ultimate goal of actually reducing family violence. Rather, in some cases where it may be deemed appropriate, an alternative

resolution process could be more effective. The brief also concludes with calling for ongoing consultation between government officials and front-line Crown attorneys, as well as additional resources for various justice system agencies.

- Submission by the Nova Scotia Public Prosecution Service for the 2001 Review of the Framework for Action: COMM0001034 at pp. 143–57

81. The 2001 review made a number of recommendations, including to police services, Crown attorneys, courts, the province, and Victim Services. Among the recommendations, the 2001 review calls for:

82. The province to consider adopting civil legislation to supplement the Framework for Action Against Family Violence;

83. A pilot program of a specialized domestic violence court;

84. The establishment of specialized domestic violence investigative units among RCMP subdivisions and municipal police forces where appropriate;

85. The adoption of a primary aggressor policy in policing intimate partner violence cases; and

86. The enhancement of Victim Services, including bolstering funding and reinstating the Family Violence Prevention Initiative (a multidisciplinary community and government partnership and committee that trained criminal justice workers and managed various victim support service projects that became defunct due to budget cuts in 2000).

- Framework for Action Against Family Violence 2001 Review: COMM0001036

87. Although the Family Violence Prevention Initiative was not reinstated, other participatory, inclusive committees involving government agencies and community-based agencies were created. All of the other recommendations have been implemented over the years.

## **Implementation of the Recommendations from the 2001 External Review of the Framework for Action Against Family Violence**

### **Domestic Violence Intervention Act**

88. The 2001 external review of the Framework for Action Against Family Violence recommended that the Province of Nova Scotia consider adopting civil legislation to supplement the Framework for Action Against Family Violence.

89. This resulted in the creation of the *Domestic Violence Intervention Act*, 2001, c 29, s 1. The act was proclaimed on March 28, 2003, and came into force on April 1, 2003. Under the act, victims of intimate partner violence and other designated persons under the act (like peace officers, Victim Services workers, and transition house staff acting on a victim's behalf) can apply for a 30-day Emergency Protection Order before a Justice of the Peace. Emergency Protection Orders are intended to provide immediate protection to a survivor of intimate partner violence. The act also

makes specific offences for breaching an order made under the act and provides accompanying powers of arrest.

- *Domestic Violence Intervention Act*, SNS 2001, c 29: COMM0000063 at pp. 270–84

90. The Nova Scotia Department of Justice Policy, Planning and Research Division developed a statistical summary of Emergency Protection Orders made between April 2003 and May 2005. The report provides information such as the history of domestic violence in cases where an Emergency Protection Order is requested, a geographical breakdown of where the Emergency Protection Orders took place, what triggering events appear to have led to the Emergency Protection Order, the ages of the victims of domestic violence that are involved, and who applied for an Emergency Protection Order (which, under the *Domestic Violence Intervention Act*, can be the police, Victim Services, a transitional housing worker, or the victims themselves).
  - A Statistical Summary of Emergency Protection Orders in Nova Scotia - April 2003 to May 2005: COMM0001248
91. The report acted as a precursor to the March 2006 external review of the *Domestic Violence Intervention Act*. The external review was conducted by Barbara Herring & Associates Inc.
92. The 2006 review finds that the implementation of the *Domestic Violence Intervention Act* has been successful, although it also highlights a number of key areas for improvement. The methodology of the evaluation involved a review of all documents pertaining to the act and its regulations and a review of statistical data, through interviews and focus groups with victims and various stakeholders among other things.
93. The review highlights one key area of difficulty around the scope of domestic violence, and whether situations involving emotional and psychological abuse are appropriate reasons for ordering an Emergency Protection Order under the act. The review also identifies some issues around releasing victims' addresses in the context of making the order, and that there may be barriers for victims from diverse communities in applying for Emergency Protection Orders under the act.
94. It also reveals a belief among stakeholders that the offences tied for breaches of the orders made under the act are too lenient. The review makes several findings and 55 recommendations in total. Among its recommendations, the evaluation report recommends amending the *Domestic Violence Intervention Act* to include emotional and psychological abuse, as well as a number of recommendations concerning Indigenous, racialized, and immigrant communities in Nova Scotia.
95. The recommendations are in the key areas of addressing gaps in the legislation and regulations, both substantive and procedural issues in the implementation of the *Domestic Violence Intervention Act* and its regulations, information and education needs of justice system workers, and resourcing issues.
  - Evaluation of the Provincial Domestic Violence Intervention Act (DVIA): COMM0001041

### Specialized Domestic Violence Investigative Units

96. The 2001 external review of the Framework for Action Against Family Violence recommended that the Province of Nova Scotia consider establishing specialized domestic violence investigative units among RCMP sub-divisions and municipal police forces where appropriate.
97. At present day, the RCMP and Halifax Regional Police operate specialized integrated units in the Halifax area, including the Special Investigation Section (SIS), which investigates sexual assaults, and the Special Victims Section (SVS), which provides information for survivors of sexual assault. There is also a Sexual Assault Investigation Team that operates within the integrated unit.
  - HRP Integrated Units Backgrounder: COMM0043203
  - See also Mass Casualty Commission interview of Susan Wilson: COMM0053733 at pp. 21–22

### Policy updates

#### *Peace bond applications*

98. On November 19, 2002, court staff procedures relating to family assaults and peace bond applications were updated. The procedures outline how workers should respond to intimate partner violence. They are intended to ensure that court staff are aware of the Framework for Action on Family Violence, to ensure that there are systems and procedures in place to appropriately respond to family violence issues, and to respond appropriately to persons accessing the court who are in crisis or fearing for their safety due to family violence.
99. The procedures contemplate that the assault may not have been reported to the police, and what other information and referrals the complainant should receive. The procedures also set out what should happen when the police have investigated and decided to lay a charge of assault. The procedures extend to situations in which the police have decided not to lay a charge of assault, and where the complainant has the option to lay a private information (charge against the accused).
100. Additional procedures are laid out with respect to peace bond applications, including where a peace bond has been violated.
  - Procedures to be Followed by Court Staff on Family Assaults and Peace Bond Applications: COMM0000063 at pp. 391–97

#### *Spousal/Intimate Partner Abuse Policy*

101. The 2001 external review of the Framework for Action Against Family Violence also recommended that the Province of Nova Scotia adopt a primary or dominant aggressor policy in policing intimate partner violence cases. This was included in the April 24, 2003, update to the Spousal/Intimate Partner Abuse policy.

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102. The Spousal/Intimate Partner Abuse policy addresses “response, investigation and comprehensive case management, including follow-up, referral and prosecution of offenders in relation to incidents of spousal/intimate partner abuse and domestic violence” (at page 2).
103. The procedures make reference to relevant legislation, policies, and procedures, including the Criminal Code of Canada, the *Children and Family Services Act*, the *Matrimonial Property Act*, the Ministerial Directive on Spousal/Intimate Partner Abuse (1996), the Framework for Action Against Family Violence, the *Domestic Violence Intervention Act*, and the *Firearms Act* and Regulations. The policy sets out the protocol for police investigations and handling of cases that involve family violence, based on the relevant policy and legislative framework.
104. The policy also makes reference to the use of domestic violence coordinators, referrals to Victim Services and other agencies, risk assessments, and treatment and response to high-risk cases of intimate partner violence.
105. The policy includes provisions on identifying the “dominant aggressor” when investigating incidents of intimate partner violence.
106. The policy also outlines investigation procedures from call-taking by a dispatcher or a member to on-scene investigations, and to follow-up investigations. Moreover, the policy outlines the roles and responsibilities of supervisors in reviewing the initial investigation, as well as follow-up investigations.
107. Under the policy, investigating police officers are required to interview all victims, suspects, and witnesses, including neighbourhood inquiries, and record their statements in writing, where possible.
108. In cases where a victim or complainant does not wish the perpetrator to be charged with an offence, the policy advises that “[t]he police officers’ decision to proceed with charges will depend upon the strength of evidence available in the particular case and not upon the wishes of the victim/complainant”.
- Standard Operational Procedures/Spousal Intimate Partner Abuse: COMM0001258 at p. 137
109. The policy also states “[w]here the police officer has reasonable grounds and has decided to charge a suspect, the officer will inform both the accused and the victim/complainant that the police laid the charge and that the victim/complainant cannot cause the charge to be withdrawn. The parties are to be made aware that the Crown attorney has the sole responsibility for the withdrawal of charges.”
- Standard Operational Procedures/Spousal Intimate Partner Abuse: COMM0001258 at p. 137
110. Outside of criminal law, the policy also includes information on Emergency Protection Orders and the *Domestic Violence Intervention Act*, the Domestic Violence Case Coordination Program, the role of Domestic Violence Coordinators, and referrals to Victim Services. With respect to

additional civil law matters, the policy has provisions on issues involving title/ownership of property.

