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Family Violence Deaths in Alberta – An Analysis of the 2019 Reports

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Reports Commented On: Family Violence Death Review Committee, Annual Report 2018-2019 and Case Review Reports 7 and 8, available [here](#)

At the mid-point of 2019, [police reported](#) that over half of all homicides in Calgary in the year to date – 54% – had occurred in the context of domestic violence. The Family Violence Death Review Committee (FVDRC) issued its [annual report for 2018-19](#) in December 2019, which reports that between 2008 and 2018 there were 189 family violence deaths in Alberta (at 11). Of the 23 Albertans who died in family violence related incidents in 2018, 20 were victims and three were perpetrators who died in murder-suicides (at 13). The report clearly shows that family violence deaths in Alberta are gendered. Ninety per cent of perpetrators in 2018 were male, and 16 of the 20 victims were female, with the majority being women aged 20-29 who were killed with a weapon (at 14). Two of the victims were children. Previous FVDRC reports confirm that family violence related deaths in Alberta are gendered (see [2017-18 Annual Report](#) at 5, [2016 Annual Report](#) at 5, [2015-16 Annual Report](#) at 14, and [2014-15 Annual Report](#) at 28).

The FVDRC does not make recommendations in its annual reports, but it also issued two case review reports in 2019 that do make recommendations for legal and policy reform. After reviewing the FVDRC's mandate and the scope of its case reviews, I will discuss the case reviews released in 2019 and will place their recommendations in the context of broader research on domestic violence and family violence death reviews, which I examined in a [previous post](#).

FVDRC Mandate

The FVDRC was created under the *Protection Against Family Violence Act*, [RSA 2000, c P-27 \(PAFVA\)](#), and while its mandate is to review family violence related deaths in Alberta, only some incidents are included. In Alberta, the FVDRC obtains its sample by reviewing police reported homicide data against the definition of family violence related deaths as set out in *PAFVA* and its own criteria. *PAFVA* defines family violence relatively narrowly, excluding dating relationships and other intimate partner relationships where the parties have not cohabited, unless they are parents of a child together (see *PAFVA* s 1(1)(d) and (e) and discussion [here](#)). The FVDRC's criteria broaden this definition, and consider homicides to be family violence-related if:

- The victim(s) and perpetrator(s) were spouses or partners, former spouses or former partners, adults with children in common, or adults/ teens who had been in a dating relationship.

- The death was a homicide of a person other than the intimate partner and it occurred within the context of family violence. This would include the homicide of a bystander or someone who attempted to protect a family violence victim from harm.
- The homicide was a child death that occurred as an extension of or in response to ongoing abuse between adult intimate partners. (FVDRC 2018-19 annual report at 7, emphasis added)

Case Reviews

The FVDRC only selects some cases for in-depth review, using criteria that include eligibility, recency, and representation of a diversity of ages, ethnicities and other factors, geographical locations, and relationship statuses (FVDRC 2015-16 annual report at 7). Cases that are ineligible include those with an ongoing police investigation, where the perpetrator has been criminally charged and has not yet been tried or sentenced, child abuse homicides, and death by suicide of a domestic violence victim (FVDRC 2018-19 annual report at 10).

In its case reviews, the FVDRC must make findings about the incident and provide advice and recommendations to government, but must not include any findings of legal responsibility or conclusions of law (*PAFVA* ss 18(1) and (2)). More broadly, the objectives of in-depth reviews are to identify:

- Barriers to safety and support-seeking behaviours;
- How institutions can discourage or encourage an informed and appropriate response to family violence;
- Gaps in training, policy, practice, resources, communication and collaboration; and
- How programs and policies of government and agencies may need to adapt and change. (FVDRC 2018-19 annual report at 8)

The Minister of Community and Social Services provides a response to the case review reports in due course, but no responses have been made yet to the two case review reports released in 2019.

Case Review Public Report No 7

The FVDRC released [Case Review Public Report No 7](#) in July 2019, which involves a 2012 murder of a female victim by a male perpetrator with whom she was in a dating relationship for several years. The victim died from multiple stab wounds and was found by the police in her home. The perpetrator was found later in a different location and died by suicide. One of the key findings of the case review is that the perpetrator had “a long history of committing violence against his female partners, including serious assaults and uttering death threats, and had been convicted in the past of the attempted murder of a previous partner” (at 3). The perpetrator also had previous interactions with Alberta Children’s Services (Alberta’s child protection agency) in relation to a former partner and Alberta Community Corrections and Release Branch, and both government agencies considered him to pose a high risk to persons close to him (at 3). In addition, courts had issued no-contact orders against the perpetrator to protect his other long-term partners and the perpetrator consistently violated these orders. In spite of the perpetrator’s interactions with numerous components of the justice system, the victim was “most likely unaware” of his violent

history and the legal responses to it. Moreover, she “had not sought any system intervention during the course of their relationship” (at 3).