111. Moreover, the policy also includes provisions on firearms/weapons seizure and disposal. This includes requiring the police to “determine if firearms are located in the residence or available to the party making the threats” in cases involving “complaints of spousal/intimate partner abuse or domestic complaints where threats of violence have been made or the risk assessment process indicates the potential for new or continued violence.”

- Standard Operational Procedures/Spousal Intimate Partner Abuse: COMM0001258 at p. 141

### **Establishment of Police-based Victim Services Units**

112. The 2001 review of the Framework for Action Against Family Violence recommended that the province of Nova Scotia enhance Victim Services.

113. In December 2001, a Domestic Violence Funding Program was created. The funding program is outlined in a memorandum detailing a funding plan for police victim assistance for distribution at the Nova Scotia Chiefs of Police zone meeting in December 2001.

114. The program seeks to provide funding to increase police agencies’ capacity for victim assistance, particularly around coordinated case management in high-risk situations.

115. The program assists police agencies with victim assistance and support, identifying and referring high-risk situations, and creating statistical reports on domestic violence.

- Victims’ Service Division Nova Scotia Department of Justice - Funding for Police Victim Assistance: COMM0001260
- For example, see Agreement for the Provision of Funding Under the Framework for Action Against Family Violence, 1996: COMM0001260

116. At present day, the RCMP Victim Services Program runs its own volunteer-based program that runs in a number of detachments. These volunteers provide information and support within 24 to 48 hours of receiving a referral from RCMP police officers, typically while police are gathering information and conducting their investigation. In addition, the RCMP has three Intimate Partner Violence Case Coordinators who are federal public servants that work on files designated as being high-risk for lethality as part of the High Risk Case Coordination Protocol Framework, described below.

117. The Halifax Regional Police also has a Victim Services Program, which is a mix of both paid and volunteer positions. It also has employed Domestic Violence Case Coordinator(s) that work on files designated as being high-risk for lethality as part of the High Risk Case Coordination Protocol Framework, described below. Cape Breton Regional Police also has a Domestic Violence Case Coordinator.

118. In all cases, where charges are laid, the victims are referred to provincial Victim Services to be assisted throughout the court process.
119. In jurisdictions where there is no operational RCMP or municipal police Victim Services Program, provincial Victim Services provides early support and information.
  - Mass Casualty Commission interview of Julia Rustad: COMM0055667
  - Mass Casualty Commission interview of John Joyce-Robinson: COMM056389
  - Mass Casualty Commission interview of Dr. Verona Singer: COMM0056384
  - Mass Casualty Commission interview of Lydia Quinn: COMM0057337
  - See also Supplemental Letter from Lydia Quinn dated May 31, 2022: COMM0059781
120. In addition, culturally-competent victim services are also provided through the Mi'kmaw Legal Support Network.
  - See also Victims Fund Annual Project Report: COMM0051035, Project Summary Report: COMM0051018, and L. Jane McMillan with Pam Glode-Desrochers and Paula Marshall, "Examining Police Polices and Practices in Mi'kma'ki—Pathways to Postiive Policing Relationships": COMM0059129

### Evaluation of Training

121. In March 2003, the Domestic Violence Training Project was internally evaluated based on participants' evaluations. The evaluation looked at the leadership, partnership, curriculum development, and teaching. The evaluation made recommendations for future programming.
  - Internal Evaluation of Domestic Violence Training Project: COMM0001259

### High Risk Case Coordination Protocol Framework

122. The recommendations flowing from the reviews into the deaths of Lori Lee Maxwell and Bruce Allan George in 2000 and the 2001 review of the Framework for Action Against Family Violence both indicated that increased case coordination among service providers and information-sharing in "high risk" cases was required. On May 10, 2004, the High Risk Case Coordination Protocol Framework came into effect. It is a joint venture between the departments of Justice and Community Services and the Public Prosecution Service in Nova Scotia.
123. The Protocol Framework is intended to complement existing policies and procedures, including the Framework for Action Against Family Violence. It addresses privacy legislation, how cases are determined to be high-risk cases, and what happens if they are flagged as high-risk. For each high-risk critical development, the parties to the Protocol Framework have identified agreed-upon action items to complete.
  - High Risk Case Coordination Protocol Framework: COMM0001046
124. The Protocol Framework continues to be active. Protocol partners include [olice, Cape Breton Regional Police's Domestic Violence Case Coordinator, Halifax Regional Police's Domestic

Violence Case Coordinators, the RCMP's Intimate Partner Violence Case Coordinators, the provincial Victim Services Program, the police-based Victim Services Units, the provincial Department of Justice (Court Services and Correctional Services Divisions) and the Department of Community Services (Child Welfare), Public Prosecution Service, Transition Houses, and Men's Intervention Programs. New partners include Alice House (which provides second-stage transition housing in Halifax), Sheriff Services, and the Domestic Violence Court Program.

- Mass Casualty Commission interview of John Joyce-Robinson: COMM056389 at p. 5, 7

125. In addition, the Nova Scotia Provincial Firearms Office also receives information in the Protocol Framework, but does not share it. Under the 2005 protocol (last amended in 2007) between the Nova Scotia Provincial Firearms Office and the Nova Scotia Provincial Victim Services Program, the Victim Services Program shares information with the Nova Scotia Provincial Firearms Office when a case has been flagged as having a high-risk for lethality through the High Risk Case Coordination Protocol Framework.

- Domestic Violence – Information Sharing Protocol, Province of Nova Scotia Firearms Office Policy Manual: COMM0001308

126. The Ontario Domestic Assault Risk Assessment (ODARA) tool and the Jacquelyn Campbell Danger Assessment are used to determine which cases are high risk. The ODARA is a validated actuarial tool to assess predictability of future re-assault, primarily used by the police and Correctional Services. The Jacquelyn Campbell Danger Assessment is a lethality or femicide tool, primarily used by Victim Services, Transition Houses and Child Welfare.

- Mass Casualty Commission interview of Stephanie MacInnis-Langley: COMM0053509
- Mass Casualty Commission interview of John Joyce-Robinson: COMM056389 at pp. 6–7

127. An ODARA score may not always capture a heightened level of risk, for example where non-fatal strangulation is involved.

- Mass Casualty Commission interview of Lydia Quinn: COMM0057337
- See also Supplemental Letter from Lydia Quinn dated May 31, 2022: COMM0059781
- See also Mass Casualty Commission interview of Julia Rustad: COMM0055667 and Mass Casualty Commission interview of Susan Wilson: COMM0053733

128. The Province of Nova Scotia has also developed a supplementary guide for conducting risk assessments.

- Domestic Violence Supplementary Guide to Risk Assessment, 2001: COMM0000349

129. The High Risk Case Coordination Protocol Framework also continues to expand. The latest added component is the Highest Risk Domestic Violence Table, which is in a “soft launch” phase. The standard for referral to the Highest Risk Table requires imminent risk, allowing for the meaningful involvement of the Health Sector while keeping with privacy laws.

- Mass Casualty Commission interview of Susan Wilson: COMM0053733
- Mass Casualty Commission interview of John Joyce-Robinson: COMM056389
- Mass Casualty Commission interview of Heather Byrne: COMM0053728
- Mass Casualty Commission interview of Robert Wright: COMM0056208
- Mass Casualty Commission interview of Tod Augusta-Scott: COMM0057339

### Continuing Data Collection

130. In December 2006, the Nova Scotia Department of Justice Policy, Planning and Research Division authored the report of the Nova Scotia Family Violence Tracking Project Phase 3: 2000 to 2003. The Nova Scotia Family Violence Tracking Project gathers data and highlights trends in family violence cases throughout the criminal justice system in Nova Scotia. The project is intended to develop and track indicators of the effectiveness of the criminal justice system responses to intimate partner violence within the province.
131. The final report of the first phase of the tracking project was produced in February 1995, examining 1,157 family violence incidents. The final report for the second cycle was produced in 1998 and tracked 746 cases of intimate partner violence. The third cycle of the tracking project examines 12,475 domestic violence incidents reported to police in Nova Scotia between 2000 and 2003.
132. The report on the third cycle provides information regarding the trends observed since the first cycle of the tracking project. The report reviews statistics including average police response times, the number of individuals charged with a criminal offence resulting from a police report involving family violence, referral rates to Victim Services, case processing times, and outcomes in the criminal justice system. The report also highlights a number of areas requiring further study and/or policy recommendations, including case processing times, the rates of guilty outcomes and incarceration, conditions and non-compliance of conditions with probation orders, and the reluctance of victims to have perpetrators charged with an offence.
133. The Commission has not received documents relating to the fourth phase of the tracking project. Additional correspondence demonstrates that there were efforts to create a fifth phase of the tracking project in 2014.
  - Nova Scotia Family Violence Tracking Project, Phase 3: 2000 to 2003: COMM0001258 at pp. 195–249
  - 2014 Departmental Correspondence related to Intimate Partner Violence Tracking Project (Cycle 5): COMM0001250

### Policing Standards

134. On March 19, 2007, the Nova Scotia Department of Justice issued a guideline to police agencies. The guideline notes the seriousness of the issue of intimate partner violence and the corresponding comprehensive strategy to address it through a pro-charge, pro-arrest, pro-prosecution policy.

135. The guideline restates the ways in which police agencies are to respond to incidents of intimate partner violence.
136. The guideline also introduces measures to ensure congruency within various policies and procedures to address family violence; for example, among other things, it calls for each municipal agency and RCMP detachment to develop written protocols for referring high-risk cases in accordance with the High Risk Coordination Protocol Framework.
137. It outlines investigating procedures and the dominant aggressor policy, and highlights the *Domestic Violence Intervention Act* as it relates to the work of police agencies.
  - Spousal/Intimate Partner Abuse Police Agency Guideline: COMM0001040

### **2009 Report of the Domestic Violence Prevention Committee**

138. In June 2008, the Ministers of Justice and Community Services created the Domestic Violence Prevention Committee. The committee included representatives from government departments and agencies, as well as community organizations. The committee's mandate was to make recommendations regarding the development of a provincial domestic violence strategy.
139. After a year of monthly meetings, the committee produced a report on June 30, 2009. The report defines domestic violence and calls for the Government of Nova Scotia to make developing a domestic violence prevention strategy in collaboration with the community a priority. It also calls for collaboration between the government and community to become a standard practice, and for the two to work from a shared vision supported by formal protocols, joint working groups, and accountability measures.
140. The report provides 70 recommendations on Victim Services, family violence prevention and public education, interventions for abusers, and judicial and legislative responses to domestic violence. Among the recommendations, the report calls for enhanced capacity to respond to domestic violence victims in the form of resourcing first responders, increased training for provincial and municipal police agencies, and additional capacity-building for diverse communities within the province, such as those requiring French language services or languages other than English. It also calls for additional linkages between governments and Indigenous organizations to better support Indigenous communities.
141. Lastly, the report also calls for the adoption of a specialized domestic violence court program, which was a repeat recommendation from the 2001 review of the Framework for Action Against Family Violence.
142. In response, the provincial government launched the 2010 Domestic Violence Action Plan.
143. This report was provided to the Deputy Ministers' Leadership Committee, which had been established in 2003 as the result of another recommendation from the 2001 review of the Framework for Action Against Family Violence.

- Report of the Domestic Violence Prevention Committee: COMM0001227
- Letters from Deputy Minister of Justice Douglas J. Keefe to Various Deputy Ministers, 2003: COMM0001259 at pp. 31–38

## 2010 Domestic Violence Action Plan

144. The Government of Nova Scotia released the Domestic Violence Action Plan in 2010. The plan involves identifying, improving, and sustaining government efforts to combat domestic violence.
145. The plan defines domestic violence and identifies research as it relates to the prevalence and impact of domestic violence. It also sets out why an action plan is necessary and what it entails.
146. Along with identifying existing programs and services and ways to increase collaboration between them and their efficacy, the plan also sets out new action items to address domestic violence in the province.
147. The plan launches several campaigns to build awareness and support bystander intervention, including a Neighbours, Friends, and Family pilot program in urban, Indigenous and rural communities. The Neighbours, Friends, and Family program is built off an Ontario model, and is designed to educate neighbours, friends, and family members on how to properly respond if they suspect or become aware of violence in a relationship in which they are not the victim or perpetrator. The plan also launches a Family Violence in the Workplace initiative.
- Mass Casualty Commission interview of Lydia Quinn: COMM0057337
  - See also Supplemental Letter from Lydia Quinn dated May 31, 2022: COMM0059781
  - Domestic Violence Action Plan: COMM0001233
148. The plan also introduces a domestic violence electronic clearinghouse to provide a centralized repository of all the programs and services available to victims, and indicates the government's intention to better promote the provincial HealthLine and Health Link 811, as well as other measures to assist victims in navigating and accessing services.
149. The plan marks the introduction of a pilot Domestic Violence Court Program, described below.
150. In addition, with the plan the government indicates its intention to introduce changes to the *Residential Tenancies Act*, the *Police Act*, and legislation concerning custody and access in family court matters.
151. Moreover, there are new measures introduced intending to help service providers respond more effectively to the needs of victims, and to provide support for at-risk families and children (including a pilot Caring Dads program and a parenting program for high-risk families).
152. The plan also announces enhanced supports for services for at-risk male youth and children, as well as for the six men's intervention programs in the province.

153. The plan identifies ways in which the government intends to undertake research to build a knowledge base on domestic violence within Nova Scotia, including starting a biannual Intimate Partner Violence Tracking Project, conducting annual opinion polls on domestic violence, and producing an annual statistical report on domestic violence.
154. The plan goes on to indicate measures to improve education and training for relevant stakeholders, and program assessments. Finally, the plan identifies success indicators and how the plan will be assessed, monitored, and evaluated in its implementation.
- Domestic Violence Action Plan: COMM0001233

### Statistics and Public Opinion Polling

155. In the 2010 Domestic Violence Action Plan, the government committed to the production of an annual statistical profile relating to domestic violence statistics. On July 15, 2010, the Nova Scotia Department of Justice published a report highlighting statistics concerning intimate partner violence in the province. The statistics found that a roughly equal amount of men and women report were experiencing intimate partner violence; however, the extent and severity of the violence is greater for women and women are more likely to suffer greater physical and emotional consequences.
156. It also highlights risk factors for intimate partner violence. The report notes that Nova Scotia has one of the lowest reporting rates in the country for intimate partner violence: Just one in four Nova Scotian women who experience intimate partner violence report it to the police.
157. At the same time, the report notes an increase in the number of people using Victim Services. The report also considers the utilization of Emergency Protection Orders and transition houses, as well as the findings from the Intimate Partner Violence Tracking Project.
- A Statistical Portrait of Intimate Partner Violence: Nova Scotian and Canadian Perspectives: COMM0001045
158. In August 2011, the Nova Scotia Department of Justice published opinion poll results on the public's attitudes towards domestic violence. The survey results are produced by Corporate Research Associates Inc. The report reviews the poll results on perceptions of domestic violence, including how it is defined, how to respond, available support and resources, and myths and stereotypes surrounding domestic violence. The results are given with breakdowns by demographic region (metropolitan areas, Cape Breton, and the rest of the mainland), gender (either male or female), income ranges, age, and education level.
- Nova Scotia Department of Justice, The Atlantic Quarterly, Summer 2011 Edition: COMM0001032
159. Additional results of public opinion polls were published in November 2011, September 2012, November 2012, and August 2013.