The perpetrator was reported to be a victim of “severe childhood abuse” and this was seen by professionals to be a “significant contributing factor to his violent behaviours and the continual abuse of his female partners” (at 4). While he was mandated to participate in “numerous programs to address anger management and family violence” these programs “did not reduce or appear to have deterred the perpetrator’s abusive behaviours” (at 4). The perpetrator’s “extensive social network of family, friends and acquaintances” were aware of his abusive behaviours and his regular threats to kill his partners and their family members, but few “intervened or reported the perpetrator to authorities” (at 4). This led the FVDRC to conclude that “despite the significant personal and societal consequences of family violence, and the number of programs and services available, most individuals still lack basic knowledge and education around the issue of family violence” (at 4).

The FVDRC made several recommendations in this case review to a number of government departments. In addition to those dealing with a public awareness strategy for family violence and additional services to address gaps in Alberta’s health services related to family violence, trauma and mental health, other recommendations have a stronger connection to the legal system, which is my focus in this post. Alberta Community and Social Services is to “explore best practices and implement a coordinated services model to address family violence in Alberta, focusing on effective and early responses” and Alberta Justice and Solicitor General is to create and implement “dedicated additional supports for perpetrators” including those focusing on cumulative trauma and rehabilitation” (at 5).

It is interesting that this case review does not make any mention of domestic violence disclosure laws. As noted in a [previous post](#), these laws are intended to provide information that a person at risk of domestic violence could use in deciding to avoid or leave a relationship with someone who may be violent. Alberta only introduced the *Disclosure to Protect Against Domestic Violence (Clare’s Law) Act*, [SA 2019, c D-13.5](#), in October 2019, but Saskatchewan introduced such a law in 2018 in response to recommendations of its Family Violence Death Review Committee (see [here](#)), and the issue [was discussed](#) during Alberta’s spring 2019 election campaign. Case Review No 7 provides an example of a scenario where a domestic violence disclosure law might have been helpful if the victim (or someone on her behalf) had sought information about her partner’s history of abuse. It also illustrates how information about a violent past may be available not just in the form of criminal records, but also in the records of child protection, corrections, and police regarding breaches of previous protection orders. I [have expressed concerns](#) about the potential unintended consequences of this law, but if adequate supports are in place, including advocacy, relocation, housing and income assistance supports, disclosure laws might provide some assistance with victim safety planning. The *Disclosure to Protect Against Domestic Violence (Clare’s Law) Act* is still awaiting regulations, which will hopefully address some of these issues.

Case Review Public Report No 8

[Case Review Public Report No 8](#) was also released in July 2019 and involves a man who was shot by his wife in self-defence as she was trying to protect herself and her children. No date is provided

for this incident. The report notes that “the family had experienced years of severe physical and emotional abuse, including regular death threats from the father”, who had “an extensive criminal record involving violent crimes” and was out on bail for assaulting and threatening to kill the children at the time of the incident, with a condition not to contact his wife or children (at 3, 5). The parties are not specifically identified as Indigenous, perhaps as a result of the FVDRC’s obligation not to disclose the name of or any identifying information about the individual whose death is being reviewed or of other individuals involved in the death (*PAFVA* s 18(3)). However, the report does indicate that the wife had contact with the Delegated First Nation Agency (DFNA) providing child intervention services on reserve in the years prior to the incident (at 4) and several recommendations are specific to Indigenous families, so it appears that at least some of the family members were Indigenous and living on reserve. Whether the parties are Indigenous is a relevant consideration when it comes to the legal frameworks that govern some issues in family violence cases, as well as how those systems might work against or otherwise impact Indigenous victims, as I will discuss below.

One of the key findings of the FVDRC in this case is that although individuals and agencies from the family’s community were aware of the violence against the wife and children – including the police, courts, health services, women’s emergency shelter workers, Alberta Child Intervention Services (CIS) and the DFNA – the violence “rarely received the attention of the proper authorities, especially considering the frequency and severity of abuse the mother and children suffered” (at 3). The FVDRC notes the legislative duty to report that requires anyone with reasonable and probable grounds to believe that a child is in need of intervention to report the matter to a director under the *Child, Youth and Family Enhancement Act*, [RSA 2000, c C-12](#) (*CYFEA*), s 4. In spite of the fact that children are defined to be in need of intervention when they experience or are exposed to family violence (*CYFEA*, ss 1(2)(d) and (3)(a)), the FVDRC found that “the information and records reviewed indicate that the ongoing violence perpetrated against the mother and children had been normalized, and as a result, appears not to have been reported to the proper authorities by the systems which had contact with the family” (at 4). While women’s shelter workers and the police did report some of the violence to child protection authorities, as did the children themselves, health and education providers apparently did not, and information was lacking as to whether and what intervention actions were taken or services provided by CIS or the DFNA (at 5). There were also “jurisdictional barriers” between CIS and DFNA that adversely affected continuity of services for the mother and children and led to “an overall lack of communication between service providers” (at 4). More broadly, the report discusses problems with access to supports and services for persons living in rural and remote communities, which can lead to vulnerability to violence.