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- Domestic Violence in Nova Scotia: Public Opinion Research, Nova Scotia Department of Justice, 2011: COMM0001033
  - Nova Scotia Department of Justice, *The Atlantic Quarterly*, Summer 2012 Edition: COMM0001052
  - Public opinion polling on domestic violence in Nova Scotia, 2013 results: COMM0001049
160. This type of reporting was not repeated by the Department of Justice. Instead, the provincial government opted to capture this kind of statistical information in the form of digestible “fact sheets” on a range of topics. These topics included the results of the public opinion polling on domestic violence conducted within the province, Victim Services, and the prevalence of intimate partner violence. For example, a fact sheet was produced that highlighted the findings of Phase IV of the Intimate Partner Violence Tracking Project.
- Awareness to Action Domestic Violence Training - *Domestic Violence Intervention Act*: COMM0001043
  - Intimate Partner Violence Tracking Project, Phase IV: Highlights of Findings Summary Fact Sheet: COMM0000047
  - Memorandum by Robert Roe, Research and Statistical Officer of the Policy, Planning and Research Division, of the Department of Justice to the Deputy Minister of the Department of Justice, 2013: COMM0001248 at pp. 388–9
161. Additional fact sheets on intimate partner violence in Nova Scotia have been produced annually by the Nova Scotia Advisory Council on the Status of Women, which was formed through legislation in 1977. Moreover, in 2019, the Nova Scotia Advisory Council on the Status of Women engaged Narrative Research (formerly Corporate Research Associates) to conduct public opinion polling on the public awareness, attitudes and perceptions about intimate partner violence and gender equality.
- The information about the production of fact sheets and public opinion polling is outlined in feedback from Stephanie MacInnis-Langley in a Letter from Department of Justice Counsel Samantha Parris dated July 7, 2022: COMM0059777
162. In an undated letter to the Nova Scotia Department of Justice, the Transition House Association of Nova Scotia (THANS) cited their concerns with the implementation of the *Domestic Violence Intervention Act*, and in particular the issuance of Emergency Protection Orders (EPOs). The letter indicates that upon writing, the act had been in force for almost 10 years, suggesting that the letter is dated around 2013. THANS stated they were “very concerned that this legislation and in particular, EPOs, are no longer meeting the needs of abused women and their children in [Nova Scotia].” In the letter, THANS proceeds to request an external evaluation of the act, including a review of similar legislation and legislative changes in other jurisdictions.
- Undated Letter from Transition House Association of Nova Scotia (THANS) to Department of Justice: COMM0001249 at pp. 5–6
  - Memorandum by Robert Roe, Research and Statistical Officer of the Policy, Planning and Research Division, of the Department of Justice to the Deputy Minister of the Department of Justice, 2013: COMM0001248 at pp. 388–89

### The Domestic Violence Court Program

163. The 2001 review of the Framework for Action Against Family Violence recommended that the Province of Nova Scotia conduct a pilot program of a specialized domestic violence court. The Domestic Violence Court Program pilot launched in Sydney in 2012. It was later evaluated and expanded to Halifax. The Halifax Domestic Violence Court Program has been active since 2018. The Domestic Violence Court Program funds a Navigator position at Alice House (which offers second-stage housing, counselling and support services) to support victims of intimate partner violence while the offender is proceeding through the Domestic Violence Court Program in Halifax.
164. As of a memorandum dated January 2020, the Domestic Violence Court Program continues to be expanded.
- Domestic Violence Action Plan: COMM0001233
  - Halifax Domestic Violence Court Program: Roles & Responsibilities, 2021: COMM0001244
  - Final Report, Domestic Violence Court Pilot Project, Sydney, Nova Scotia, by Atlantic Evaluation Research Consultants, 2015: COMM0001246
  - Terms of Reference: DV Court Program Strategic Advisory Committee & Operational Working Groups: COMM000243
  - Purpose & Principles – A collaborative approach to expanding the DV Court Program, 2020: COMM0001245
  - The description of the Navigator position is provided by Stephanie MacInnis-Langley in a Letter from Department of Justice Counsel Samantha Parris dated July 7, 2022: COMM0059777

### Changes to the Residential Tenancies Act, 2012

165. On November 26, 2012, Bill 150, introduced in 2012, amended *the Residential Tenancies Act, 2012*. The change was made based on the 2010 Domestic Violence Action Plan. The bill added provisions for domestic violence survivors, including allowing a victim of domestic violence to terminate their lease at an earlier date. The bill received royal assent on December 6, 2012.
- Bill 150, amending *Residential Tenancies Act*, 2012: COMM0001249 at pp. 124–27
  - Mass Casualty Commission interview of Karen Hudson: COMM0057365

### Adoption of the Vulnerable Witness Protocol

166. In 2015, the Public Prosecution Service and the Court Services Division signed Nova Scotia's Testimonial Aids Protocol for Vulnerable Crown Witnesses and Persons Presenting Impact Statements, following legislative changes by the enactment of the *Canadian Victims Bill of Rights Act*.
167. The protocol, which could apply to survivors of intimate partner violence or sexual assault, allows for the use of testimonial aids to help reduce the trauma associated with testifying in court in certain situations.

- Testimonial Aids Protocol for Vulnerable Crown Witnesses and Persons Presenting Impact Statements: COMM0059776
- Mass Casualty Commission interview of John Joyce-Robinson: COMM0056389 at p. 19

## Police Audits

### Sexual Assault Investigation Audits

168. The Nova Scotia Department of Justice Public Safety and Security Division reinstated audits of police services within the province in September 2016. The audits were initiated due to a recommendation made by the Royal Commission on the Donald Marshall, Jr. Prosecution. The practice had been halted since 2008.
- Sexual Assault Investigation Audit Update: COMM0001027
  - Mass Casualty Commission interview of Sharon Flanagan: COMM0051431 and COMM0055662
169. The division audited the sexual assault investigations conducted by RCMP and municipal and regional police services within the province in the 2016–2017 fiscal year. Later on, the division conducted another series of audits focused on domestic violence investigations conducted in the 2017–2018 fiscal year by select regional and municipal police services.
- Sexual Assault Investigation Audit Update: COMM0001027
170. On November 30, 2018, the Nova Scotia Department of Justice Public Safety and Security Division provided their findings of an audit of sexual assault investigations conducted between 2016-2017 of several police agencies to the Deputy Minister of the Department of Justice. The report is co-authored by policing services consultants, Senior Lead for Policing Initiatives with the Department of Justice Sharon Flanagan, and former Halifax Chief of Police Mark Hobeck.
171. The police agencies that had their sexual assault investigations audited are the Amherst Police Department, Annapolis Royal Police Service, Cape Breton Regional Police Service, Antigonish detachment of the RCMP, New Minas detachment of the RCMP, Bible Hill detachment of the RCMP, Kentville Police Service, Halifax Regional Police, Truro Police Service, Stellarton Police Service, Westville Police Service, Bridgewater Police Service, and Yarmouth detachment of the RCMP. For each, the auditors used a sample size of 10% of files.
172. The report provides recommendations for improvement for each police agency, and notes that how thoroughly police investigate sexual assaults varies across the province through police training, file oversight, and experience. It makes comments on the quality of the investigations and discrepancies between the various police agencies. For example, the audit report found that members at the Bible Hill detachment of the RCMP did not have any specific training on conducting sexual assault investigations, and only on related areas (for example, child interviewing), yet at least some members of the Truro Police Service had received trauma-informed training and completed the sexual assault investigators course.

173. The findings of the audit note that the Halifax Regional Police's integrated unit is the only unit in the province with officers that focus specifically on sexual assault investigations. In all other cases, general duty members respond to sexual assaults. The report comments that in general, police face time pressure when it comes to conducting sexual assault investigations.
174. The audit report indicates that the relationships between police and Crown attorneys range from uncooperative to excellent. The audit report notes that the Crown attorneys that were interviewed appear to be generally satisfied with the quality of sexual assault investigations conducted by the police. They noted that a key concern among Crown attorneys is allowing social workers to lead child interviews.
175. The report notes that there is a general need for training, including specific training such as child interviewing, trauma-informed training, and "interview/interrogation."
176. In some cases, such as the audits of the Antigonish detachment of the RCMP and Stellarton Police Service, the auditors note that there is no policy on sexual assault investigations.
177. In all cases except the review of the Yarmouth detachment of the RCMP, the audit report also includes recommendations for each of the police agencies. For example, the review of the Bible Hill detachment of the RCMP recommended that (1) the detachment commander do random self-audits of sexual assault investigations to make sure that the investigations are being done appropriately and that protocols are followed; (2) that case managers should closely monitor the work of more junior members, and that case managers should have training as well; (3) the detachment commander, or a designate, liaise with the Crown's office to explore training requirements that can assist members with completing sexual assault investigations; and (4) that members take any available training related to sexual assault investigations.
  - Sexual Assault Investigation Audit Update: COMM0001027

### **Domestic Violence Investigation Audits**

178. At the request of the Minister of Justice, the Nova Scotia Department of Justice Public Safety and Security Division completed a series of audits into all domestic violence investigations completed in Nova Scotia by municipal police agencies in the 2017–2018 fiscal year. Separate audit reports for the Amherst Police Department, New Glasgow Regional Police, Westville Police Service, Cape Breton Regional Police Service, Kentville Police Service, Bridgewater Police Service, Truro Police Service, Annapolis Royal Police Service, and Halifax Regional Police were prepared by either Mark Hobeck or Sharon Flanagan. None of the domestic violence investigations by any of the RCMP detachments were audited.

#### ***Amherst Police Department***

179. Mark Hobeck prepared the audit report of the Amherst Police Department, with a review of a sample size of 15 files investigated by Amherst police that involved intimate partner violence in the 2017–2018 fiscal year. The report is dated September 6, 2019.

180. The audit indicates that there are two layers of oversight for files involving intimate partner violence: the Amherst Police Department has a designated officer who reviews all intimate partner violence related files and the files are further reviewed by a higher-ranking officer. The audit indicates that officers at the Amherst Police Department have taken training related to intimate partner violence and continue to do so as it becomes available. The rate at which this training is offered is not indicated.
181. The audit report notes officers' frustrations that the files are often not going before the courts, and instead are dropped or dealt with by a peace bond. The audit also raises concerns by Crown attorneys receiving the investigative files that suspects and all relevant witnesses are not interviewed, and photos are not always taken. In its conclusion, the audit finds that "Amherst Police are taking the appropriate actions to mitigate risks regarding this type of investigation."
182. The audit recommends that (1) Domestic Violence Risk Assessment be completed and retained on file for all domestic violence investigations, (2) officers should make every effort possible to obtain detailed statements from both the victim and the accused, (3) there should continue to be layers of oversight on each file, and (4) the Amherst Police Department should participate in annual meetings with the Public Prosecution Service to discuss the quality of the investigations for files involving intimate partner violence as well as training opportunities. The recommendations are not marked as having a particular level of priority. No comments by management or action plan are included in this draft of the report.
- Amherst Police Domestic Violence Audit Report: COMM0001021

### *New Glasgow Regional Police*

183. For the New Glasgow Regional Police, the audit report's sample size of 15 files noted that the New Glasgow Regional Police has a case manager that reviews all intimate partner violence-related files and provides oversight.
184. The draft audit report found that the New Glasgow Regional Police is taking the appropriate actions to mitigate risks regarding domestic violence investigations. It noted that officers have taken training related to domestic violence investigations and continue to do so. It also notes that they have a good working relationship with outside partners and make referrals when they are required.
185. The notes indicate that Crown prosecutors would like to see accused, victims, and all witnesses interviewed in all cases.
186. The audit recommends that (1) Domestic Violence Risk Assessment be completed and retained on file for all domestic violence investigations, (2) officers should make every effort possible to obtain detailed statements from both the victim and the accused, (3) there should continue to be layers of oversight on each file, and (4) the New Glasgow Regional Police should participate in annual meetings with the Public Prosecution Service to discuss the quality of the investigations for files involving intimate partner violence as well as explore training opportunities.

187. The priority level with respect to this set of recommendations is unmarked. There are no additional comments from the auditor with respect to an action plan.
188. Unlike other reports, there is no mention of a second layer of oversight on these files.
- New Glasgow Police Domestic Violence Audit Report: COMM0001024

### *Westville Police Service*

189. In the case of the Westville Police Service, Mark Hobeck reviewed a smaller sample size of five cases. The audit report states that the Westville Police Service have an officer that is assigned to review all intimate partner violence-related files and provide oversight. Moreover, officers have taken training related to investigating intimate partner violence complaints and continue to do so.
190. The report indicates that the Westville Police Service has a good working relationship with external partners and make referrals where appropriate. Crown prosecutors stated that they would like to see accused, victims, and all witnesses interviewed in all cases. Crown prosecutors also stated that they would also like to see supervisors close files when there aren't grounds to proceed.
191. The report concludes that "Westville Police are taking the appropriate actions to mitigate risks regarding this type of investigation." The report recommends that (1) a Domestic Violence Risk Assessment should be completed and retained on file for all domestic violence investigations, (2) officers should make every effort possible to obtain detailed statements from both the victim and the accused, (3) there should continue to be layers of oversight on each file, and (4) the Westville Police Service should participate in annual meetings with the Public Prosecution Service to discuss quality of the investigations as well as explore training opportunities. The audit report is unclear as to what level of priority should be given to the recommendations. There are no additional comments from the auditor.
- Westville Police Domestic Violence Audit Report: COMM0001028

### *Cape Breton Regional Police*

192. For the Cape Breton Regional Police, Mark Hobeck reviewed a sample size of 25 files that involved intimate partner violence. The audit report found that members of the Cape Breton Regional Police has received training on domestic violence investigations and that they continue to update training on an annual basis during "block training." The report found that the Cape Breton Regional Police made appropriate referrals to a Domestic Violence Case Coordinator and that charges were laid when they were appropriate. Otherwise, the reasons for not laying a charge were documented. The report notes that there are two layers of oversight on all intimate partner violence-related files: The initial review is by an officer who is designated to review all intimate partner violence-related files and the second review is done by a higher-ranking officer.
193. The report states that the Cape Breton Regional Police has a good relationship with external partners and that it completes referrals when required. Crown prosecutors indicate that they would

like to see the accused interviewed in all cases. Only one of the files reviewed for this audit report included a statement from the accused; however, the reasons for that are not stated within the report. The report concludes that the Cape Breton Regional Police is “taking the appropriate actions to mitigate risks regarding this type of investigation.” The recommendations included in this report are indicated as being of “moderate” priority, which otherwise means that they contain important issues that should be addressed in the near term.

194. The report recommends that (1) a Domestic Violence Risk Assessment should be completed and retained on file for all domestic violence investigations, (2) officers should make every effort possible to obtain detailed statements from both the victim and the accused, (3) there should continue to be layers of oversight on each file, and (4) Cape Breton Regional Police should participate in annual meetings with the Public Prosecution Service to discuss quality of the investigations as well as explore training opportunities.
195. Lastly, additional comments from the auditor reveal that the Cape Breton Regional Police has completed additional training with respect to intimate partner violence, including File Review/Case Management Training in June 2019, a one-day IPV Training for police, an online training on domestic violence by “CPKN,” and trauma-informed training sessions in 2018.
196. Of all the domestic violence investigation audit reports for this fiscal year, this report is the only one to note the frequency of training (annually), whereas others state that officers complete the training as it becomes available.
  - Cape Breton Regional Police Domestic Violence Audit Report: COMM0001026

### *Kentville Police Service*

197. Sharon Flanagan prepared the audit report of the Kentville Police Service, with a review of a sample size of 18 files. The final version of this report was issued on December 20, 2019. The Kentville Police Service has policies and a check sheet in place for domestic violence investigations.
198. Additionally, the draft audit report indicates that there has been a more recent focus on training, file review, and ensuring that processes are being followed since Kentville Police Service Chief of Police Julia Cecchetto was appointed. The Deputy Chief of Police reviews all files, including those involving intimate partner violence. There is no second layer of oversight.
199. The report indicated an issue in addressing mental health issues with domestic violence investigations, and that those interviewed for the audit indicated that police could benefit from more training specific to mental health and domestic violence.
200. The draft audit report also noted the positive working relationship between the Kentville Police Service and Crown prosecutors. However, Crown prosecutors noted that they would like to see that suspects are interviewed, photos are taken, and all relevant witnesses are interviewed as well. Officers expressed their frustration that domestic violence files are not going before the courts and are instead dropped or dealt with by a peace bond.