The FVDRC also appears critical of the court’s decision to grant bail to the deceased, which police had “vigorously opposed” on the grounds that he posed a significant threat to the family. The facts indicate that the deceased “repeatedly violated the no contact order, constantly telephoning the mother and threatening to harm her family if she did not visit with the children” (at 5). His wife did not report the breaches to the RCMP. The FVDRC concludes that this case illustrates “the need to identify whether criminal justice system responses can be strengthened to ensure that sufficient consideration is given to the appropriate assessment and management of risk by violent repeat offenders of family/domestic violence, particularly in cases where the perpetrator has an extensive

and violent criminal record history, or in cases where there are other factors present that are indicative of a heightened risk of harm” (at 5).

In light of this conclusion, it is puzzling that the FVDRC’s recommendations do not include anything related to judicial education or other strategies for strengthening the criminal justice response to domestic and family violence. Its recommendations in this report focus on the Ministry of Alberta Health and Alberta Health Services and the requirement that health professionals complete family/domestic violence training and screening, and the Ministry of Alberta Education, which is to develop a clear and consistent policy “for where and how to report suspected child abuse/and or neglect and the professional sanctions imposed on those who fail to act” (at 7). The FVDRC also reiterated recommendations made in an earlier report, [Case Review Report No 4](#), which dealt with another death of an Indigenous man at the hands of his partner. In those recommendations, Alberta Children's Services, Alberta Advanced Education and Alberta Indigenous Relations were all directed to develop training and curricula for current and future staff in the social services sector on the effects of intergenerational trauma and the residential school system on Indigenous individuals, families and communities (at 7). The Government of Alberta was to provide support for successful programs that reduce family violence in Indigenous communities and develop an action plan to prevent family violence in this context, focusing on “the root causes of family violence” in these communities (at 8). In terms of more legally focused recommendations, Alberta Children's Services was to “ensure that child welfare standards are adhered to when dealing with Indigenous families and communities” by regularly auditing and evaluating interventions and working with Indigenous partners “to improve and enhance practice standards and risk assessment tools” (at 8).

This case review raises serious concerns about how the duty to report children in need of intervention is being handled in Alberta. As found in the report (at 3), legal actors, health and education professionals and social services workers may “normalize” domestic violence for some Indigenous families, leading to a failure to report real safety issues. At the same time, Indigenous women may be reluctant to report domestic violence or breaches of no contact orders to the authorities for fear of having their children placed in state care, as these women have been disproportionately subjected to child apprehensions historically.

In recognition of these and other issues related to child protection for Indigenous families – including the complications arising from shared jurisdiction, which Case Review No 8 also exemplifies – new federal legislation, *An Act respecting First Nations, Inuit and Métis children, youth and families*, [SC 2019, c 24](#), came into effect on January 1, 2020. This legislation enables First Nations, Metis and Inuit governing bodies to give notice that they intend to exercise jurisdiction over child and family services and to enter into coordination agreements with the federal and provincial governments (s 20). It remains to be seen how this new regime will affect the scope of provincial Family Violence Death Review Committees, especially for deaths preceded by child protection involvement.

So long as the Alberta FVDRC continues to have jurisdiction over family-violence related deaths that involve Indigenous victims and/or perpetrators, it would be very useful if the FVDRC kept track of and reported on the number of family violence related deaths in this context in its annual reports. These reports clearly establish the gendered nature of family violence related deaths in

this province – it is mostly young women who are killed by their male partners. However, the FVDRC could usefully include other demographic data about victims and perpetrators, including whether they are Indigenous, are immigrants or refugees, or are otherwise marginalized. Members of marginalized groups may be reluctant to report domestic violence for a host of reasons, and as a result they may lack access to services that could assist them with safety planning. While in-depth case reviews do sometimes discuss the barriers faced by domestic violence victims who are from marginalized groups, the FVDRC’s annual reports should provide more systematic tracking of this information so that the kinds of concerns that are raised in these case reviews can be monitored and assessed more systemically. The need for this systemic tracking results from the fact that – unlike some other provinces – not all family violence related deaths are subject to an in-depth review in Alberta. There are also [strong arguments](#) to be made for the creation of a national database on domestic and family violence deaths, as not all provinces and territories have established Family Violence Death Review Committees and those that do exist differ in mandate and scope.

Returning to Alberta, it is also crucial that the government take the recommendations of the FVDRC seriously. Several case review reports have now recommended that the government develop better protocols and tools for coordination and communication across the different systems that may become involved in domestic and family violence cases. As the two case reviews discussed in this post so clearly reveal, this is an issue directly related to the safety of women and children. There may be some unintended consequences of information sharing, as I have noted [before](#), and these risks would need to be worked through, but it is well past time for the government to pay heed to the FVDRC’s recommendations about system coordination.

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