201. In its conclusion, the audit finds that the Kentville Police Service demonstrated consistency in their training and approach to mitigating risks related to domestic violence investigations. This includes their involvement in various committees, capitalizing on training opportunities, training for their members specifically on domestic violence and trauma-informed training, meeting with members (including administrative staff) to improve their processes, and a more systematized approach to case management.
202. The audit recommends that (1) Domestic Violence Risk Assessment be completed and retained on file for all domestic violence investigations, (2) officers should make every effort possible to obtain detailed statements from both the victim and the accused, (3) there should continue to be layers of oversight on each file, and (4) the Kentville Police Service should participate in annual meetings with the Public Prosecution Service to discuss the quality of the investigations for files involving intimate partner violence as well as training opportunities. The recommendations are marked as “low” priority, indicating that the issues are not fundamental but overall control and/or efficiency would be improved if they were addressed.
203. However, in the comments and action plan section of the report, recommendations are stated as being at the “moderate level” (an important issue that should be addressed in the near term). In the comments and action plan section of the report, the auditor comments that since the audit in April 2019, “Kentville Police Services have addressed the recommendations and continue to support training for all members.”
- Kentville Police Domestic Violence Audit Report: COMM0001023

### *Bridgewater Police Service*

204. Sharon Flanagan also audited the Bridgewater Police Service, selecting 5 of the 30 files investigated by the Bridgewater Police Service that involved intimate partner violence to review. The final version of this report was issued on December 20, 2019.
205. The audit found that the Bridgewater Police Service has policies and a comprehensive check sheet, as well as quality assurance measures in place related to domestic violence investigations. Both the deputy chief of police and a designated administrative staff person review all files, including those involving intimate partner violence. Once a call is marked as being domestic violence-related, members can open an electronic file and view all forms, checklists and processes. Support staff also review the files and act as a second set of eyes to ensure processes are being followed. The audit report also details the case management protocol for high-risk cases and cases that are referred to other jurisdictions.
206. No issues were raised by Crown prosecutors.
207. Addressing mental health issues with domestic violence investigations was indicated as a concern that police could benefit from additional training on.
208. The audit report concludes that the Bridgewater Police Service is taking appropriate actions to mitigate risks regarding domestic violence investigations. The report notes their thorough and

consistent method of file and case management which leads to a consistent approach for domestic violence files, and that there was continued support for training of members specific to domestic violence and trauma informed training.

209. The report recommends: (1) annual meetings with the Public Prosecution Service to discuss quality of the investigations as well as explore training opportunities; (2) the implementation of a follow up system for cases that are referred out to another are of jurisdiction by the Bridgewater Police Service, to ensure that the file has been received and tracked to a member of another police agency; and (3) ensure that new members receive training, specifically the online domestic violence training. These set of recommendations were marked as being low priority, or not fundamental but, if addressed, would improve overall control and/or efficiency.
210. In their comments, the auditor notes that the recommendations included in this report were being addressed immediately during the audit. The auditor's comments also indicate that members are supported in receiving domestic violence training, trauma informed training, DV101 online training, and a one-week Sexual Assault Investigators Course.
211. Members of the Bridgewater Police Service also access all training provided by the Nova Scotia Department of Justice.
- Bridgewater Police Domestic Violence Audit Report: COMM0001025

### *Truro Police Service*

212. Sharon Flanagan reviewed a sample size of 20 files investigated by the Truro Police Service that involved intimate partner violence. The final version of this report was issued on December 20, 2019.
213. The audit report indicates that the Truro Police Service have up-to-date policies and procedures that are specific to domestic violence investigations. Members of the Truro Police Service have received training with respect to intimate partner violence, and are consistently updating their training as it becomes available. The report indicated an issue in addressing mental health issues with domestic violence investigations, and that those interviewed for the audit indicated that police could benefit from more training specific to mental health and domestic violence.
214. The audit report includes frustrations from officers that they often find the files are not going before the courts, and instead are dropped or dealt with by a peace bond. In its conclusion, the audit finds that "Truro Police are taking the appropriate actions to mitigate risks regarding this type of investigation" by consistently keeping apprised of all new training and best practices, including "a more systematic approach to file review/case management, and continued training for members specific to domestic violence and trauma informed training."
215. The audit recommends: (1) that Domestic Violence Risk Assessment be completed and retained on file for all domestic violence investigations; (2) that officers should make every effort possible to obtain detailed statements from both the victim and the accused, and document their attempts to do so; (3) to ensure that officers notes are clear and indicate date, time, who attended the

scene, and that their card be photocopied and attached in file. Also, all officers who attend a scene should have their own notes; (4) more enhanced case management practices to ensure layers of oversight on each file; (5) annual meetings with the Public Prosecution Service to discuss quality of the investigations as well as explore training opportunities; and (6) file review for cases, including where charges are not laid, to ensure that the decision not to lay a charge is warranted. File review also provides opportunities for mentorship and developing a consistent approach to making decisions. The set of recommendations are marked as being at a “moderate” level of priority. The auditor’s comments state that the Truro Police Service continues to be open to improving their existing processes, welcome the audit process, and that members of the Truro Police Service had recently participated in file review/case management training that would address some of the gaps and shortcomings noted by the audit.

- Truro Police Domestic Violence Audit Report: COMM0001022

### *Annapolis Royal Police Service*

216. Sharon Flanagan was tasked with reviewing the domestic violence investigations conducted by the Annapolis Royal Police Service. In her report dated December 12, 2019, it is noted that despite the minimum sample size of this audit review being five files, she was able to review none, as no calls in the system were coded or deemed as a “domestic.” The audit report indicates that the Annapolis Royal Police Service is unique. They are the smallest municipal police agency in Nova Scotia, covering a population of 491 citizens. The Chief of Police indicated that there were no domestic violence calls in their area of jurisdiction, however they had lent support to domestic violence calls that took place in areas under the RCMP’s jurisdiction.
217. The audit report indicates that there can be challenges with releasing members for in-person training given the small size of the police agency, and that members have received online Domestic Violence 101 training.
218. In conclusion, the audit report states that the Annapolis Royal Police Service has not, over several years, had many cases of domestic violence in their area of jurisdiction. The report notes that the Chief of Police provides significant oversight and guidance to junior and auxiliary members that may lack exposure to domestic violence calls. Also, online training is mandatory for all members.
219. The audit report recommends: (1) for the Annapolis Royal Police Service to continue with regular meetings with the Public Prosecution Service to discuss quality of the investigations as well as explore training opportunities; and (2) continue to capitalize on online training and work with the Nova Scotia Department of Justice Public Safety and Security Division to make sure members receive the most up-to-date training. These recommendations are marked as being of low priority by the auditor, or being issues that are not fundamental but, if addressed, would improve overall control and/or efficiency.

- Annapolis Police Domestic Violence Audit Report (Draft): COMM0001031

*Halifax Regional Police*

220. The domestic violence investigations completed by the Halifax Regional Police between 2017-2018 were audited by Sharon Flanagan. Her report dated December 18, 2019, is a review of a sample size of 25 files investigated by the Halifax Regional Police that involved intimate partner violence. The final version of the report was issued on January 17, 2020.
221. The report notes that the Halifax Regional Police Service consists of approximately 531 “FTEs” (full-time employees) including a chief of police, deputy chief, three superintendents, three divisional commanders, and one operational support person. With respect to supervisory positions, there are also seven Inspectors, five “S/Sgts” (Staff Sergeants), and a chief information security officer. The rest of the staff are comprised of sergeants, constables, support staff, and other specialized positions. In 2017, the Halifax Regional Police was involved in 2360 known domestic violence files. In 2018, there were 2396 known domestic violence files. The scope of the audit was restricted to a maximum sample size of 25 files, however the auditor noted they reviewed an additional four “extra high-risk” files that involved repeat offenders.
222. The auditor reports that as a result of that review, there were no issues or concerns with a lack of a consistent response. The Halifax Regional Police has an in-house domestic violence coordinator, who reviews all related files and makes appropriate referrals to Victim Services and outside agencies. There is also a high-risk coordinator who reviews all files that are designated as being high risk.
223. The report notes issues with referrals, namely that in four of 25 files it was unclear that Family and Children Services was notified in circumstances where they should have been.
224. The audit report notes that consultation with Crown attorneys was exceptional, and that there is a good working relationship between the two. Crown attorneys raised no issues or concerns.
225. The report indicates a need for more training specific to the intersection of mental health and domestic violence. The audit report founds that the paper files and forms lacked consistency, making it difficult to decipher where proper notifications to a victim or to Family and Children Services were conducted. However, the audit report also notes that members of the Halifax Regional Police attended a file review training.
226. In conclusion, the audit report states that “Halifax Regional Police are taking the appropriate actions to mitigate risks regarding domestic violence investigations and ensure victim support.” In particular, the report notes that the Halifax Regional Police has adopted a thorough and consistent approach when the Victim Services coordinator is involved, yet could have a more consistent method to file and case management. The report indicates that ensuring those conducting file review and case management work receive consistent training and mentoring would also be a benefit to the Halifax Regional Police.
227. The audit recommends: (1) that the Halifax Regional Police participate in annual meetings with Public Prosecution Services to discuss quality of the investigations as well as explore training opportunities; (2) that the police implement a follow-up system for files that are referred to other

jurisdictions to ensure that the files have been received and tracked to a member of another police agency; (3) to ensure that new members receive domestic violence training when it becomes available, and more immediately, to require them to access the online domestic violence training 101 offered through CPKN, along with ODARA; and (4) to review present files systems for inconsistencies, and implement a more consistent file process.

228. These recommendations are given a moderate priority, indicating that the auditor viewed them as important issues to be addressed in the near term.
229. The report notes that the auditor's concerns around file review and consistency in case management were being addressed immediately during the audit.
- Halifax Police Domestic Violence Audit Report: COMM0001030
230. Quality control issues have been raised about the auditing process. Since 2003, the number of policing consultants tasked with conducting audits has significantly shrunk.
- See Testimony of Sharon Flanagan to Desmond Inquiry: COMM0058940

### **Intimate Partner Violence Quick Reference Guide for Police and Service Providers**

231. The Intimate Partner Violence Quick Reference Guide for Police and Service Providers is a "pocket guide" that contains summary information about policies, procedures and services related to intimate partner violence. It was originally introduced in 2005 and revised in November 2018.
232. As of 2022, a phone application is being pursued to be readily accessible to all police and service providers for easier reference and more uniform usage.
- 2018 IPV Quick Reference Guide Final Nov 20, 2018: COMM0000211
  - Mass Casualty Commission interview of Stephanie MacInnis-Langley: COMM0053509
  - Mass Casualty Commission interview of John Joyce-Robinson: COMM0056389

### **Provincial Policy Updates**

#### **Breaking the Silence: A Coordinated Response to Sexual Violence in Nova Scotia (2015)**

233. In 2015, the Province released its coordinated effort to address sexual violence within the province. Before creating the strategy, the Province conducted consultations with community organizations and members. The plan involves developing funding frameworks for Sexual Assault Centres, expanding the Sexual Assault Nurse Examiner Program, building on community support networks and offering specialized training.
- Province of Nova Scotia, Breaking the Silence: A Coordinated Response to Sexual Violence in Nova Scotia, 2015: COMM0059298

## Victim Services' Policy

234. On March 2019 the Nova Scotia Department of Justice Victim Services' updated policy and procedures were approved. They came into effect in April 2020.
235. The policies provide internal guidelines on how victims of intimate partner violence should move through the intake process, referrals to receive danger assessments and safety plans. The policy also details how workers within Victim Services can assist with applications for peace bonds, and their role within domestic violence courts.
236. Moreover, the policies and procedures set out guidelines with respect to Victim Services' role within the High Risk Case Coordination Protocol Framework, including how to set up a case conference concerning a victim and how the cases are monitored.
237. The policies also address the parameters of the *Domestic Violence Intervention Act* and the availability of emergency protection orders under that act.
- Victims of Intimate Partner Violence - Policies and Procedures for Victim Services: COMM0001065

## Department of Community Services

238. The Department of Community Services produced a revised Child Welfare Policy Manual on July 2, 2021. The manual contains policies that are relevant to the administration of services under the *Child and Family Services Act* and *An Act respecting First Nations, Inuit and Métis children, youth and families*. There are a number of policies, including those detailing the roles and responsibilities of social workers and their supervisors, protocols where there is police involvement, and outlining of services and procedures related to Mi'kmaw children and families. It also includes information on preventative and early intervention strategies such as the province's Families Plus program.
- Child Welfare Policy Manual: COMM0043659
  - See also: Mass Casualty Commission interview of Tracey Taweel: COMM0056201 and Mass Casualty Commission interview of Lynn Hartwell: COMM0053756

## Death Reviews

### Atlantic Domestic Homicide Review Network

239. As of January 13, 2020, the provinces of New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador reached a cooperative agreement to establish an Atlantic Domestic Homicide Review Network to review intimate partner homicides in the Atlantic provinces.
240. The memorandum of understanding highlights the proposed work of the network, which includes identifying systemic improvements, promoting intergovernmental cooperation, promoting opportunities for non-governmental agencies and individuals to help identify priority areas, and

creating research partnerships in domestic homicide prevention. The network also aims to promote the use of gender, diversity and intersectional analysis in all of its work.

241. The terms of reference were previously established on December 16, 2019.

- Memorandum of Understanding for the Establishment of an Atlantic Domestic Homicide Review Network: COMM0001231
- Terms of Reference for the Atlantic Domestic Homicide Review Network: COMM0001236

### **Domestic Violence Death Review Committee**

242. In fall 2019, Bill 180 An Act to Amend the Fatality Investigations Act was passed to establish both a Domestic Violence Death Review Committee and a Child Death Review Committee and enable the establishment of other death review committees if desired in the future. In October 2021, following the development of regulations, Bill 180 was proclaimed, and the amendments came into force.

243. Death review committees will be chaired by the province's Chief Medical Examiner and will bring together experts from within and outside government to examine the facts and circumstances.

244. The process to appoint members of both committees is underway.

- The paragraphs outlining the background and context of the Domestic Violence Death Review Committee is outlined in feedback from Stephanie MacInnis-Langley in a Letter from Department of Justice Counsel Samantha Parris dated July 7, 2022: COMM0059777
- See also Mass Casualty Commission interview of John Joyce-Robinson: COMM0056389 at p. 11 and Mass Casualty Commission interview of Stephanie MacInnis-Langley: COMM0053509 at pp. 10–11

### **Standing Together: A Provincial Action Plan to Prevent Domestic Violence**

245. Standing Together: A Provincial Action Plan to Prevent Domestic Violence is a plan developed by the Nova Scotia Advisory Council on the Status of Women, in partnership with the departments of Community Services and the Department of Justice. The plan involves community grants, innovation labs and collaborations between government and community organizations, and comprises a \$9 million investment by the Province of Nova Scotia. The initial four-year initiative was launched in the fall of 2018. In its 2022-23 budget, the government has committed to extending its coordinated approach to prevent and address intimate partner violence.

246. In total over 80 grants and projects have been funded through Standing Together.

247. Standing Together was evaluated by an evaluation team led by Dr. Diane Crocker from Saint Mary's University.

248. Through Standing Together, the province set up a Men's Helpline in September 2020, which is provided through 211NS and the Family Service of Eastern Nova Scotia. Callers to the helpline

are supported through compassionate listening and navigation, and have 24/7 access to free, confidential brief intervention supports and up to four ongoing counselling sessions. Interpretation services are available in over 140 languages. The initiative was expanded for women and people of all genders (trans\*, non-binary, etc.) in summer 2021. These services join the 24/7 toll-free crisis lines in operation by Transition Houses across the province.

249. Standing Together also supported the Domestic Violence Offender Navigator (DVON) pilot project with the Halifax Regional Police Victim Services. This unique model provides direct support and services to intimate partner violence offenders.

- Standing Together Evaluation and Learning Framework: COMM0000150
- Report on the Standing Together Learning and Evaluation, 2020: COMM0000142
- Standing Together – Summary of Funded Projects: Government/Community Collaborations: COMM0000152
- Mass Casualty Commission interview of Stephanie MacInnis-Langley: COMM0053509 at p. 8
- Bulletin for men's helpline: COMM0000230
- Transcript from Desmond Inquiry of Stephanie MacInnis-Langley: COMM0059294 at p. 11
- Mass Casualty Commission interview of Tracey Taweel: COMM0056201
- The commitment to additional funding for 2022-23 and the Domestic Violence Offender Navigator pilot project is outlined in feedback from Stephanie MacInnis-Langley in a Letter from Department of Justice Counsel Samantha Parris dated July 7, 2022: COMM0059777

250. As referenced earlier, in 2019, the Nova Scotia Advisory Council on the Status of Women conducted public opinion polling on intimate partner violence and gender equality. In addition, the Nova Scotia Advisory Council of the Status of Women continues to issue annual fact sheets on intimate partner violence in the province. They also produce and distribute resources, publications and information on intimate partner violence, including the Making Changes handbook for women experiencing abuse.

- The information on resources, publications and information produced by the Nova Scotia Advisory Council on the Status of Women is outlined in feedback from Stephanie MacInnis-Langley in a Letter from Department of Justice Counsel Samantha Parris dated July 7, 2022: COMM0059777
- Fact Sheet Domestic Violence, 2020: COMM0000149

## **ADDITIONAL POLICIES ON GENDER-BASED VIOLENCE, INTIMATE PARTNER VIOLENCE, AND FAMILY VIOLENCE**

### **Royal Canadian Mounted Police**

251. The RCMP has a number of policies that are relevant to intimate partner violence, gender-based violence and family violence.

252. Nationally, the RCMP Operational Manual has a number of relevant policies.

- Operational Manual, First Response Investigations, 2014, ch. 1.1: COMM0039855

- Operational Manual, Sexual Offences, 2019, ch. 2.1: COMM0039893
- Operational Manual, Sexual Offences, 2020, ch. 2.1: COMM0042984 (updated since April 2020)
- Operational Manual, Violence/Abuse in Relationships, 2018, ch. 2.4: COMM0039894
- Operational Manual, Criminal Harassment, 2007, ch. 2:5: COMM0051125
- Operational Manual, Criminal Harassment, 2011, ch. 2:5: COMM0051127
- Operational Manual, Criminal Harassment, 2012, ch. 2:5: COMM0051129
- Operational Manual, Criminal Harassment, 2013, ch. 2:5: COMM0051131
- Operational Manual, Criminal Harassment, 2017, ch. 2.5: COMM0039924
- Operational Manual, Interviews or Statements of Suspects, Accused Persons, and Witnesses, 2019, ch 24.1: COMM0039898
- Operational Manual, Interviews or Statements of Suspects, Accused Persons, and Witnesses, 2020, ch 24.1: COMM0042988 (updated since April 2020)
- Operational Manual, Investigator's Notes, 2017, ch. 25.2: COMM0039868
- Operational Manual, Prohibition Orders, 2019, ch. 4.13: COMM0039882
- Operational Manual, Operational Databases – Violent Crime Linkage Analysis System (ViCLAS), 2007, ch. 36.1: COMM0039940
- Operational Manual, Bias-Free Policing, 2011, ch. 38.2: COMM0039900
- Operational Manual, Bias-Free Policing, 2020, ch. 38.2: COMM0042992 (updated since April 2020)
- Operational Manual, Behaviour-Oriented Interview – Questioning the Victim about the Offender, 2019, Appendix 2-1-1: COMM0040299
- Operational Manual, Behaviour-Oriented Interview – Questioning the Victim About the Offender, 2020, Appendix 2-1-1: COMM0043019

253. Additionally, the RCMP H-Division has relevant added supplemental policies that apply to the entire province of Nova Scotia.

- Corresponding H-Division Supplemental - OM - Criminal Code Offences - Persons - Violence/Abuse in Relationships (H-Division policy at time of mass casualty) ch. 2.4: COMM0040310
- H-Division – Halifax District Supplement, 2018: COMM0040316
- H-Division Operational Manual – Criminal Harassment, 2006, ch. 2.5: COMM0040337
- H-Division Operational Manual – Victim Assistance, 2007, ch. 37.6: COMM0040370
- H-Division Operational Manual – Definition of a Victim, 2007, Appendix 37-6-1: COMM0040526
- H-Division Operational Manual – Victim's Rights and Services Act, 2011: COMM0040327
- H-Division Operational Manual – Witness/Victims, 2017, ch. 24-1: COMM0040340
- H-Division Operational Manual – Violent Crime Linkage Analysis System (ViCLAS), ch. 36.1: COMM0040357

254. Some detachments of the RCMP also have their own protocols for the High Risk Case Coordination Protocol Framework, such as in Millbrook, Enfield, Indian Brook, and Colchester County.

- Royal Canadian Mounted Police Millbrook Detachment, Protocol for High-Risk Domestic Violence Cases: COMM0000031
- Royal Canadian Mounted Police Enfield Detachment, Protocol for High-Risk Domestic Violence Cases: COMM0000039
- Royal Canadian Mounted Police Indian Brook Detachment, Protocol for High-Risk Domestic Violence Cases: COMM0000055
- Royal Canadian Mounted Police Colchester County Detachment, Protocol for High-Risk Domestic Violence Cases: COMM0000059

255. RCMP conduct self-audits of intimate partner violence files through Unit Level Quality Assurance reports and National Review Guides.

- See, for example, Royal Canadian Mounted Police, National Review Guide for Colchester District, 2019: COMM0043376; Royal Canadian Mounted Police, National Review Guide for Colchester District, 2018: COMM0043375; Royal Canadian Mounted Police, National Review Guide for Colchester District, 2017: COMM0043374; and Royal Canadian Mounted Police, Unit Level Quality Assurance Report for Cumberland District, 2017: COMM0043382

## Municipal and Regional Police Services

256. Municipal and regional police services in the province have their own policies.

257. For example, the Amherst Police Department has Standing Orders relevant to intimate partner violence and sexual violence.

- Amherst Police Service, Standing Order #2011-003 Domestic Violence, 2011: COMM0050469
- Amherst Police Service, Standing Order #2016-006 Sexual Assault Protocol, 2016: COMM0050509
- Amherst Police Service, Standing Order #2008-005 Alcohol and Sexual Assault Kits Inventory, 2008: COMM0059775

258. The Truro Police Services also has Standard Operational Procedures relevant to cases involving intimate partner violence and sexual violence.

- Truro Police Service 50.00 Vulnerable Adult Abuse, 2016: COMM0059751
- Truro Police Service 74.00 Domestic Violence/Intimate Partner Abuse, 2017: COMM0059752
- Truro Police Service 75.00 Sexual Assault Investigation, 2017: COMM0059750

## Emergency Health Services

259. Emergency Health Services has a policy with respect to sexual assault. The policy sets out the guidelines for responding to patients who have been sexually assaulted. The policy sets out how Emergency Health Services workers should maintain and ensure patient confidentiality, make efforts to remain with the victim, provide emotional support and a safe environment, as well as what steps to take in order to preserve the evidence in the crime scene.

- Emergency Health Services Policy regarding Sexual Assault: COMM0001212

260. Emergency Health Services has a policy on “adult abuse.” The policy defines adult abuse, and related terms such as adult protection. The policy applies to those who are or appear to be sixteen years of age or older, and sets out the guidelines for the response of Emergency Health Services workers for those who they determine to be in “need of protection” pursuant to the policy. It was last updated in June 2009.

- Emergency Health Services Policy regarding Adult Abuse: COMM0001211

### **Provincial Firearms Office**

261. The Province of Nova Scotia Firearms Office Policy Manual sets out how the Provincial Firearms Office should deal with cases involving an alleged domestic violence incident when the alleged offender has a firearms license and is part of the Canadian Firearms Information System (CFIS). The policy manual also requires the Provincial Firearms Office to prioritize domestic violence cases that come from an agency that is part of the High Risk Case Coordination Protocol Framework (therefore, the police, Victim Services, Child Welfare, or Correction Services). The Provincial Firearms Office has the discretion whether or not to revoke an individual’s license, depending on whether or not the office decides there is a risk to public safety.

- Domestic Violence – Information-Sharing Protocol; Province of Nova Scotia Firearms Office Policy Manual: COMM0001308

### **Public Prosecution Service of Nova Scotia**

262. Some relevant policies of the Public Prosecution Service of Nova Scotia include:

263. Spousal/Partner Violence, first issued June 7, 1996, and last edited May 14, 2004;

- Nova Scotia Public Prosecution Service – Spousal/Partner Violence: COMM0000063 at pp. 432–47

264. Risk Assessments in Spousal/Partner Violence Cases ODARA, first issued December 11, 2006, and last edited March 19, 2009;

- Nova Scotia Public Prosecution Service – Risk Assessments (ODARA) in Spousal/Partner Violence Cases: COMM0059296

265. Firearms Registration Offences, first issued June 3, 2003, and last edited May 26, 2015; and

- Nova Scotia Public Prosecution Service – Firearms Registration Offences: COMM0059295

266. Sexual Offences – Practice Note, first issued January 29, 2004, and last edited February 29, 2008.

- Nova Scotia Public Prosecution Service – Sexual Offences – Practice Note: COMM0059297